Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 1

AQUACULTURE

CHAPTER 2

FISH FARMING: EQUIPMENT AND WELLBOATS

Equipment

3 Technical requirements for equipment used in fish farming

(1) The Scottish Ministers may, for a purpose mentioned in subsection (2), by regulations—

(a) prescribe technical requirements for equipment to be used for or in connection with fish farming,

(b) impose requirements on fish farm operators in relation to the training of their employees or agents in connection with the installation, maintenance or operation of equipment for which requirements are prescribed under paragraph (a), and

(c) make provision for ensuring compliance with the requirements prescribed or imposed by the regulations.

(2) The purposes are—

(a) the containment of fish,

(b) the prevention of escape of fish,

(c) the prevention, control or reduction of parasites, pathogens or diseases.

(3) Regulations under subsection (1) may, in particular—

Changes to legislation: *There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Cross Heading: Equipment. (See end of Document for details)*

(a) prescribe requirements as to the design, construction (including the materials used in construction), manufacture, installation, maintenance or size of equipment,

(b) provide for the appointment or authorisation of persons ("inspectors") to inspect equipment and records for the purpose of ensuring compliance with the regulations,

(c) for that purpose, confer on inspectors—

(i) powers of entry, search and seizure,

(ii) powers to obtain information or evidence,

(d) impose requirements on fish farm operators, or their employees or agents, as to—

(i) the provision of information to inspectors,

(ii) allowing access by inspectors, and

(iii) cooperation with inspectors,

(e) confer powers on inspectors to impose such requirements,

(f) impose requirements on fish farm operators, or their employees or agents, as to—

(i) the keeping of records in relation to equipment and the making of those records available for inspection,

(ii) the keeping of records in relation to training provided or undertaken in pursuance of any requirement imposed under subsection (1)(b) and the making of those records available for inspection,

(iii) the notification or reporting of failures in equipment,

(g) create criminal offences in relation to failures to comply with the regulations and make other provision for dealing with such offences, including—

(i) the provision of defences,

(ii) evidential matters,

(h) provide for other sanctions for dealing with such failures,

(i) provide for procedures (including appeals) for enforcing compliance with the regulations,

(j) make different provision for different types of fish farming and different species of fish.

(4) Regulations under subsection (1) may prescribe or impose requirements—

(a) by reference to a document published by or on behalf of the Scottish Ministers or such other person, or person of such description, as is specified in the regulations, or

(b) by reference to the approval or satisfaction of such person, or person of such description, as is specified in the regulations.

(5) Where regulations under subsection (1) create a criminal offence, they must provide for the offence to be—

(a) triable summarily, and

(b) punishable by a fine not exceeding level 4 on the standard scale.

(6) Regulations under subsection (1) may provide for continuing offences and for any such offences to be punishable by a daily or other periodic fine of such amount as is specified in the regulations.

(7) Sanctions provided for under subsection (3)(h) may include suspension or revocation of any authorisations required by fish farm operators to operate as such.

(8) In this section, "fish farm operators" means persons carrying on a business of fish farming.

Commencement Information

I1 S. 3 in force at 16.9.2013 by S.S.I. 2013/249, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Cross Heading: Equipment.