

SCOTTISH STATUTORY INSTRUMENTS

**2008 No. 326**

**FISH FARMING**

**The Fish Farming Businesses (Record Keeping) (Scotland) Order 2008**

*Made* - - - - *2nd October 2008*  
*Laid before the Scottish Parliament* - - - - *3rd October 2008*  
*Coming into force* - - *10th November 2008*

The Scottish Ministers make the following Order, in exercise of the powers conferred by section 1 of the Aquaculture and Fisheries (Scotland) Act 2007(1) and all other powers enabling them to do so.

PROSPECTIVE

**Citation, commencement and interpretation**

1. This Order may be cited as the Fish Farming Businesses (Record Keeping) (Scotland) Order 2008 and shall come into force on 10th November 2008.
2. In this Order “facility” means any pond, tank, pen, cage or raceway in which fish are kept.

**Commencement Information**

- I1** Art. 1 in force at 10.11.2008, see [art. 1](#)  
**I2** Art. 2 in force at 10.11.2008, see [art. 1](#)

**Information about fish farms**

3. A person who carries on a business of fish farming shall in respect of each site at which fish are farmed in the course of the business—
  - (a) in relation to the prevention, control and reduction of parasites on fish farms, compile the records that are specified in Schedule 1; and
  - (b) in relation to the containment, prevention of escape and recovery of fish from fish farms, compile the records that are specified in Schedule 2,

**Status:** This version of this Instrument contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fish Farming Businesses (Record Keeping) (Scotland) Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

and in both cases shall retain the records for a period of 3 years.

**Commencement Information**

**I3** Art. 3 in force at 10.11.2008, see [art. 1](#)

St Andrew's House,  
Edinburgh  
2nd October 2008

*MICHAEL W RUSSELL*  
Authorised to sign by the Scottish Ministers

**Status:** This version of this Instrument contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fish Farming Businesses (Record Keeping) (Scotland) Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

## SCHEDULE 1

Article 3(a)

### RECORDS IN RELATION TO THE PREVENTION, CONTROL AND REDUCTION OF PARASITES

1. A record of all training undertaken by each person working there in relation to—
  - (a) parasite identification;
  - (b) counting of parasites;
  - (c) recording of such counts;
  - (d) biology and life-cycle of parasites; and
  - (e) symptoms of parasite infection in fish.

#### Commencement Information

**I4** Sch. 1 para. 1 in force at 10.11.2008, see [art. 1](#)

2. A record of the number of parasites counted in the course of a weekly count of parasites including—
  - (a) the name of each person making the count;
  - (b) the date of the count;
  - (c) the number of fish sampled per facility;
  - (d) the identification number of each facility from which a sample of fish is taken;
  - (e) the water temperature as measured at the half way point of the depth of the facility containing the fish sampled;
  - (f) the number of parasites counted on the fish sampled per facility and the stages of the life-cycle of the parasites counted, those stages for *Caligus elongatus* being mobiles and for *lepeophtheirus salmonis* being non-gravid mobiles and gravid females; and
  - (g) the reason for not conducting a weekly count of parasites in the event that such a count is not undertaken in any week.

#### Commencement Information

**I5** Sch. 1 para. 2 in force at 10.11.2008, see [art. 1](#)

3. A record of particulars relating to the administration of any medicinal product to farmed fish, which record shall be prepared as soon as practicable after administration of the product and including—
  - (a) the date of administration;
  - (b) the identity of the product;
  - (c) the concentration and amount of the product;
  - (d) the method of administration of the product;

*Status: This version of this Instrument contains provisions that are prospective.*

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fish Farming Businesses (Record Keeping) (Scotland) Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) the identification number of all facilities which have been the subject of administration of the product; and
- (f) the name of the person who administered the product.

**Commencement Information**

**16** Sch. 1 para. 3 in force at 10.11.2008, see [art. 1](#)

- 4.** A record of particulars relating to any other methods employed to control parasites or treat their impact including—
- (a) the nature of the method employed;
  - (b) the date the method was employed;
  - (c) the identification number of all facilities which were the subject of the method; and
  - (d) the name of the person employing such other method.

**Commencement Information**

**17** Sch. 1 para. 4 in force at 10.11.2008, see [art. 1](#)

- 5.** In respect of any management area operated in accordance with the Code of Good Practice for Scottish Finfish Aquaculture<sup>(2)</sup> within which a person carries on the business of fish farming, a record of—
- (a) the name of each person who is a member of any group involved in co-ordinating a strategy for control and treatment of parasites;
  - (b) the name of any person nominated to act as co-ordinator of a group referred to in sub-paragraph (a); and
  - (c) any decision taken at a meeting held by a group referred to in sub-paragraph (a) regarding action to be taken in relation to prevention, control and reduction of parasites.

**Commencement Information**

**18** Sch. 1 para. 5 in force at 10.11.2008, see [art. 1](#)

SCHEDULE 2

Article 3(b)

RECORDS IN RELATION TO CONTAINMENT,  
PREVENTION AND RECOVERY OF ESCAPE OF FISH

- 1.** In relation to each facility, net, and mooring a record of—
- (a) the name of the manufacturer;
  - (b) any special adaptations;
  - (c) the name of the supplier;
  - (d) the date of purchase;

<sup>(2)</sup> The Code of Good Practice for Scottish Finfish Aquaculture was published by the Scottish Executive on 15th March 2006 and may be found on [www.scottishsalmon.co.uk/dlDocs/CoGp.pdf](http://www.scottishsalmon.co.uk/dlDocs/CoGp.pdf).

