



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 2

SALMON FISHERIES, ETC.

Management

26 Carcass tagging

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is amended in accordance with this section.
- (2) After section 21 insert—

“21A Salmon carcass tagging

- (1) The Scottish Ministers may by regulations make provision for or in connection with tagging the carcasses of salmon.
- (2) Regulations under subsection (1) above may, in particular, make provision—
 - (a) about—
 - (i) the nature and form of tags,
 - (ii) the information which tags are to contain and the nature and form of that information,
 - (iii) applications for, and the supply, issue and storage of, tags,
 - (iv) the persons or descriptions of persons who may supply and issue tags, including provision about registration of such persons,
 - (v) the method of affixing tags to carcasses and the circumstances in which, and the time at or by which, they are to be affixed,
 - (vi) the circumstances in which, and the time at or by which, tags may be removed,

Status: This is the original version (as it was originally enacted).

- (vii) the steps to be taken in the event of loss of, or damage to, tags,
 - (b) for or about the keeping of records in connection with fishing for, taking, and tagging of salmon to which the regulations apply (including the form and content of such records),
 - (c) for or about the inspection or examination of those records, or the information contained in them, by persons or descriptions of persons mentioned in paragraph (e) below, by such methods as the regulations may specify, and the steps to be taken in the event of loss of, or damage to, the records,
 - (d) for or about the inspection or examination of tags by persons or descriptions of persons mentioned in paragraph (e) below, including provision about the retention of tags after their removal,
 - (e) for or about persons, or descriptions of persons, responsible for enforcing and ensuring compliance with the regulations (including the appointment and functions of such persons),
 - (f) for or about the seizure, detention and destruction by persons, or descriptions of persons, mentioned in paragraph (e) above of salmon—
 - (i) that have not been tagged, or
 - (ii) from which a tag has been removed otherwise than, in accordance with the provisions of the regulations,
 - (g) for or about the imposition by the Scottish Ministers of charges for the recovery of any reasonable costs they incur in connection with the supply or issue of tags (including charges in relation to the administration costs associated with the imposition of such charges),
 - (h) for exemptions and exceptions to the regulations and for matters in respect of which the regulations do not apply.
- (3) Regulations under subsection (1) above may make—
- (a) different provision for different purposes and areas,
 - (b) incidental, supplemental, consequential, transitional, transitory or saving provision,
 - (c) such modifications of Part 5 of this Act as the Scottish Ministers think fit.
- (4) A person commits an offence if the person—
- (a) sells, offers or exposes for sale, or has in the person's possession, any salmon—
 - (i) that has not been tagged in accordance with regulations under subsection (1) above, or
 - (ii) from which a tag has been removed otherwise than in accordance with such regulations,
 - (b) acts in contravention of such regulations, or
 - (c) fails to take any action required of that person or (as the case may be) fails to comply with any requirement imposed on that person by such regulations.
- (5) It is a defence for a person charged with an offence under subsection (4)(c) above to show that the person had a reasonable excuse for failing to take any action or comply with any requirement as mentioned in that subsection.

- (6) A person who commits an offence under subsection (4) above—
 - (a) is liable on summary conviction to a fine not exceeding level 4 on the standard scale,
 - (b) may be convicted on the evidence of one person.”.
- (3) In section 30 (exemptions in relation to fish farming)—
 - (a) in subsection (1), after “under” insert “section 21A or”,
 - (b) in subsection (5), after “18(1)(b)” insert “, 21A(4)(a) or (b)”.
- (4) In section 68 (orders and regulations), in subsection (4), after “under” insert “subsection (1) of section 21A of this Act that make modifications such as are mentioned in subsection (3)(c) of that section, or under”.