

STATUTORY INSTRUMENTS

1985 No. 1391

**RIVER, ENGLAND AND WALES
RIVER, SCOTLAND****SALMON AND FRESHWATER FISHERIES****The Registration of Fish Farming and Shellfish Farming
Businesses Order 1985***Made* - - - 4th September 1985*Laid before Parliament* 10th September 1985*Coming into Operation* 1st October 1985

Whereas, in accordance with section 7(1) of the Diseases of Fish Act 1983(a), it appears to the Minister of Agriculture, Fisheries and Food, the Secretary of State for Wales and the Secretary of State for Scotland necessary to make an order under section 7 of that Act for the purpose of obtaining information with a view to preventing the spread of disease among fish;

Now, therefore, the said Minister in relation to England and the marine waters adjacent to England, the Secretary of State for Wales in relation to Wales and the marine waters adjacent to Wales and the Secretary of State for Scotland in relation to Scotland (including the marine waters thereof), in exercise of the powers conferred on them by the said section 7 and of all other powers enabling them in that behalf, hereby make the following order:—

Title and commencement

1. This order may be cited as the Registration of Fish Farming and Shellfish Farming Businesses Order 1985 and shall come into operation on 1st October 1985.

Interpretation

2.—(1) In this order “fish” does not include shellfish.

(2) Any reference in this order to fish or shellfish, other than an express reference to dead fish or dead shellfish, is a reference to live fish or live shellfish.

(3) Any reference in this order to a numbered article or schedule is a reference to the article or schedule so numbered in this order.

Registration of fish farming and shellfish farming businesses

3.—(1) A person who —

(a) occupies an inland fish farm for the purposes of a business of fish farming carried on by him (whether or not for profit),

(a) 1983 c.30.

- (b) owns or possesses any cage, pontoon or other structure which is anchored or moored in marine waters and is used by him for the purposes of a business of fish farming carried on by him (whether or not for profit), or
- (c) carries on a business of shellfish farming (whether or not for profit),

shall, within 2 months of the appropriate date, register the business in the register kept for the purpose by the Minister by notifying the Minister in writing of the particulars relating to the business that are specified in Schedule 1.

(2) In paragraph (1) of this article “the appropriate date” means the date of commencement of this order or the date on which the business is commenced, whichever is the later.

(3) If there is a change in any of the particulars relating to a business that are specified in Part I of Schedule 1 and which have been notified under paragraph (1) of this article, the person who carries on the business shall, within 1 month of the change, notify the Minister in writing of the new particulars.

(4) If a business of fish farming or shellfish farming that is required by paragraph (1) of this article to be registered ceases to operate, the person who was carrying on the business immediately prior to its cessation shall, within 1 month of the cessation, notify the Minister in writing that the business has ceased to operate.

Furnishing of information

4.—(1) A person who carries on a business of fish farming or shellfish farming that is required by article 3 to be registered shall, not later than 31st December 1986 in respect of the year ending on 30th November 1986, and not later than 31st December in each subsequent year in respect of the previous year, furnish in writing to the Minister —

- (a) in the case of a business of fish farming, the information specified in Part I of Schedule 2 in respect of each site at which fish are farmed in the course of the business, and
- (b) in the case of a business of shellfish farming, the information specified in Part II of Schedule 2 in respect of each site at which shellfish are farmed in the course of the business.

(2) A person who carries on a business of fish farming or shellfish farming that is required by article 3 to be registered shall, if so requested by the Minister, furnish in writing to the Minister —

- (a) a statement as to whether the particulars relating to that business in the register mentioned in article 3(1) are accurate, a copy of those particulars having been supplied by the Minister, and
- (b) accurate particulars in place of any such particulars that are inaccurate.

(3) In this article “year” means a period of 12 months ending on 30th November.

Records

5.—(1) A person who carries on a business of fish farming or shellfish farming that is required by article 3 to be registered shall compile a record —

- (a) in the case of a business of fish farming, of the particulars specified in Part I of Schedule 3 in respect of each site at which fish are farmed in the course of the business, and
- (b) in the case of a business of shellfish farming, of the particulars specified in Part II of Schedule 3 in respect of each site at which shellfish are farmed in the course of the business.

(2) The particulars specified in the appropriate Part of Schedule 3 shall be entered in the record kept in pursuance of paragraph (1) of this article within 24 hours of the occurrence of the event to which the particulars relate.

(3) The records compiled in pursuance of paragraph (1) of this article shall be retained for 3 years by the person carrying on the business to which the records relate.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th September 1985.



Michael Jopling,
Minister of Agriculture, Fisheries and Food.

Nicholas Edwards,
Secretary of State for Wales.

22nd August 1985.

George Younger,
Secretary of State for Scotland.

21st August 1985.

