



# Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

## PART 1

### AQUACULTURE

#### CHAPTER 3

##### COMMERCIALLY DAMAGING SPECIES

###### *Orders relating to commercially damaging species*

#### **15 Notification of presence of commercially damaging species**

- (1) Any person who carries on a business of fish farming or shellfish farming at a fish farm or shellfish farm must notify the Scottish Ministers as soon as reasonably practicable after the person becomes aware of, or suspects, the presence of a commercially damaging species on the fish farm or shellfish farm.
- (2) Subsection (1) applies to any person who is employed, or acts as an agent, in connection with the operation of a fish farm or shellfish farm as it applies to a person mentioned in that subsection; but notification under this subsection need not be given if it has been given under subsection (1).
- (3) Notification under subsection (1) or (2) must contain the following—
  - (a) where the fish farm or shellfish farm is authorised as an aquaculture production business under regulation 6 of the Aquatic Animal Health (Scotland) Regulations 2009 (S.S.I. 2009/85), the name and number of the site where the commercially damaging species is present or suspected of being present,
  - (b) the name and contact details of—
    - (i) the person providing the notification, and
    - (ii) the person carrying on the business of fish farming or shellfish farming at the fish farm or shellfish farm,

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**Changes to legislation:** There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 15. (See end of Document for details)

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- (c) the grid reference on the ordnance map of the fish farm or shellfish farm, or part of such farm, where the commercially damaging species is present or is suspected of being present,
  - (d) the type of commercially damaging species (if known),
  - (e) the date on which the person providing the notification first became aware of, or suspected, the presence of the commercially damaging species,
  - (f) the age in months of the commercially damaging species (if known), and
  - (g) the stage of growth of the commercially damaging species (if known).
- (4) A person who fails to give a notification in accordance with subsection (1) or (2) commits an offence.
- (5) It is a defence for a person charged with an offence under subsection (4) to show that the person had a reasonable excuse for failing to give the notification.
- (6) A person who commits an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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**Commencement Information**

**II** S. 15 in force at 16.9.2013 by S.S.I. 2013/249, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2013, Section 15.