

Title: North Western Inshore Fisheries and Conservation Authority Byelaw 1 Lead department or agency: NWIFCA Other departments or agencies: MMO, Natural England	Impact Assessment (IA)
	IA No:
	Date: 01/01/2010
	Stage: Development/Options
	Source of intervention: Domestic
	Type of measure: Primary legislation
Contact for enquiries:	

Summary: Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

The District of the NWIFCA must be established under byelaw as a base for all subsequent byelaws. It is necessary to incorporate an exception to the byelaws for NWIFCA Officers and other such persons as it may be necessary for the Authority carrying on activities that would otherwise be prohibited but which are sanctioned by the IFCA for scientific, restocking, management or breeding purposes.

What are the policy objectives and the intended effects?

1. To establish the NWIFCA District under byelaw. All subsequent NWIFCA byelaws will apply subject to this byelaw.
2. To provide for a general exception to the byelaws allowing for the routine and exceptional activities of specifically sanctioned individuals, commonly NWIFCOs, for scientific, restocking, management or breeding purposes.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

1. Put these individual clauses into every byelaw that is made by the NWIFCA.
2. (Preferred Option) Introduce a byelaw specifically to address these 2 issues.

Will the policy be reviewed? It will not be reviewed. **If applicable, set review date:** 03/2025

What is the basis for this review? Not applicable. **If applicable, set sunset clause date:** 08/2013

Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?

Yes

SELECT SIGNATORY Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister: _____ Date: _____

Summary: Analysis and Evidence

Policy Option 1

Description:

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate:
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)
Low	Optional		Optional		Optional
High	Optional		Optional		Optional
Best Estimate					
Description and scale of key monetised costs by 'main affected groups' There are no monetised costs to the fishing industry.					
Other key non-monetised costs by 'main affected groups' There are no non-monetised costs to the fishing industry or the NWIFCA.					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Benefit (Present Value)
Low	Optional		Optional		Optional
High	Optional		Optional		Optional
Best Estimate					
Description and scale of key monetised benefits by 'main affected groups' There are no monetised benefits to the fishing industry or the NWIFCA.					
Other key non-monetised benefits by 'main affected groups' None					
Key assumptions/sensitivities/risks					Discount rate (%)

Direct impact on business (Equivalent Annual) £m):			In scope of OIOO?	Measure qualifies as
Costs:	Benefits:	Net:	Yes/No	IN/OUT

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?	Other				
From what date will the policy be implemented?					
Which organisation(s) will enforce the policy?	NWIFCA and many other bodies				
What is the annual change in enforcement cost (£m)?	£0m				
Does enforcement comply with Hampton principles?	Yes				
Does implementation go beyond minimum EU requirements?	Yes				
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: 0		Non-traded: 0		
Does the proposal have an impact on competition?	No				
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?	Costs: n/a		Benefits: n/a		
Distribution of annual cost (%) by organisation size (excl. Transition) (Constant Price)	Micro 5	< 20	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

Specific Impact Tests: Checklist

Set out in the table below where information on any SITs undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on...?	Impact	Page ref within IA
Statutory equality duties¹ Statutory Equality Duties Impact Test guidance	No	
Economic impacts		
Competition Competition Assessment Impact Test guidance	No	
Small firms Small Firms Impact Test guidance	No	
Environmental impacts		
Greenhouse gas assessment Greenhouse Gas Assessment Impact Test guidance	No	
Wider environmental issues Wider Environmental Issues Impact Test guidance	No	
Social impacts		
Health and well-being Health and Well-being Impact Test guidance	No	
Human rights Human Rights Impact Test guidance	No	
Justice system Justice Impact Test guidance	No	
Rural proofing Rural Proofing Impact Test guidance	No	
Sustainable development Sustainable Development Impact Test guidance	No	

¹ Public bodies including Whitehall departments are required to consider the impact of their policies and measures on race, disability and gender. It is intended to extend this consideration requirement under the Equality Act 2010 to cover age, sexual orientation, religion or belief and gender reassignment from April 2011 (to Great Britain only). The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Evidence Base (for summary sheets) – Notes

Use this space to set out the relevant references, evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Please fill in **References** section.

References

Include the links to relevant legislation and publications, such as public impact assessments of earlier stages (e.g. Consultation, Final, Enactment) and those of the matching IN or OUTs measures.

No.	Legislation or publication
1	
2	
3	
4	

+ Add another row

Evidence Base

Ensure that the information in this section provides clear evidence of the information provided in the summary pages of this form (recommended maximum of 30 pages). Complete the **Annual profile of monetised costs and benefits** (transition and recurring) below over the life of the preferred policy (use the spreadsheet attached if the period is longer than 10 years).

The spreadsheet also contains an emission changes table that you will need to fill in if your measure has an impact on greenhouse gas emissions.

