



# Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

## PART 1

### AQUACULTURE

#### CHAPTER 1

##### FISH FARM MANAGEMENT

### 1 Fish farm management agreements and statements

- (1) The Aquaculture and Fisheries (Scotland) Act 2007 is amended in accordance with this section.
- (2) After section 4 insert—

*“Fish farm management agreements and statements*

#### **4A Fish farm management agreements and statements**

- (1) A person who carries on a business of fish farming at a fish farm located within a farm management area must—
  - (a) be party to a farm management agreement, or prepare and maintain a farm management statement, in relation to the fish farm, and
  - (b) ensure that the fish farm is managed and operated in accordance with the agreement or (as the case may be) statement.
- (2) For the purposes of this section, a “farm management agreement” is an agreement—
  - (a) between two or more persons who carry on a business of fish farming at fish farms located in a farm management area, and
  - (b) which contains provision about the matters specified in subsection (4).

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*Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, CHAPTER 1. (See end of Document for details)*

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- (3) For the purposes of this section, a “farm management statement” is a statement—
- (a) prepared and maintained by a person who—
    - (i) carries on a business of fish farming at a fish farm located in a farm management area, and
    - (ii) is not, in relation to that fish farm, party to a farm management agreement, and
  - (b) which contains provision about the matters specified in subsection (4).
- (4) The matters referred to in subsections (2)(b) and (3)(b) are—
- (a) a description of the farm management area and the fish farm or farms to which the agreement or statement applies,
  - (b) arrangements for—
    - (i) fish health management,
    - (ii) management of parasites,
    - (iii) the movement of live fish on and off the farms,
    - (iv) the harvesting of fish,
    - (v) fallowing of the farms after harvesting,
  - (c) review of the agreement or statement at least every 2 years,
  - (d) in the case of a farm management agreement, arrangements for persons to become, or cease to be, parties to the agreement.
- (5) In this section—
- the “Code of Practice” means the document called the Code of Good Practice for Scottish Finfish Aquaculture as issued and revised from time to time by the body known as the Code of Good Practice Management Group,
- “farm management area” means an area specified as such in the Code of Practice.
- (6) The Scottish Ministers may by order modify the definition of the Code of Practice in subsection (5) so as to—
- (a) substitute a reference to another document for the one for the time being referred to in that definition,
  - (b) substitute a reference to another body for the one for the time being referred to in that definition.
- (7) An order under subsection (6) may—
- (a) include incidental, supplemental, consequential, transitional, transitory or saving provision,
  - (b) modify any enactment, instrument or document.

#### **4B Inspections: farm management agreements and statements**

- (1) An inspector may carry out an inspection of any fish farm to which section 4A(1) applies for the purpose of ascertaining whether that section is being complied with.
- (2) In particular, an inspection under subsection (1) may include—

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- (a) taking samples (including samples of fish or material from fish),
  - (b) examining, and taking copies of, documents or records.
- (3) An inspector may arrange for the carrying out of such tests as the inspector considers necessary, using samples taken during an inspection under subsection (1), for the purpose mentioned in subsection (1).”.
- (3) In section 6 (enforcement notices), for subsection (1) substitute—
- “(1) Where the Scottish Ministers are satisfied that a person who carries on a business of fish farming—
- (a) does not have satisfactory measures in place for any of the purposes mentioned in subsection (2), or
  - (b) in relation to a fish farm to which section 4A(1) applies, has failed or is failing to comply with that section,
- the Scottish Ministers may serve a notice (“an enforcement notice”) on the person.”.
- (4) In section 43(3) (orders subject to affirmative procedure), in paragraph (a), after “section” insert “ 4A(6) or ”.

#### Commencement Information

**II** S. 1 in force at 16.9.2013 by S.S.I. 2013/249, art. 2

## 2 Escapes, and obtaining samples, from fish farms

- (1) The Aquaculture and Fisheries (Scotland) Act 2007 is amended in accordance with this section.
- (2) In section 5 (inspections: containment and escape of fish)—
- (a) in subsection (2), after paragraph (b) insert—
    - “(ba) ascertaining the origin of fish known or believed to have escaped from the fish farm or any other fish farm,”,
  - (b) in subsection (3), in paragraph (a), after “equipment” insert “ , fish or material from fish ”.
- (3) After section 5 insert—

### “Sampling

#### 5A Obtaining samples from fish farms

- (1) An inspector may take samples of fish, or material from fish, on a fish farm for any of the purposes mentioned in subsection (3).
- (2) An inspector may require a person who carries on a business of fish farming to provide the inspector with samples of fish, or material from fish, on the fish farm for a purpose mentioned in subsection (3).
- (3) The purposes are—

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- (a) assisting any investigations into escapes of fish from fish farms that may require to be carried out,
- (b) analysing the samples mentioned in subsections (1) and (2) for scientific or other research,
- (c) assessing the impact of—
  - (i) the operations of fish farms on the environment,
  - (ii) escapes of fish from fish farms on stocks of fish other than those on fish farms, and
- (d) developing methods of tracing the origins of fish that escape from fish farms.

(4) This section is without prejudice to sections 4B and 5.”.

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**Commencement Information**

**I2** S. 2 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, CHAPTER 1.