*Status: This version of this Instrument contains provisions that are prospective.*

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fish Farming Businesses (Record Keeping) (Scotland) Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) each inspection including—
  - (i) the name of the person conducting the inspection;
  - (ii) the date of each inspection;
  - (iii) the place of each inspection; and
  - (iv) the outcome of each inspection, and
- (f) the date and result of each repair, equipment test and antifouling treatment carried out.

---

**Commencement Information**

**I9** Sch. 2 para. 1 in force at 10.11.2008, see [art. 1](#)

- 2. In relation to each net a record of—
  - (i) the mesh size;
  - (ii) the code which appears on the identification tag;
  - (iii) the place of use, storage and disposal; and
  - (iv) the depth of water between the bottom of the net and the seabed as measured at the mean low water spring.

---

**Commencement Information**

**I10** Sch. 2 para. 2 in force at 10.11.2008, see [art. 1](#)

- 3. In relation to each facility a record of—
  - (i) the date of construction;
  - (ii) the materials used in construction; and
  - (iii) its dimensions.

---

**Commencement Information**

**I11** Sch. 2 para. 3 in force at 10.11.2008, see [art. 1](#)

- 4. In relation to each mooring a record of—
  - (i) the date of installation;
  - (ii) the design and weight of the anchors; and
  - (iii) the length of the mooring ropes or chains.

---

**Commencement Information**

**I12** Sch. 2 para. 4 in force at 10.11.2008, see [art. 1](#)

- 5. A record of any navigation markers deployed.

---

**Commencement Information**

**I13** Sch. 2 para. 5 in force at 10.11.2008, see [art. 1](#)

*Status: This version of this Instrument contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fish Farming Businesses (Record Keeping) (Scotland) Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

6. In relation to any boat operations a record of—
- (a) all training and qualifications of each person working there in the use of each boat;
  - (b) the type and size of each boat used for operations on the site; and
  - (c) the type and size of any propeller guard fitted to each boat used for operations on the site.

**Commencement Information**

I14 Sch. 2 para. 6 in force at 10.11.2008, see [art. 1](#)

7. In relation to any transfer of, or handling of, fish a record of—
- (a) all training of each person working there in relation to containment and prevention of escape of fish, and recovery of escaped fish; and
  - (b) any assessment of the escape of fish carried out.

**Commencement Information**

I15 Sch. 2 para. 7 in force at 10.11.2008, see [art. 1](#)

8. A record of any anti-predator measures undertaken including—
- (a) the type and location of each net, fence and scarer deployed;
  - (b) the use of lethal means by any person involved in operations on the site; and
  - (c) any assessment of risk of escape of fish carried out.

**Commencement Information**

I16 Sch. 2 para. 8 in force at 10.11.2008, see [art. 1](#)

9. A record of any contingency plan for preventing escapes of fish from fish farms and recovering any fish which have escaped prepared by a person carrying on the business of fish farming.

**Commencement Information**

I17 Sch. 2 para. 9 in force at 10.11.2008, see [art. 1](#)

10. In respect of sites at which fish are farmed in inland waters, being waters which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows—
- (a) the type, method of and date of construction of any flood prevention or flood defence measures in place;
  - (b) the date of and results of any tests conducted on any such measures;
  - (c) the date of any incident where the site was flooded; and
  - (d) the water course height during any such flood incident.

**Commencement Information**

I18 Sch. 2 para. 10 in force at 10.11.2008, see [art. 1](#)

**Status:** This version of this Instrument contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fish Farming Businesses (Record Keeping) (Scotland) Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**11.** A record of–

- (a) the date of any severe weather event which caused damage to any facility, net or mooring;  
and
- (b) any action taken to rectify any such damage.

**Commencement Information**

**I19** Sch. 2 para. 11 in force at 10.11.2008, see [art. 1](#)

PROSPECTIVE

---

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order sets out the records which must be compiled and retained by those engaged in the business of fish farming in respect of each site in which they farm fish. The records specified in the Order are in relation to the control of and treatment of parasites and the containment, prevention of escapes of fish and recovery of escaped fish.

In terms of section 2 of the Aquaculture and Fisheries (Scotland) Act 2007 it is an offence to fail to comply, without reasonable excuse, with a requirement of this Order, to compile a record which is false in a material particular, or to knowingly alter a record so that the record becomes false in a material particular. An offence under section 2 is punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

**Status:**

This version of this Instrument contains provisions that are prospective.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fish Farming Businesses (Record Keeping) (Scotland) Order 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 1 para. 1 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 1 para. 2 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 1 para. 3 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 1 para. 4 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 1 para. 5 coming into force by [S.S.I. 2008/326 art. 1](#)
- sch. 1 para. 2(f) substituted by [S.S.I. 2020/447 art. 4](#)
- Sch. 2 para. 1 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 2 para. 2 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 2 para. 3 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 2 para. 4 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 2 para. 5 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 2 para. 6 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 2 para. 7 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 2 para. 8 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 2 para. 9 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 2 para. 10 coming into force by [S.S.I. 2008/326 art. 1](#)
- Sch. 2 para. 11 coming into force by [S.S.I. 2008/326 art. 1](#)
- art. 1 coming into force by [S.S.I. 2008/326 art. 1](#)
- art. 2 coming into force by [S.S.I. 2008/326 art. 1](#)
- art. 3 coming into force by [S.S.I. 2008/326 art. 1](#)