



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 1

AQUACULTURE

CHAPTER 3

COMMERCIALLY DAMAGING SPECIES

Control

18 Emergency action notices

- (1) This section applies where the Scottish Ministers are satisfied—
 - (a) that a commercially damaging species is present on a fish farm or shellfish farm, and
 - (b) that unless urgent action is taken, the commercially damaging species will spread quickly to other areas and have an immediate and significant adverse impact on—
 - (i) other fish or shellfish or the ability of persons to commercially exploit them, or
 - (ii) the economic or commercial interests of a person who carries on a business of fish farming or shellfish farming.
- (2) No notice under subsection (3) of section 16 need be served on a person mentioned in paragraph (a) of that subsection, and no consultation to secure an agreement with such a person need be carried out under paragraph (b) of that subsection.
- (3) But the Scottish Ministers must serve on such a person notice (an “emergency action notice”) of their intention to take urgent action in respect of the commercially damaging species.
- (4) An emergency action notice must state—

Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 18. (See end of Document for details)

- (a) the type of commercially damaging species that is present on the fish farm or shellfish farm,
 - (b) the nature of the threat that it poses and the impact mentioned in subsection (1) (b) that it will have,
 - (c) the measures that the Scottish Ministers propose to take for the purpose of—
 - (i) removing the species from,
 - (ii) reducing the incidence of the species on,
 - (iii) preventing the spread of the species beyond, or
 - (iv) otherwise controlling the species on,the fish farm or shellfish farm, and
 - (d) the places where, the times at which and the methods by which the Scottish Ministers intend to carry out such measures.
- (5) No earlier than 14 days after the day on which an emergency action notice has been served, the Scottish Ministers may take—
- (a) such measures as are specified in the notice,
 - (b) such steps towards taking such measures as the Scottish Ministers think fit.

Commencement Information

II S. 18 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 18.