



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 6

GENERAL

62 Subordinate legislation

- (1) Any power of the Scottish Ministers to make an order or regulations under this Act includes power to make—
 - (a) different provision for different purposes or different areas,
 - (b) incidental, supplemental, consequential, transitional, transitory or saving provision.
- (2) The following orders and regulations are subject to the affirmative procedure—
 - (a) regulations under section 59,
 - (b) an order under section 64(1) containing provisions which add to, replace or omit any part of the text of an Act.
- (3) All other orders and regulations under this Act are subject to the negative procedure.
- (4) This section does not apply to an order under section 66(2).

63 Interpretation

In this Act, unless the context otherwise requires—

“British sea-fishery officer” means a person who is a British sea-fishery officer by virtue of section 7(1) of the Sea Fisheries Act 1968,

“disease” means a clinical or non-clinical infection with one or more aetiological agents in fish,

“enforceable EU obligation” means an obligation to which section 2(1) of the European Communities Act 1972 applies,

“enforceable EU restriction” means a restriction to which that section applies,

“fish” means fish of any kind but does not, except in Part 3, include shellfish,

Status: This is the original version (as it was originally enacted).

“fish farm” means any place used for the purposes of fish farming,
“fish farming” means the keeping of live fish with a view to their sale or to their transfer to other waters; but only where such activity is required to be authorised as an aquaculture production business under regulation 6 of the Aquatic Animal Health (Scotland) Regulations 2009 (S.S.I. 2009/85),
“marine enforcement officer” has the same meaning as in section 157(1) of the Marine (Scotland) Act 2010,
“parasite” has the meaning given in section 4(1) of the Aquaculture and Fisheries (Scotland) Act 2007,
“pathogen” means an organism that causes or contributes to the development of a disease,
“shellfish” includes crustaceans and molluscs of any kind, and includes any brood, ware, half-ware, spat or spawn of shellfish,
“shellfish farm” means any place used for the purposes of shellfish farming,
“shellfish farming” means the cultivation or propagation of shellfish with a view to their sale or their transfer to other waters or land; but only where such activity is required to be authorised as an aquaculture production business under regulation 6 of the Aquatic Animal Health (Scotland) Regulations 2009 (S.S.I. 2009/85).

64 Ancillary provision

- (1) The Scottish Ministers may by order make such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.
- (2) An order under this section may modify any enactment (including this Act), instrument or document.

65 Crown application

- (1) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable.
- (2) But the Court of Session may, on the application of the Lord Advocate, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Despite subsection (1), any provision made by or under the provisions of this Act applies to persons in the public service of the Crown as it applies to other persons.

66 Commencement

- (1) This Part, and sections 4, 22 and 53, come into force on the day after Royal Assent.
- (2) The remaining provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.
- (3) An order under subsection (2) may include transitional, transitory or saving provision.

67 Short title

The short title of this Act is the Aquaculture and Fisheries (Scotland) Act 2013.