

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2009 No. 85**

**The Aquatic Animal Health (Scotland) Regulations 2009**

**PART 2**

**AUTHORISATION AND REGISTRATION REQUIREMENTS**

**Authorisation**

5.—(1) Subject to regulation 14, it is an offence to operate an aquaculture production business or a processing establishment unless the business or establishment is authorised by the competent authority.

(2) The competent authority may grant an authorisation in relation to two or more aquaculture production businesses which are situated in one mollusc farming area, provided the businesses relate exclusively to molluscs.

(3) But a dispatch centre, purification centre or similar business in a mollusc farming area must be separately authorised.

(4) The requirement for a non-commercial installation or a put and take fishery to be authorised under paragraph (1) only applies where the competent authority—

- (a) considers that authorisation is necessary to prevent or limit the spread of disease; and
- (b) serves the operator with a written notice to that effect.

(5) Where the operator is served with a notice under paragraph (4)(b), the operator must apply for authorisation under regulation 8(1) within 28 days of the service.

(6) Where the operator so applies, the operator is to be treated as having, as from the date of the application, an interim authorisation to carry on the activity to which the application relates until the interim authorisation lapses on the earliest of the dates mentioned in regulation 14(3).