



# Aquaculture and Fisheries (Scotland) Act 2007

2007 asp 12

## PART 5

### MISCELLANEOUS

#### 34 **Unauthorised introduction of fish into certain marine waters**

After section 2B of the 1937 Act (designated areas: authority to remove fish), insert—

##### **“2C Unauthorised introduction of fish into certain marine waters**

- (1) With a view to preventing any marine waters adjacent to Scotland from becoming infected waters, the Scottish Ministers may by order made by statutory instrument specify such parts of those waters as they consider appropriate.
- (2) Before making an order under subsection (1) the Scottish Ministers must consult such persons as they consider appropriate.
- (3) An area specified under subsection (1) is a “specified area” for the purposes of this section.
- (4) A person is guilty of an offence who, without the prior written consent of the Scottish Ministers, intentionally introduces into waters within a specified area live fish which—
  - (a) are of such species as may be specified by the Scottish Ministers by order;
  - (b) are from waters which are not part of that specified area; and
  - (c) have at any time been in salt water which forms part of—
    - (i) such inland waters of the United Kingdom as may be designated by the Scottish Ministers by order; or
    - (ii) such marine waters adjacent to the United Kingdom as may be so designated.

---

*Status: This is the original version (as it was originally enacted).*

---

- (5) The Scottish Ministers may make regulations in relation to the obtaining of the consent mentioned in subsection (4) and in particular may include provision—
- (a) regulating the form of the application for such consent;
  - (b) specifying the information to be provided and any assessment to be undertaken as part of an application;
  - (c) specifying the time by which an application must be made before the proposed introduction of the fish.
- (6) Regulations under subsection (5) may make different provision for different purposes.
- (7) The power conferred by—
- (a) subsection (1) or (4)(a) or (c)(i) or (ii) to make an order;
  - (b) subsection (5) to make regulations,
- must be exercised by statutory instrument; and a statutory instrument containing any such order or regulations is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (8) In subsection (1), “marine waters adjacent to Scotland” has the same meaning as in section 2ZB(6).”.