



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 1

AQUACULTURE

CHAPTER 3

COMMERCIALLY DAMAGING SPECIES

Control

17 Control schemes

- (1) Subsection (2) applies where the Scottish Ministers have served a notice under section 16(3)(a) in relation to a commercially damaging species that is present on a fish farm or shellfish farm, and—
- (a) either—
 - (i) the Scottish Ministers are satisfied that it is not possible to secure a control agreement or that a control agreement is not being carried out, or
 - (ii) 6 weeks have elapsed since the Scottish Ministers served the notice and no agreement has been reached on the matters mentioned in section 16(3)(b), and
 - (b) the Scottish Ministers continue to have the view that measures should be taken to—
 - (i) remove the species from,
 - (ii) reduce the incidence of the species on,
 - (iii) prevent the spread of the species beyond, or
 - (iv) otherwise control the species on,the fish farm or shellfish farm.

Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 17. (See end of Document for details)

- (2) The Scottish Ministers must make a scheme (a “control scheme”) for the purpose of ensuring that any measures mentioned in subsection (1)(b) which they consider should be taken are taken.
- (3) The Scottish Ministers must notify the person who carries on a business of fish farming or shellfish farming at the fish farm or shellfish farm to which the control scheme relates at least 14 days before the scheme comes into effect that the scheme has been made.
- (4) A control scheme must—
- (a) specify the date on which it is to come into effect (which date must be not less than 14 days after the day on which it was made),
 - (b) identify the fish farm or shellfish farm to which it relates,
 - (c) specify the measures that are to be taken in relation to the commercially damaging species or otherwise,
 - (d) specify which of those measures are to be taken—
 - (i) by the person who for the time being carries on a business of fish farming or shellfish farming at the fish farm or shellfish farm, and
 - (ii) by the Scottish Ministers, and
 - (e) prescribe time limits within which any measures specified under paragraph (d) are to be taken.
- (5) A control scheme may—
- (a) specify different measures to be taken—
 - (i) by different persons such as are mentioned in subsection (4)(d),
 - (ii) in respect of different fish farms or shellfish farms,
 - (b) provide for the extension of any time limit prescribed in the scheme,
 - (c) include incidental, supplemental, consequential, transitional, transitory or saving provision.
- (6) Schedule 1, which makes provision about the making, variation and revocation of control schemes, and appeals against such matters, has effect.
- (7) The person who for the time being carries on a business of fish farming or shellfish farming at a fish farm or shellfish farm to which a control scheme relates must take such measures as the scheme may require of that person in accordance with its provisions.
- (8) The Scottish Ministers must, at least once in every 12 month period, review a control scheme for the purpose of assessing compliance with its provisions.
- (9) Where the Scottish Ministers are of the opinion that a person has failed to comply with subsection (7), they may carry out the requirement if they are satisfied that it is still necessary to do so.

Commencement Information

II S. 17 in force at 16.9.2013 by [S.S.I. 2013/249](#), art. 2

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