



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 1

AQUACULTURE

CHAPTER 2

FISH FARMING: EQUIPMENT AND WELLBOATS

Wellboats

6 Enforcement notices

- (1) This section applies where the Scottish Ministers are satisfied that a person has failed or is failing to comply with any requirement imposed on that person by regulations under section 5(1).
- (2) The Scottish Ministers may serve a notice (an “enforcement notice”) on the person.
- (3) The enforcement notice must specify—
 - (a) the grounds for the service of the notice,
 - (b) the action that the person on whom it is served is required to take in order to ensure compliance with the regulations, and
 - (c) the date by which that action is to be taken, which must be no earlier than 14 days after the day on which the notice is served.
- (4) The Scottish Ministers may publicise the serving of an enforcement notice; and they may do so to such extent, in such manner and in such form as they think fit.
- (5) A person on whom an enforcement notice has been served may appeal by way of summary application to a sheriff against the notice.
- (6) An appeal under subsection (5) must be made before the expiry of the period of 7 days beginning with the day on which the notice is served.

Changes to legislation: There are currently no known outstanding effects for the
Aquaculture and Fisheries (Scotland) Act 2013, Section 6. (See end of Document for details)

- (7) Where an appeal is made under subsection (5), the enforcement notice has no effect until the appeal is withdrawn or finally determined.
- (8) In an appeal under subsection (5)—
 - (a) the sheriff may make such order as the sheriff thinks appropriate, and
 - (b) the sheriff's decision is final.
- (9) If the appeal is not upheld, the date by which the action specified in the notice is to be taken is such date as the sheriff may specify in the order disposing of the appeal.
- (10) A person on whom an enforcement notice has been served commits an offence if the person fails to comply with the requirements of the notice.
- (11) It is a defence for a person charged with an offence under subsection (10) to show that the person had a reasonable excuse for failing to comply with such requirements.
- (12) A person who commits an offence under subsection (10) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

II [S. 6](#) 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 6.