
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 193

RIVER

SALMON AND FRESHWATER FISHERIES

**The Registration of Fish Farming and Shellfish
Farming Businesses Amendment (Scotland) Order 2002**

<i>Made</i>	- - - -	<i>17th April 2002</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>19th April 2002</i>
<i>Coming into force</i>	- -	<i>10th May 2002</i>

The Scottish Ministers, in exercise of the powers conferred by section 7(1), (2) and (3) of the Diseases of Fish Act 1983(1) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Registration of Fish Farming and Shellfish Farming Businesses Amendment (Scotland) Order 2002 and shall come into force on 10th May 2002.

(2) This Order extends to Scotland only.

Amendment of the Registration of Fish Farming and Shellfish Farming Business Order 1985

2.—(1) The Registration of Fish Farming and Shellfish Farming Businesses Order 1985(2) is amended as follows.

(2) For article 2(1) (interpretation) there is substituted-

“(1) In this Order—

“fish farm” means any place or structure used for the keeping of fish; and

“fish” does not include shellfish.”.

(3) After article 4 there is inserted-

(1) 1983 c. 30. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(2) S.I.1985/1391; amended by S.I. 1994/1447 and 1997/1881.

“Escapes from fish farms

4A.—(1) A person who carries on a business of fish farming that is required by article 3 to be registered shall notify the Scottish Ministers forthwith of-

- (a) the circumstances on, or in the vicinity of, the fish farm which caused, or are believed by that person to have caused, an escape of fish;
- (b) any circumstances on, or in the vicinity of, the fish farm which gave rise to a significant risk of an escape of fish.

(2) The notification required by paragraph (1) of this article shall be referred to in this Order as an initial notification and shall be in or as near as may be to the form, and shall contain the information, specified in Schedule 4 to this Order.

Recovery of Fish

4B.—(1) Any person who has submitted an initial notification following the escape of any fish from a fish farm in terms of article 4A(1)(a) shall, not later than 28 days from the date of the initial notification, notify the Scottish Ministers of—

- (a) the number of fish that have or are believed by that person to have escaped from the fish farm;
- (b) the details of any steps taken by that person to recover those fish; and
- (c) the number of any fish recovered in the 14 days following the escape.

(2) The notification required by paragraph (1) of this article shall be referred to in this Order as a final notification and shall be in or as near as may be to the form, and shall contain the information, specified in Schedule 5 to this Order.”.

(4) After paragraph 2 of Schedule 3 (particulars to be included in records) there is inserted—

“**3.** A copy of all information notified to the Scottish Ministers in accordance with articles 4A and 4B of this Order.”.

(5) After Schedule 3 there are inserted the Schedules set out in Schedules 1 and 2 to this Order.

St Andrew’s House,
Edinburgh
17th April 2002

ALLAN WILSON
Authorised to sign by the Scottish Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 2(5)

Escapes of Fish

“SCHEDULE 4

Article 4A(2)

FARMED FISH ESCAPES—INITIAL NOTIFICATION

This form is to be submitted following any circumstances which caused or might have caused an escape of fish from a fish farm.
Please refer to “WHAT TO DO IN THE EVENT OF AN ESCAPE OF FISH FROM A FISH FARM” for further guidance on how to complete this form.

1. Please supply details of the Company, Fish Farm or Hatchery submitting the initial notification

Site Name:		SEERAD Site No:	
Company Name:		Telephone No:	
Contact Name:		Fax:	

2. Where an escape of fish has occurred please supply the following details for the fish involved

Species:		Age in months:	
Average weight:		Estimated no. of fish lost:	
On a separate sheet please supply details of any treatments for notifiable diseases(a) or for sea lice infestation administered to fish on the fish farm in the last 6 months.			

3. Please provide details of the circumstances surrounding the incident

Time:	
Date:	
Exact location:	
Weather and tidal conditions:	
Full details of circumstances referred to above (continue on a separate sheet if necessary):	

Completed by:		<u>The form should be sent to:</u>	SEERAD, Room 409, Pentland House, 47 Robb’s Loan, EDINBURGH, EH14 1TY Tel: 0131 244 6175 Fax: 0131 244 6512
Position in Organisation:			
Date:			

(a) A notifiable disease is a disease that requires to be reported to Scottish Ministers in terms of section 4A(6) of the Diseases of Fish Act 1937. Section 4A was substituted by the Diseases of Fish Act 1983 c.30, section 3.

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SCHEDULE 2

Article 2(5)

Escapes of Fish

“SCHEDULE 5

Article 4B(2)

FARMED FISH ESCAPES - FINAL NOTIFICATION

This form is to be submitted **not later than 28 days** following an initial notification of circumstances which caused or might have caused an escape of fish from a fish farm.

Please refer to “WHAT TO DO IN THE EVENT OF AN ESCAPE OF FISH FROM A FISH FARM” for further guidance on how to complete this form.

1. Please supply details of the Company, Fish Farm or Hatchery submitting the final notification

Site Name:		SEERAD Site No:	
Company Name:		Telephone No:	
Contact Name:		Fax:	

2. Details of fish involved in escape

Date of initial notification:		Total number of fish lost:	
Date of final notification:		Number of fish recovered (if none please specify “none”):	
Please detail the methods used to recover fish (continue on a separate sheet if necessary):			

On a separate sheet please supply details of any treatments for notifiable diseases or for sea lice infestation administered to the fish remaining on the fish farm.

Completed by:		The form should be sent to:	SEERAD, Room 409, Pentland House, 47 Robb’s Loan, EDINBURGH, EH14 1TY Tel: 0131 244 6175 Fax: 0131 244 6512
Position in Organisation:			
Date:			

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order amends the Registration of Fish Farming and Shellfish Businesses Order 1985 (“the principal Order”).

It provides for the notification of circumstances giving rise to any escapes of fish, or of circumstances that gave rise to a significant risk of an escape of fish from fish farms registered in terms of article 3 of the principal Order (article 2(3)).

It requires persons who carry on such businesses to notify the Scottish Ministers of such escapes in a prescribed form (article 2 and Schedule 1 to the Order). It also requires that details of the numbers of fish that have escaped, attempts to recover the fish and the numbers of fish recovered must also be notified within 28 days of the initial notification of the escape (article 2(3) and schedule 2).

Copies of this information must be retained as part of the records kept in terms of the principal Order (article 2(4)).

Section 7(7) of the Diseases of Fish Act 1983 empowers authorised persons to inspect records retained by virtue of the principal Order and section 8 of that Act creates offences in relation to the principal Order. The maximum penalty for such offences is level 4 on the standard scale which currently stands at £2,500.