

Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Cross Heading: Variation or revocation of a control scheme: procedure. (See end of Document for details)

SCHEDULE 1 COMMERCIALLY DAMAGING SPECIES: CONTROL SCHEMES

Variation or revocation of a control scheme: procedure

- 5 (1) The Scottish Ministers may—
- (a) make a scheme varying a control scheme, or
 - (b) revoke a control scheme.
- (2) The Scottish Ministers may exercise a power under sub-paragraph (1)—
- (a) on the application of a person who carries on a business of fish farming or shellfish farming on whom the control scheme has imposed any requirement, or
 - (b) even if no such application is made.

Commencement Information

11 Sch. 1 para. 5 in force at 16.9.2013 by S.S.I. 2013/249, art. 2

- 6 Before making any variation or revocation such as is mentioned in paragraph 5(1), the Scottish Ministers must serve on every person who carries on a business of fish farming or shellfish farming on whom the control scheme has imposed any requirement—
- (a) a draft of the scheme varying the control scheme or (as the case may be) an intimation of the proposed revocation, and
 - (b) a notice stating that any such person may, within 14 days of the service of the draft scheme or (as the case may be) the intimation, object to the Scottish Ministers in such manner as may be specified in the notice to the variation or revocation of the control scheme.

Commencement Information

12 Sch. 1 para. 6 in force at 16.9.2013 by S.S.I. 2013/249, art. 2

- 7 If no objection is duly made under paragraph 6, or if all objections so made are withdrawn, the Scottish Ministers may vary or revoke the control scheme (as the case may be).

Commencement Information

13 Sch. 1 para. 7 in force at 16.9.2013 by S.S.I. 2013/249, art. 2

- 8 If any objection duly made under paragraph 6 is not withdrawn, the Scottish Ministers—
- (a) must consider the objection, and
 - (b) may—
 - (i) make the variation, either in the form of the draft or, subject to paragraph 9, with modifications, or
 - (ii) revoke the control scheme,as the case may be.

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Commencement Information

I4 Sch. 1 para. 8 in force at 16.9.2013 by S.S.I. 2013/249, art. 2

- 9 A variation of a control scheme may not be made with any modification unless—
- (a) every person served with a copy of the draft scheme by virtue of paragraph 6 has been served with a notice of the proposal to make the modification, and
 - (b) every such person—
 - (i) has either consented to the proposal, or
 - (ii) has not, before the expiry of the period of 14 days beginning with day of the service of the notice, notified the Scottish Ministers in writing that the person objects to it.

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Commencement Information

I5 Sch. 1 para. 9 in force at 16.9.2013 by S.S.I. 2013/249, art. 2

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