
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Aquatic Animal Health (Scotland) Regulations 2009 (“the 2009 Regulations”) and make provision relating to Council Directive [2006/88/EC](#) (O.J. L 238, 24.11.2006, p.14) on animal health requirements for aquaculture animals and products thereof and on the prevention and control of certain diseases in aquatic animals.

Regulation 2(2) provides a new definition of “processing establishment” clarifying the businesses to which the 2009 Regulations apply.

Paragraphs (4) and (5) of regulation 2 amend, respectively, regulations 27 and 31 of the 2009 Regulations to clarify that where an initial designation notice or a confirmed designation notice is made in respect of an area comprising the whole of Scotland, the competent authority may withdraw the notice as regards only a part or parts, of Scotland. Any such withdrawal does not have an effect on the validity of the notice as regards its remaining provisions.

Regulation 2(6) inserts a new Part 4A into the 2009 Regulations which imposes an obligation on operators of authorised production businesses and processing establishments to provide information to the competent authority, to compile records and to notify escapes of fish.

Regulation 3 amends the Aquaculture and Fisheries (Scotland) Act 2007 to update the definitions of “fish farming” and “shellfish farming” for the purposes of Part 1 and sections 37 and 38 of that Act. The previous definitions were linked to registration requirements for fish farming and shellfish farming activities under section 7 of the Diseases of Fish Act [1983 \(c.30\)](#) (“the 1983 Act”). The 1983 Act was repealed by the 2009 Regulations and the registration requirements of the 1983 Act were superseded by a requirement for aquaculture production businesses to be authorised under regulation 6 of those Regulations. The new definitions reflect this change in regulatory regime.

Regulation 4 revokes the Shellfish and Specified Fish (Third Country Imports) Order 1992.

A Business Regulatory Impact Assessment (“BRIA”) was produced in relation to the 2009 Regulations and owing to the negligible consequences of the provisions of these Regulations, no new BRIA has been produced. Copies of the BRIA associated with the 2009 Regulations are available from Marine Scotland, Victoria Quay, Leith, Edinburgh, EH6 6QQ.