Article 3(1)

SCHEDULE 1

PARTICULARS TO BE NOTIFIED ON REGISTRATION

PART I

1. The business name, if any.
2. The nature of the business.
3. The name of the person who carries on the business.
4. The address of the business.
5. The telephone number, if any, of the business.
6. The telex number, if any, of the business.
7. The address (or other description) of each site at which fish or shellfish are farmed in the course of the business.
8. In relation to each site at which fish or freshwater shellfish are farmed in the course of the business —
 - (a) the number and type of fish holding facilities and of shellfish holding facilities;
 - (b) the source of the water supply and a statement as to whether that supply is of salt water or fresh water; and
 - (c) a statement as to whether effluent water from the site is discharged into any, and if so which, river or other watercourse.
9. In relation to each site at which salt water shellfish are farmed in the course of the business, the number and type of husbandry facilities.

PART II

10. In relation to each site at which fish or shellfish are farmed in the course of the business —
 - (a) the name of each species of fish and shellfish that are held at the site;
 - (b) in the case of salmon held at the site, a statement whether there are —
 - (i) brood fish,
 - (ii) ova;
 - (iii) fry, parr or smolts, and
 - (iv) post-smolts;
 - (c) in the case of each species of fish other than salmon held at the site, a statement whether there are —
 - (i) brood fish,
 - (ii) ova,
 - (iii) fish weighing up to 5 grams, and
 - (iv) fish weighing more than 5 grams;
 - (d) in the case of each species of shellfish held at the site, a statement whether there are —
 - (i) larvae or spat,
 - (ii) juvenile shellfish, and
 - (iii) adult shellfish.

SCHEDULE 2

Article 4(1)

INFORMATION TO BE FURNISHED ANNUALLY

PART I

FISH FARMING BUSINESSES

1. The number of consignments —
 - (a) in the case of salmon of —
 - (i) ova,
 - (ii) fry, parr or smolts, and
 - (iii) post-smolts, and
 - (b) in the case of each species of fish other than salmon of —
 - (i) ova,
 - (ii) fish weighing up to 5 grams, and
 - (iii) fish weighing more than 5 grams,that were moved on to the site, and from the site for the purpose of stocking other waters.
2. The number —
 - (a) in the case of salmon of —
 - (i) ova,
 - (ii) fry, parr or smolts, and
 - (iii) post-smolts, and
 - (b) in the case of each species of fish other than salmon of —
 - (i) ova,
 - (ii) fish weighing up to 5 grams, and
 - (iii) fish weighing more than 5 grams,that were moved on to the site, and from the site for the purpose of stocking other waters.
3. A statement whether fish, alive or dead, have been moved on to the site to be eviscerated or processed.

PART II

SHELLFISH FARMING BUSINESSES

1. In the case of shellfish moved on to the site —
 - (a) the number of consignments of each species which have been obtained from hatcheries or nurseries, from shellfish farms, and from wild stocks; and
 - (b) the total number or total weight of each species which have been obtained from hatcheries or nurseries, from shellfish farms, and from wild stocks.
2. In the case of shellfish moved off the site for the purpose of stocking other waters —
 - (a) the number of consignments of each species; and
 - (b) the total number or total weight of each species.

Article 5

SCHEDULE 3

PARTICULARS TO BE INCLUDED IN RECORDS

PART I

FISH FARMING BUSINESSES

1. In respect of each consignment of fish or ova moved on to the site —
 - (a) the date of the movement,
 - (b) the species,
 - (c) the number,
 - (d) in the case of salmon, a statement as to whether the consignment consisted of ova, fry, parr, smolts or post-smolts,
 - (e) in the case of fish other than salmon, a statement as to whether the consignment consisted of ova, fish weighing up to 5 grams or fish weighing more than 5 grams,
 - (f) the source, and
 - (g) the name of the carrier.
2. In respect of each consignment of fish or ova moved from the site —
 - (a) the date of the movement,
 - (b) the species,
 - (c) the number,
 - (d) in the case of salmon, a statement as to whether the consignment consisted of ova, fry, parr, smolts or post-smolts,
 - (e) in the case of fish other than salmon, a statement as to whether the consignment consisted of ova, fish weighing up to 5 grams or fish weighing more than 5 grams,
 - (f) the destination, and
 - (g) the name of the carrier.

PART II

SHELLFISH FARMING BUSINESSES

1. In respect of each consignment of shellfish moved on to the site —
 - (a) the date of the movement,
 - (b) the species,
 - (c) the number or weight,
 - (d) the average size or weight,
 - (e) the source, and
 - (f) the name of the carrier.
2. In respect of each consignment of shellfish moved from the site for the purpose of stocking other waters —
 - (a) the date of the movement,
 - (b) the species,
 - (c) the number or weight,
 - (d) the average size or weight,
 - (e) the destination, and
 - (f) the name of the carrier.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order provides for the registration of fish farming businesses and shellfish farming businesses in Great Britain (article 3); it provides for the furnishing of information in relation to such businesses (articles 3 and 4); and it requires persons who carry on such businesses to compile and retain records (article 5).

Section 7(7) of the Diseases of Fish Act 1983 empowers authorised persons to inspect records retained by virtue of the order and section 8 of that Act creates offences in relation to the order. The maximum penalty for such offences is level 4 on the standard scale, which stands at present at £1,000.

SI 1985/1391
ISBN 0-11-057391-9

