SCOTTISH STATUTORY INSTRUMENTS

2003 No. 560

RIVERS

The Prohibition of Keeping or Release of Live Fish (Specified Species) (Scotland) Order 2003

Made - - - - 18th November 2003
Laid before the Scottish Parliament - - - - 19th November 2003
Coming into force in accordance with article 1(2) and (3)

The Scottish Ministers, in exercise of the powers conferred by section 1(1) of the Import of Live Fish (Scotland) Act 1978(**1**) and of all other powers enabling them in that behalf and, in accordance with section 1(2)(**2**) of that Act, after consultation with Scottish Natural Heritage and such other persons as the Scottish Ministers consider appropriate and being of the opinion that the species of live fish to which this Order applies might compete with, displace, prey on or harm the habitat of any freshwater fish, shellfish or salmon in Scotland, hereby make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Prohibition of Keeping or Release of Live Fish (Specified Species) (Scotland) Order 2003.

(2) Articles 1, 2 and 4 of this Order shall come into force on 10th December 2003.

(3) Article 3 of this Order shall come into force–

(a) in relation to fish specified in Schedule 1 first kept before 10th December 2003 on 10th June 2004;

(b) in relation to fish specified in Schedule 2 first kept before 10th December 2003, on that date; and

(c) in relation to fish specified in Schedules 1 and 2 first kept or released on or after 10th December 2003, on that date.

(**1**) 1978 c. 35. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) Section 1(2) was amended by the Environmental Protection Act 1990 (c. 43), Schedule 9, paragraph 7 and the Natural Heritage (Scotland) Act 1991 (c. 28), Schedule 2, paragraph 6.

Interpretation

2. In this Order "Scotland" has the same meaning as in section 126(1) of the Scotland Act 1998(**3**).

Prohibition of keeping or release of specified fish

3. No person shall keep or release in Scotland any live fish or the live eggs of fish of the species specified in Schedules 1 and 2 to this Order, except under the authority of a licence granted by the Scottish Ministers.

Revocations and savings

4.—(1) Subject to paragraph (2), the Orders specified in Schedule 3 to this Order are hereby revoked.

(2) The Orders specified in Schedule 3 to this Order shall continue to apply for the purposes of the legal process of such charges as may be brought for contravening the provisions of the Orders prohibiting the keeping or release of live fish or live eggs of fish without a valid licence.

Pentland House, Edinburgh
18th November 2003

ALLAN WILSON
A member of the Scottish Executive

(**3**) Waters adjacent to Scotland are defined in the Scottish Adjacent Waters Boundaries Order 1999 (S.I. 1999/1126).

SCHEDULE 1 Article 3

SPECIES OF FISH (INCLUDING LIVE EGGS) WHOSE KEEPING OR RELEASE IN SCOTLAND IS PROHIBITED EXCEPT UNDER AUTHORITY OF A LICENCE GRANTED BY THE SCOTTISH MINISTERS

Common name	*Scientific name*
Asp	*Aspius aspius*
Barbel	species of the genus *Barbus* (excluding the native *Barbus barbus*)
Bass (including striped bass, white bass and their crosses e.g. hybrid striped bass)	species of the genus *Morone*
Bighead carp	*Hypophthalmichthys nobilis*
Bitterling	*Rhodeus sericeus/Rhodeus amarus*
Blacknose Dace	*Rhinichthys atratulus*
Blageon	*Leuciscus souffia*
Blue bream	*Abramis ballerus*
Blue Sucker	*Cycleptus elongatus*
Burbot	*Lota lota*
Catfish	species of the genera *Ictalurus, Ameiurus* and *Silurus*
Charr	species of the genus *Salvelinus* (excluding the native *Salvelinus alpinus*)
Chinese black or snail-eating carp	*Myopharyngodon piceus*
Chinese Sucker (also known as Zebra Hi Fin, banded shark/sucker)	*Myxocyprinus asiaticus*
Common White Sucker	*Catostomus commersoni*
Danubian bleak	*Chalcalburnus chalcoides*
Danubian Salmon & Taimen	species of the genus *Hucho*
Eastern Mudminnow	*Umbra pygmaea*
European Mudminnow	*Umbra krameri*
Fathead minnow (or Roseyreds)	*Pimephales promelas*
Freshwater minnow, Dragon Fish or Pale chub	*Zacco platypus*
Grass carp	*Ctenopharyngodon idella*
Landlocked salmon	non anadromous varieties of the species *Salmo salar*
Largemouth bass	*Micropterus salmoides*
Marbled trout	*Salmo marmoratus*
Nase	*Chondrostoma nasus*