



Aquaculture and Fisheries (Scotland) Act 2007

2007 asp 12

PART 2

GYRODACTYLUS SALARIS: CONTAINMENT AND TREATMENT

Containment and treatment: additional powers

16 Clearance of certain fish farms

After section 5B of the 1937 Act (as inserted by section 15 above), insert—

“5C Clearance of certain fish farms

- (1) The Scottish Ministers may, where they consider it appropriate to do so, by notice in writing served on any person who carries on a business of fish farming in any inland or marine waters mentioned in subsection (2), impose any of the requirements mentioned in subsection (3).
- (2) The waters are any inland or marine waters in an area designated by order under section 2 by virtue of the Scottish Ministers suspecting that they are or may become infected waters by reason of the presence of the parasite *Gyrodactylus salaris*.
- (3) The requirements referred to in subsection (1) are—
 - (a) the withdrawal of all fish from the waters of the farm;
 - (b) the draining, cleaning and disinfection of all pools and cages in the farm;
 - (c) the destruction of all—
 - (i) dead fish;
 - (ii) live fish withdrawn from the farm which show clinical signs of the disease known as gyrodactylosis caused by the parasite *Gyrodactylus salaris*;

Status: This is the original version (as it was originally enacted).

- (iii) live fish withdrawn from the farm which show signs of the presence of the parasite;
 - (d) the cleaning and disinfection or destruction of equipment, material or substances liable to be contaminated with the parasite;
 - (e) that the repopulation of the farm may take place only when the Scottish Ministers authorise it by notice in writing served on the person carrying on the business of the farm.
- (4) Any person who intentionally contravenes any requirement of a notice served on the person under subsection (1) is guilty of an offence.

**5D Failure to comply with requirements of notice under section 5C(1):
inspector’s powers**

- (1) If any person on whom notice under section 5C(1) is served fails to comply with any requirement of the notice, without prejudice to any proceedings in relation to such failure, an inspector may enter on the fish farm to which the notice relates and take or arrange the taking of such steps as appear to the inspector to be necessary to—
- (a) ensure compliance with the requirement;
 - (b) remedy the consequences of a failure to comply.
- (2) An inspector acting under subsection (1) must, if required, produce evidence of the inspector’s authority.
- (3) All reasonable costs of the exercise of an inspector’s powers under subsection (1) are recoverable by the Scottish Ministers from the person on whom the notice under section 5C(1) was served.”.