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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 340**

**AQUACULTURE  
FISH FARMING**

**The Fish Farming Code of Practice (Scotland) Order 2021**

	<i>23rd September</i>
<i>Made</i> - - - -	<i>2021</i>
<i>Laid before the Scottish</i>	
<i>Parliament</i> - - - -	<i>27th September 2021</i>
	<i>22nd November</i>
<i>Coming into force</i> - -	<i>2021</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 7(1) and (2) of the Aquaculture and Fisheries (Scotland) Act 2007<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 7(1) and (2) of that Act, this Order is made for the purposes of—

- (a) giving practical guidance to persons who carry on a business of fish farming, and
- (b) promoting what appear to the Scottish Ministers to be desirable practices by such persons, with respect to the containment of fish on fish farms, and the prevention of escape of fish from fish farms.

In accordance with section 7(4) of that Act, the Scottish Ministers have consulted such persons as they considered appropriate.

**Citation and commencement**

1. This Order may be cited as the Fish Farming Code of Practice (Scotland) Order 2021 and comes into force on 22 November 2021.

**Code of Practice**

2. The code of practice entitled “Aquaculture Code of Practice: Containment of and Prevention of Escape of Fish on Fish Farms in relation to Marine Mammal Interactions” and issued by the Scottish Ministers on 21 September 2021<sup>(2)</sup> is approved by the Scottish Ministers.

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(1) 2007 asp 12.

(2) The full text of the Code is available at <https://www.gov.scot/publications/aquaculture-code-practice-containment-prevention-escape-fish-fish-farms-relation-marine-mammal-interactions-2/>.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
23rd September 2021

*MAIRI GOUGEON*  
A member of the Scottish Government

## EXPLANATORY NOTE

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

This Order approves the code of practice entitled “Aquaculture Code of Practice: Containment of and Prevention of Escape of Fish on Fish Farms in relation to Marine Mammal Interactions”, which was issued by the Scottish Ministers on 21 September 2021 (“the Code”). The Code relates to the containment of fish on fish farms and the prevention of escape of fish from fish farms.

Under section 8 of the Aquaculture and Fisheries (Scotland) Act 2007 (“the 2007 Act”), the Scottish Ministers may serve notice on a person who carries on a business of fish farming where it appears to them that that person is not complying with, or is likely to not comply with, the Code in a material regard. Such a notice may require the execution of such works or the taking of such other steps as the Scottish Ministers consider necessary for securing compliance with the Code.

Section 8(5) of the 2007 Act applies the provisions of section 6(6) to (13) of that Act (enforcement notices) to any notice issued under section 8. It is an offence for a person to contravene a notice issued under section 8 and any person who commits such an offence is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

A Business and Regulatory Impact Assessment in relation to this Order has been prepared and placed in the Scottish Parliament Information Centre. Copies of it can be obtained from Marine Scotland, Victoria Quay, Leith, Edinburgh EH6 6QQ and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).