Annual profile of monetised costs and benefits* - (£m) constant prices

	Y ₀	Y ₁	Y ₂	Y ₃	Y ₄	Y ₅	Y ₆	Y ₇	Y ₈	Y ₉
Transition costs										
Annual recurring cost										
Total annual costs										
Transition benefits										
Annual recurring benefits										
Total annual benefits										

* For non-monetised benefits please see summary pages and main evidence base section



Microsoft Office
Excel Worksheet

Evidence Base (for summary sheets)

There is discretion for departments and regulators as to how to set out the evidence base. However, it is desirable that the following points are covered:

Problem under consideration;

It is necessary when making a new byelaw to define the area of application of that byelaw. In the legacy byelaws of the NWIFCA inherited from the NWSFC and CSFC this was done by means of a separate byelaw which applied all byelaws to the whole district unless otherwise stated. At present there is no such byelaw for the NWIFCA which means the district has to be defined in every individual NWIFCA byelaw for them to be effective.

In addition, it has always been necessary for the IFCA and SFC which preceded them to be able to permit their staff, particularly their scientific staff, along with other individuals from partner organisations or from the industry, to carry on activities which would otherwise be in breach of byelaw for scientific, restocking, management or breeding purposes. At present, this clause is being inserted into individual byelaws rather than existing as a separate provision in its own right.

Rationale for intervention;

The primary rationale is an improvement in the simplicity of the drafting of the NWIFCA byelaws as a whole. Consolidating clauses which will appear repeatedly in all or most of the byelaws of the NWIFCA into a separate byelaw will shorten and tidy the whole byelaw document. It also ensures that these 2 important clauses are never forgotten in any byelaw making process which would lead to impractical or unenforceable byelaws.

Policy objective;

This byelaw does not address any new policy other than the ongoing NWIFCA byelaw review in accordance with the high level objectives set by DEFRA for IFCA in 2011.

Description of options considered (including do nothing);

1 Individual Clauses in Each Byelaw/Do Nothing - The NWIFCA could insert the 2 relevant clauses into each of their new Byelaws as they do at present. This option is not bad, it fulfils the necessary function, however it is more complicated than necessary.

2 A New Byelaw introducing these 2 clauses to all other NWIFCA byelaws (Preferred Option) - This option achieves the same practical benefit as the other option but allows for simpler drafting, and a more consolidated and comprehensive set of byelaws.

Costs and benefits of each option (including administrative burden);

1 - Option 1 presents no new costs or benefits.

2 - Option 2 creates no costs. It has benefits to the drafting of the NWIFCA byelaws in that it would consolidate a number of individual clauses in multiple byelaws into a single byelaw. This allows the drafting of the other byelaws to be made tidier. It also means that these 2 important clauses are never forgotten when drafting new byelaws. Finally, this option would allow the NWIFCA to issue a simpler permission for scientific, restocking, management or breeding activities under 1 byelaw rather than having to issue permissions under multiple byelaws to the same individual.

Risks and assumptions;

This byelaw does not rely on any key risks or assumptions.

Direct costs and benefits to business calculations (following OIOO methodology);

There are no direct costs or benefits to business.

Wider impacts;

There are no wider impacts.

Summary and preferred option with description of implementation plan.

The NWIFCA will introduce a new byelaw to apply all new byelaws to the NWIFCA district except where otherwise stated and allow the NWIFCA to issue permission for scientific, restocking, management or breeding activities which would otherwise be in breach of byelaw. This byelaw will come into force as soon as it receives approval from the Secretary of State. There is not expected to be any issue with implementation as the byelaw is designed to simplify drafting of a certain type of provision which already exists and operates in a satisfactory manner.

Annexes

Annex 1 should be used to set out the Post Implementation Review Plan as detailed below. Further annexes may be added where the Specific Impact Tests yield information relevant to an overall understanding of policy options.

Annex 1: Post Implementation Review (PIR) Plan

A PIR should be undertaken, usually three to five years after implementation of the policy, but exceptionally a longer period may be more appropriate. If the policy is subject to a sunset clause, the review should be carried out sufficiently early that any renewal or amendment to legislation can be enacted before the expiry date. A PIR should examine the extent to which the implemented regulations have achieved their objectives, assess their costs and benefits and identify whether they are having any unintended consequences. Please set out the PIR Plan as detailed below. If there is no plan to do a PIR please provide reasons below.

<p>Basis of the review: [The basis of the review could be statutory (forming part of the legislation), i.e. a sunset clause or a duty to review, or there could be a political commitment to review (PIR)];</p>
<p>Review objective: [Is it intended as a proportionate check that regulation is operating as expected to tackle the problem of concern?; or as a wider exploration of the policy approach taken?; or as a link from policy objective to outcome?]</p>
<p>Review approach and rationale: [e.g. describe here the review approach (in-depth evaluation, scope review of monitoring data, scan of stakeholder views, etc.) and the rationale that made choosing such an approach]</p>
<p>Baseline: [The current (baseline) position against which the change introduced by the legislation can be measured]</p>
<p>Success criteria: [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]</p>
<p>Monitoring information arrangements: [Provide further details of the planned/existing arrangements in place that will allow a systematic collection of monitoring information for future policy review]</p>
<p>Reasons for not planning a review: [If there is no plan to do a PIR please provide reasons here]</p>

Add annexes here.