



Aquaculture and Fisheries (Scotland) Act 2007

2007 asp 12

PART 1

FISH FARMS AND SHELLFISH FARMS

Code of practice

7 Code of practice

- (1) The Scottish Ministers may by order approve, whether in whole or in part, any code of practice issued (whether by them or by another person) for any of the purposes of—
 - (a) giving practical guidance to persons who carry on a business of—
 - (i) fish farming,
 - (ii) shellfish farming,
 - (b) promoting what appear to the Scottish Ministers to be desirable practices by such persons,with respect to any of the matters mentioned in subsection (2).
- (2) The matters are—
 - (a) the prevention, control and reduction of parasites on—
 - (i) fish farms,
 - (ii) shellfish farms,
 - (b) the containment of fish on fish farms,
 - (c) the prevention of escape of fish from fish farms,
 - (d) the recovery of escaped fish.
- (3) The Scottish Ministers may at any time by order approve a modification of an approved code or withdraw approval of such a code or modification.
- (4) Before making an order under this section the Scottish Ministers must consult such persons as they consider appropriate.

8 Monitoring and enforcement: code of practice

- (1) The Scottish Ministers are to monitor compliance with any approved code.
- (2) Where the Scottish Ministers are satisfied that a person who carries on a business of—
 - (a) fish farming,
 - (b) shellfish farming,is not complying with an approved code in a material regard, the Scottish Ministers may serve a notice on that person.
- (3) Where it appears to the Scottish Ministers that a person who carries on a business of—
 - (a) fish farming,
 - (b) shellfish farming,is likely not to comply with an approved code in a material regard, the Scottish Ministers may serve a notice on the person.
- (4) A notice served by virtue of subsection (2) or (3) may require—
 - (a) the execution of such works,
 - (b) the taking of such other steps,as the Scottish Ministers consider necessary for securing compliance with the approved code in any particular respect.
- (5) Subsections (6) to (13) of section 6 apply to a notice served by virtue of subsection (2) or (3) as they apply to an enforcement notice.