



Committee for Agriculture, Environment and Rural Affairs

OFFICIAL REPORT (Hansard)

Subordinate Legislation: Sea Fishing

6 February 2020

NORTHERN IRELAND ASSEMBLY

Committee for Agriculture, Environment and Rural Affairs

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Members present for all or part of the proceedings:

Mr Declan McAleer (Chairperson)
Mr Philip McGuigan (Deputy Chairperson)
Ms Clare Bailey
Mrs Rosemary Barton
Mr John Blair
Mr Maurice Bradley
Mr John Dallat
Mr Harry Harvey
Mr William Irwin

Witnesses:

Mr Paddy Campbell	Department of Agriculture, Environment and Rural Affairs
Mr David Small	Department of Agriculture, Environment and Rural Affairs
Mr Patrick Smith	Department of Agriculture, Environment and Rural Affairs

The Chairperson (Mr McAleer): I welcome David Small, the chief executive of the Northern Ireland Environment Agency; Paddy Campbell, deputy principal in the marine and fisheries division; and Patrick Smith, deputy principal for fisheries policy and grants. I invite the officials to brief the Committee.

Mr David Small (Department of Agriculture, Environment and Rural Affairs): This briefing is on the two statutory rules (SRs) that have already been discussed with the Committee. I am not sure whether we have more to offer. We have provided written advice on specific queries from the Committee. Our view is that the two SRs were originally put in place in anticipation of a potential no-deal situation. They were to facilitate an arrangement that would allow access to UK waters and would be controlled through a licensing regime in the absence of a Fisheries Bill, which had originally been anticipated but fell.

The two SRs became necessary to try to plug the gap. We are now working on a new Fisheries Bill that will put in place the provisions that the two SRs are designed to cover. If the Fisheries Bill progresses as planned, our analysis is that the two SRs will no longer be required. Our intention is to revoke the SRs in any case. Even if we do not revoke the SRs, they would no longer have any effect. It is poor management of the statute book just to let them lie there, so we would rather revoke both SRs formally. I would like to see some assurance that the Fisheries Bill progresses and the provisions are retained, which then makes the two SRs no longer necessary. At that point, we will proceed to revoke both SRs.

That is a repetition of what we tried to present last week to the Committee. Hopefully, the further information we provided in the intervening period gives a bit more information and clarity on the purpose and on the point I make about the SRs becoming unnecessary if the Fisheries Bill progresses. I am happy to take questions.

Mr McGuigan: Thank you for your patience: this is the third time on this. I appreciate all the information that you have given us. Chair, I have expressed concerns at the two previous encounters, and I still have those concerns. Our opposition to Brexit is no secret, and the SRs flow from Brexit. Certainly, I am concerned about the language used: "foreign vessels". Given that the officials say that the SRs are unnecessary and will be revoked and given my concerns, I propose that the Committee moves to annul the two SRs.

Mr Irwin: As far as I am concerned, the SRs are technical, and I do not think that there is any major issue. I will take advice from the Department, but, to me, the SRs are technical, and I have no major issue.

Mr Dallat: Chairperson, I have an issue as well. This is about the choice of language, and we live in a society where the word "foreign" has all sorts of connotations. The sooner this one disappears and we get new legislation or whatever replaces this, the better. I am in a position where my mother came from the Republic, my wife came from the Republic and my son married somebody from the Republic, so how on earth could I ever describe those people as "foreigners"? I could not.

Mr Small: I totally understand the point being made. On the practicalities, my preference would be that, rather than annul the SRs now, we follow the Fisheries Bill and secure satisfaction that that Bill puts in place the necessary provisions that allow us to control waters in the future and, at that point, revoke them. The end result would be the same, but the timing would be different. My concern is that, as the Fisheries Bill progresses through Westminster, for some reason, some of those provisions are lost. We then end up in Northern Ireland with no provision and no means of managing access to UK waters. It is a timing issue. Having the assurance that the Fisheries Bill will give us the necessary provisions would give me comfort that, when we enter that phase, we have the right powers in place. Annulling the SRs at the moment just removes the safeguard. That is my view from within the Department.

The Chairperson (Mr McAleer): The Business Committee recognises that the backlog of statutory rules across all Committees has been largely cleared. It is considering moving to two plenary sittings a week. That means that today is probably the last day for the Committee to consider and make a decision on these statutory rules. We have listened to briefings on the issue and had conversations and discussions, so we should really move on.

Mr McGuigan: Before we move on, do we take a decision on it?

The Committee Clerk: Chair, we are going to put the Question. The procedure, as in a plenary meeting, is that the Question is put on whether members are content — that you have considered the rule and are content. If there is a vote that members are content, that is it. It is only if the Committee is not content that it would consider the next step, which is to agree a motion to annul.

Mr McGuigan: Fair enough.

The Chairperson (Mr McAleer): I will put the Question, and, if members are content, they can indicate.

Mr McGuigan: Content to accept or content to annul?

The Committee Clerk: Content to accept. The first Question is on whether the Committee accepts it.

Ms Bailey: If it is not accepted, we move to annul.

The Committee Clerk: Basically, the Question is that you have no objection to the rule. That is the terminology used.

Sea Fish Licensing Order (Northern Ireland) 2019

The Chairperson (Mr McAleer): Are members content that the Committee for Agriculture, Environment and Rural Affairs has considered SR 2019/061, the Sea Fish Licensing Order (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, has no objection to the rule?

Question put.

The Committee divided: Ayes 4; Noes 5.

AYES

Mrs Barton, Mr M Bradley, Mr Harvey, Mr Irwin.

NOES

Ms Bailey, Mr Blair, Mr Dallat, Mr McAleer, Mr McGuigan.

Question accordingly negatived.

The Chairperson (Mr McAleer): Are members content that the Committee for Agriculture, Environment and Rural Affairs has considered SR 2019/061, the Sea Fish Licensing Order (Northern Ireland) 2019, and recommends that it be annulled by the Assembly?

Question put and agreed to.

The Chairperson (Mr McAleer): As the Committee has agreed to annul, I will now sign the motion to go to the Business Committee, which will schedule it for debate.

Sea Fishing (Licences and Notices) (Amendment) Regulations (Northern Ireland) 2019

The Chairperson (Mr McAleer): Are members content that the Committee for Agriculture, Environment and Rural Affairs has considered SR 2019/065, the Sea Fishing (Licences and Notices) (Amendment) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, has no objection to the rule?

Mr McGuigan: I am not content. It is my understanding that this SR flows from the previous SR, with which I am not content.

Question put.

The Committee divided: Ayes 4; Noes 5.

AYES

Mrs Barton, Mr M Bradley, Mr Harvey, Mr Irwin.

NOES

Ms Bailey, Mr Blair, Mr Dallat, Mr McAleer, Mr McGuigan.

Question accordingly negatived.

The Committee Clerk: The statutory rule will be annulled.

The Chairperson (Mr McAleer): Thank you very much.