



# Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

## PART 1

### AQUACULTURE

#### CHAPTER 3

##### COMMERCIALLY DAMAGING SPECIES

###### *Orders relating to commercially damaging species*

### **13 Orders under section 12(1): samples and surveillance**

- (1) An order under section 12(1) may include provision for or about—
- (a) the taking of samples of any fish from a fish farm, or shellfish from a shellfish farm, by a person appointed by the Scottish Ministers (an “appointed person”),
  - (b) the taking of samples of material from any such fish or shellfish by an appointed person,
  - (c) the analysis of such fish or shellfish, or such material, by an appointed person for the purposes of ascertaining whether a commercially damaging species is present on the fish farm or shellfish farm,
  - (d) the powers of an appointed person, including powers to—
    - (i) enter any land, fish farm or shellfish farm,
    - (ii) enter any premises (other than a dwelling house) associated with the management or operation of a fish farm or shellfish farm,
    - (iii) require the operator of a fish farm or shellfish farm to provide the appointed person with samples such as are mentioned in paragraph (a) or (b),
  - (e) the size of any sample such as is mentioned in either of those paragraphs.
- (2) Subsection (3) applies to an order under section 12(1) that controls the movement of fish or shellfish that are produced by fish farming or shellfish farming.

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**Changes to legislation:** There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 13. (See end of Document for details)

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- (3) The order may include provision for or about—
- (a) requiring a person who carries on a business of fish farming or shellfish farming to carry out a programme of surveillance of—
    - (i) the fish or shellfish the movement of which is controlled by the order,
    - (ii) any other animal, or any plant, specified in the order that is present at the place to which the fish or shellfish mentioned in sub-paragraph (i) are to be, or have been, moved,
    - (iii) such conditions of that place as may be specified in the order,
  - (b) the carrying out by a person appointed by the Scottish Ministers of such a programme of surveillance,
  - (c) the powers of a person so appointed, including powers to enter—
    - (i) any land, fish farm or shellfish farm,
    - (ii) any premises (other than a dwelling house) associated with the operation or management of a fish farm or shellfish farm,
  - (d) the matters which such a programme of surveillance is to address, including any risks associated with the movement of the fish or shellfish controlled by the order.
- (4) An order under section 12(1) which includes provision conferring a power such as is mentioned in subsection (1)(d)(i) or (ii) or subsection (3)(c) must provide—
- (a) for the power to be exercised at a reasonable hour, unless the person exercising it considers the case is one of urgency, and
  - (b) for any person who proposes to exercise the power to produce, if so required, evidence of the person's identity and appointment.

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**Commencement Information**

**II** S. 13 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, Section 13.