
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 103

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

PART 6

OFFENCES AND PENALTIES

Offences

- 27.** A person commits an offence if that person—
- (a) for the purpose of procuring the grant or amendment of a permit—
 - (i) makes a statement which that person knows or suspects to be false or misleading in a material particular; or
 - (ii) intentionally fails to disclose any material particular;
 - (b) abandons, releases or allows to escape any aquatic organism, the movement of which took place under a permit or under a notice served under regulation 11(2) (movement of Annex IV species) unless that person can show that all reasonable steps were taken and due diligence exercised to avoid the abandonment or escape;
 - (c) refuses, or fails, to comply with a requirement under regulation 24(5) (seizure of items) unless that person can show that that person had a reasonable excuse for failing to comply or refusing to comply;
 - (d) refuses, or fails, to comply with an enforcement notice served under regulation 25(1) or (2) (enforcement notices) unless—
 - (i) that person can show that the person had a reasonable excuse for failing to comply; or
 - (ii) regulation 26(7) (appeals: enforcement notices) applies;
 - (e) fails to comply with any direction requiring the disposal of aquatic organisms under regulation 6(3) (suspension of permit), 7(3) (revocation of permit), 13(3) (suspension of notice under regulation 11) or 14(3) (revocation of notice under regulation 11);
 - (f) fails, without reasonable cause, to give an inspector any assistance or information which the inspector may reasonably require for the purposes of the inspector's functions under these Regulations;
 - (g) intentionally obstructs an inspector;
 - (h) knowingly gives false or misleading information to an inspector;
 - (i) fails to comply with regulation 9(2) or (4) (notification of movement of Annex IV species or translocation of locally absent species); or
 - (j) fails to immediately implement an approved contingency plan as required by Article 17 of Council Regulation 708/2007 when a contingency event in that plan occurs.

Commencement Information

I1 [Reg. 27](#) in force at 3.4.2015, see [reg. 1\(1\)](#)

Penalties

28. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.

Commencement Information

I2 [Reg. 28](#) in force at 3.4.2015, see [reg. 1\(1\)](#)

Offences by bodies corporate or Scottish partnerships

29.—(1) Where—

- (a) an offence under these Regulations has been committed by a body corporate or a Scottish partnership or other unincorporated association; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
 - (i) a relevant individual; or
 - (ii) a person purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a Scottish partnership, a partner; and
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

Commencement Information

I3 [Reg. 29](#) 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, PART 6.