



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 1

AQUACULTURE

CHAPTER 3

COMMERCIALLY DAMAGING SPECIES

Orders relating to commercially damaging species

12 Movement of species, etc.

- (1) The Scottish Ministers may by order make provision for or about the prohibition or control of the movement of—
- (a) any commercially damaging species that is present, or suspected of being present, in any body of water,
 - (b) any other species of animal or plant the movement of which may be associated with the movement of such a commercially damaging species,
 - (c) any equipment or other material used for or in connection with fish farming or shellfish farming, the movement of which may be so associated,
 - (d) water in which a commercially damaging species, or a species mentioned in paragraph (b), is present or suspected of being present.
- (2) An order under subsection (1) may—
- (a) designate an area in respect of which any prohibition or control of movement applies,
 - (b) make provision in relation to the enforcement of the provisions of the order, including provision for the issue of notices imposing requirements and the action that may be taken in cases where such notices are not complied with,
 - (c) make provision in relation to appeals against such notices or other actions taken in connection with the enforcement of the provisions of the order,

Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 12. (See end of Document for details)

- (d) where the movement of—
 - (i) a species,
 - (ii) equipment or other material, or
 - (iii) water in which a species is present or suspected of being present,
 is controlled by the order, specify conditions or requirements in respect of such movement (including conditions that must be satisfied before such movement is permitted),
 - (e) make different provision for—
 - (i) different types of commercially damaging species,
 - (ii) different types of animal or plant as mentioned in paragraph (b) of subsection (1),
 - (iii) different types of equipment or other material as mentioned in paragraph (c) of that subsection.
- (3) A person commits an offence if the person—
- (a) acts in contravention of an order under subsection (1),
 - (b) fails to take any action required of the person by such an order, or
 - (c) otherwise fails to comply with any requirement imposed on the person by such an order.
- (4) It is a defence for a person charged with an offence under subsection (3)(b) or (c) to show that the person had a reasonable excuse for failing to take the action or (as the case may be) to comply with any requirement mentioned in that subsection.
- (5) A person who commits an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

II [S. 12](#) in force at 16.9.2013 by [S.S.I. 2013/249](#), [art. 2](#)

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