



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 1

AQUACULTURE

CHAPTER 2

FISH FARMING: EQUIPMENT AND WELLBOATS

Wellboats

5 Control and monitoring of operations of wellboats

- (1) The Scottish Ministers may by regulations make provision for or about controlling and monitoring the operations of any wellboat in Scotland.
- (2) Regulations under subsection (1) may, in particular, include provision for or about—
 - (a) the measures to be taken to prevent, reduce, remove or otherwise control the risk of the spread of parasites, pathogens or diseases as a result of wellboat operations,
 - (b) the installation of such equipment, or types of equipment, as may be specified—
 - (i) to prevent, reduce, remove or otherwise control such a risk,
 - (ii) to enable compliance with the regulations to be monitored,
 - (c) the reporting to the Scottish Ministers of such matters as may be specified.
- (3) Regulations under subsection (1) may impose requirements on, and only on—
 - (a) the master of a wellboat,
 - (b) an owner of a wellboat,
 - (c) a charterer of a wellboat.
- (4) Regulations under subsection (1) may make different provision for—

Changes to legislation: *There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 5. (See end of Document for details)*

- (a) different descriptions of wellboat,
 - (b) different operations,
 - (c) different species of fish,
 - (d) different periods of time.
- (5) A person commits an offence if the person—
- (a) acts in contravention of regulations under subsection (1),
 - (b) fails to take any action required of that person by such regulations, or
 - (c) otherwise fails to comply with any requirement imposed on that person by such regulations.
- (6) No proceedings may be taken or continued against a person for an offence under subsection (5) in respect of a matter in relation to which an enforcement notice under section 6 has been served.
- (7) It is a defence for a person charged with an offence under subsection (5)(b) or (c) to show that the person had a reasonable excuse for failing to take any action or (as the case may be) to comply with any requirement mentioned in that subsection.
- (8) A person who commits an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (9) In this section, “specified” means specified in regulations made under subsection (1).

Commencement Information

II [S. 5](#) in force at 16.9.2013 by [S.S.I. 2013/249](#), [art. 2](#)

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