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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Aquatic Animal Health (Miscellaneous Modifications) (Scotland) Regulations 2011**

**Amendment of the Aquaculture and Fisheries (Scotland) Act 2007**

**3.—**(1) The Aquaculture and Fisheries (Scotland) Act 2007(1) is amended in accordance with paragraphs (2) to (4).

(2) In section 12 (interpretation: Part 1)—

- (a) for the definition of “fish farming” substitute ““fish farming” means the keeping of live fish with a view to their sale or to their transfer to other waters; but only where the business involved in that activity is authorised as an aquaculture production business under regulation 6 of the 2009 Regulations;”; and
- (b) for the definition of “shellfish farming” substitute ““shellfish farming” means the cultivation or propagation of shellfish with a view to their sale or transfer to other waters or land; but only where the business involved in that activity is authorised as an aquaculture production business under regulation 6 of the 2009 Regulations;”.

(3) In section 37(6) (definitions for the purposes of that section)—

- (a) for the definition of “fish farming” substitute ““fish farming” has the same meaning as in Part 1, except that businesses involved in such activity need not be authorised as an aquaculture production business under regulation 6 of the 2009 Regulations;”; and
- (b) for the definition of “shellfish farming” substitute ““shellfish farming” has the same meaning as in Part 1, except that businesses involved in such activity need not be authorised as an aquaculture production business under regulation 6 of the 2009 Regulations.”.

(4) In section 44 (interpretation: general), at the end, insert—

““the 2009 Regulations” means the Aquatic Animal Health (Scotland) Regulations 2009 (S.S.I. 2009/85).”.