



# Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

## PART 5

### MISCELLANEOUS

#### *Charging*

#### **59 Power to charge in connection with fisheries functions**

- (1) The Scottish Ministers may by regulations make provision for or about the imposition of charges in connection with the carrying out of such fisheries functions as are specified in the regulations.
- (2) In this section, “fisheries functions” means—
  - (a) functions of the Scottish Ministers under any legislation relating to—
    - (i) fish farming or shellfish farming,
    - (ii) salmon or freshwater fisheries,
    - (iii) sea fishing, or
  - (b) functions of any other person under any such legislation so far as the person is appointed or authorised by the Scottish Ministers for the purposes of enforcing, or otherwise ensuring compliance with, the legislation.
- (3) Regulations under subsection (1) may include provision—
  - (a) specifying, or for determining, the amount of charges,
  - (b) specifying, or for determining, the persons or types of person who are to pay charges,
  - (c) specifying, or for determining, the circumstances in which charges are payable,
  - (d) for making the carrying out of specified fisheries functions conditional on the payment of charges,
  - (e) for the imposition of annual or other recurring charges,
  - (f) for the reduction or waiver of, or exemptions from, charges,

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

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- (g) for the recovery and collection of charges,
  - (h) for the method and timing of payment of charges,
  - (i) for determining disputes as to the amount of, or liability for, charges.
- (4) Regulations under subsection (1)—
- (a) may have the effect of requiring a person to pay a charge only if, and so far as, the person is someone in relation to whom a specified fisheries function has been, or is to be, carried out, and
  - (b) must not have the effect of imposing a charge in a particular case that exceeds the reasonable costs incurred in the carrying out of a specified fisheries function in that case.
- (5) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.
- (6) Regulations under subsection (1) may make different provision for—
- (a) different fisheries functions,
  - (b) different persons or types of person.
- (7) Regulations under subsection (1) do not affect any power that the Scottish Ministers have apart from this section to—
- (a) impose fees or charges, or recover costs, in connection with the carrying out of any fisheries functions, or
  - (b) provide for the imposition of such fees or charges or the recovery of such costs.
- (8) In this section, “legislation” means any—
- (a) enactment, or
  - [<sup>F1</sup>(b) [<sup>F2</sup>assimilated direct] legislation (within the meaning of section 20 of the European Union (Withdrawal) Act 2018) falling within section 3(2)(a) of that Act containing a [<sup>F3</sup>assimilated] obligation (within the meaning of schedule 1 of the Interpretation Act 1978) or a [<sup>F3</sup>assimilated] restriction]

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#### Textual Amendments

- F1** S. 59(8)(b) substituted (31.12.2020) by [The Fisheries \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/24\)](#), regs. 1(2)(b), **7(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 59(8)(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 9(3)(a)**
- F3** Word in s. 59(8)(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 1 para. 9(3)(b)**
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#### Commencement Information

- I1** S. 59 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, Cross Heading: Charging.