

## POLICY NOTE

### THE FISH FARMING BUSINESSES (REPORTING) (SCOTLAND) ORDER 2020

#### SSI 2020/447

The above instrument is made in exercise of the powers conferred by section 1(1) of the Aquaculture and Fisheries (Scotland) Act 2007 (“the 2007 Act”). The instrument is subject to negative procedure.

#### Summary Box

The purpose of the instrument is to require all Aquaculture Production Businesses in Scotland that farm fish (other than in freshwater sites) to report an average weekly female adult sea lice number, one week in arrears, to the Scottish Government for publication. The species which requires to be reported on is *Lepeophtheirus salmonis*.

#### Policy Objectives

The primary reason for requiring sea lice reporting is to support the Scottish Government’s implementation of sea lice policy and management of sea lice on fish farms. The instrument will require all Aquaculture Production Businesses that farm fish (other than in a freshwater environment) to report average *Lepeophtheirus salmonis* numbers, in writing, on a weekly basis. Section 2 of the Aquaculture and Fisheries (Scotland) Act 2007 makes it an offence to fail to comply with the provisions of this instrument.

#### Consultation

The policy was developed through the Farmed Fish Health Working Group, whose membership was representative of the industry and included finfish farming businesses, trade associations/networks, the Scottish Aquaculture Innovation Centre and veterinary professionals, as well as regulatory and advisory bodies.

There is no legislative requirement to consult but in accordance with good practice relevant parties including industry, regulators, wild salmon interests, environmental interests and professional vets were consulted.

A number of key points were raised which resulted in amendments being made to the draft Order. These included:

- **Amendment to the definition of ‘site’** such that reporting is only required for marine sites (specified in the Order as sites which are not freshwater) and where salmonid fish are present. This was requested by the industry to clarify that reporting would only be needed for sites where the conditions are such that sea lice may be present.
- **That reporting should not be required for sites which are fallow** since sea lice cannot be present in the absence of fish. This was suggested by industry to minimise handling of unnecessary data.

Amendments made in response to these points reduce administrative burden on industry and negate the need to provide nil returns in some circumstances by removing the obligation to report when sea lice cannot be present. These amendments also reduce the amount of

unnecessary data to be analysed by the Fish Health Inspectorate (“FHI”). These amendments are supported.

- **That the wording of the amendment to the Fish Farming Businesses (Record Keeping) (Scotland) Order 2008** be changed. This was suggested by industry and the Fish Vets Society to provide clarity and avoid potential inaccuracies in recording and in reporting as ‘adult females’ are also included or defined as ‘mobiles.’

Amendments made in response to this point provide clarity regarding the stages of the sea lice life cycle to be recorded under the 2008 Act. Recording is currently undertaken in line with the Code of Good Practice for Scottish Finfish Aquaculture in a manner which is acceptable to the FHI. We do not wish to introduce a complication to the definition of the life stages to be reported when it is currently satisfactory. The amendment as now drafted offers clarity and avoids the potential for confusion.

A number of other issues were raised, mostly from environmental or wild fish interests, including requests for raw data and fish biomass to be reported to provide contextual information to sea lice data reported. The development of policy relating to sea lice reporting was discussed in fora such as the Farmed Fish Health Framework.

We do not consider that the number of fish, or the biomass of fish, present at a site at the time of sampling is required to support the Scottish Government’s implementation of sea lice policy which is the policy intent of this Order. Current sea lice management policy is based upon the average number of sea lice and we do not believe that reporting of raw data would improve the performance of the policy.

### **Impact Assessments**

This instrument complements the Fish Farming Businesses (Record Keeping) (Scotland) Order 2008 (“the 2008 Order”) as the sea lice average to be reported under this instrument is already collected by Scottish aquaculture production businesses under the 2008 Order. This instrument requires businesses to report the weekly average adult female sea lice count per fish. As such, a screening report for a Strategic Environmental Assessment (SEA) has been completed on the draft Fish Farming Businesses (Reporting) (Scotland) Order 2020 and is attached. The screening report identified that an SEA was not required. Following consultation, no equality, children's, privacy, or fairer Scotland duty impact issues have been identified.

### **Financial Effects**

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is that the reporting requirements of this Order are expected to require additional human resource associated with an increase in administration relating to the compilation and verification of data to be reported. No definitive costs were provided from industry. An electronic reporting system is being developed to facilitate the provision of data required by this Order. As a result of discussion with the industry, the approach being developed is the simplest and least burdensome and therefore the option preferred by the industry.