
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 103

**The Alien and Locally Absent Species in
Aquaculture (Scotland) Regulations 2015**

PART 5

ENFORCEMENT

Enforcement notices

25.—(1) Where the competent authority considers that any person has not complied with, or is not complying with, Council Regulation 708/2007 or these Regulations it may serve an enforcement notice on that person.

(2) The competent authority may serve an enforcement notice on an operator of an aquaculture facility where it considers that aquatic organisms present in an aquaculture facility were introduced in contravention of—

- (a) Council Regulation 708/2007;
- (b) these Regulations; or
- (c) any condition of a permit (including a permit amended under regulation 5) or a notice served under regulation 11(2)(a) or (b) or (3) (movement of Annex IV species).

(3) An enforcement notice must state—

- (a) the matters which constitute the contravention or failure to comply;
- (b) the steps which the person on whom it is served must take or is prohibited from taking;
- (c) the date by which the steps must be taken;
- (d) the reasons for the service of the notice and for the requirements in it; and
- (e) that there is a right of appeal under regulation 26.

(4) An enforcement notice may require the person on whom it is served to—

- (a) remove and dispose of any aquatic organism in a manner and within a period specified in the notice; and
- (b) take such steps as are required to ensure that the aquaculture facility is, so far as possible, restored to its condition prior to the contravention.

(5) Where an enforcement notice is not complied with the competent authority may—

- (a) take such steps as it considers necessary (including the removal and disposal of any aquatic organisms) to—
 - (i) ensure compliance with the requirements of the notice; or
 - (ii) remedy the consequences of the failure to carry them out; and
- (b) recover any expenses reasonably incurred in so doing from the person who has failed to comply with the notice.

(6) The competent authority may remove and dispose of any aquatic organisms without serving an enforcement notice—

(a) in an emergency; and

(b) at the cost of the person or operator mentioned in paragraph (1) or (2).

(7) In this regulation “operator” means any person who is responsible for the management of the aquaculture facility.

Commencement Information

II [Reg. 25](#) in force at 3.4.2015, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Alien and Locally Absent Species in Aquaculture (Scotland) Regulations 2015, Section 25.