SCOTTISH STATUTORY INSTRUMENTS

2002 No. 193

RIVER

SALMON AND FRESHWATER FISHERIES

The Registration of Fish Farming and Shellfish Farming Businesses Amendment (Scotland) Order 2002

Made - - - -	*17th April 2002*
Laid before the Scottish Parliament - - - -	*19th April 2002*
Coming into force - -	*10th May 2002*

The Scottish Ministers, in exercise of the powers conferred by section 7(1), (2) and (3) of the Diseases of Fish Act 1983(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Registration of Fish Farming and Shellfish Farming Businesses Amendment (Scotland) Order 2002 and shall come into force on 10th May 2002.

(2) This Order extends to Scotland only.

Amendment of the Registration of Fish Farming and Shellfish Farming Business Order 1985

2.—(1) The Registration of Fish Farming and Shellfish Farming Businesses Order 1985(**2**) is amended as follows.

(2) For article 2(1) (interpretation) there is substituted-

"(1) In this Order—

"fish farm" means any place or structure used for the keeping of fish; and

"fish" does not include shellfish.".

(3) After article 4 there is inserted-

(**1**) 1983 c. 30. 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**) S.I.1985/1391; amended by S.I. 1994/1447 and 1997/1881.

"**Escapes from fish farms**

4A.—(1) A person who carries on a business of fish farming that is required by article 3 to be registered shall notify the Scottish Ministers forthwith of-

(a) the circumstances on, or in the vicinity of, the fish farm which caused, or are believed by that person to have caused, an escape of fish;

(b) any circumstances on, or in the vicinity of, the fish farm which gave rise to a significant risk of an escape of fish.

(2) The notification required by paragraph (1) of this article shall be referred to in this Order as an initial notification and shall be in or as near as may be to the form, and shall contain the information, specified in Schedule 4 to this Order.

Recovery of Fish

4B.—(1) Any person who has submitted an initial notification following the escape of any fish from a fish farm in terms of article 4A(1)(a) shall, not later than 28 days from the date of the initial notification, notify the Scottish Ministers of—

(a) the number of fish that have or are believed by that person to have escaped from the fish farm;

(b) the details of any steps taken by that person to recover those fish; and

(c) the number of any fish recovered in the 14 days following the escape.

(2) The notification required by paragraph (1) of this article shall be referred to in this Order as a final notification and shall be in or as near as may be to the form, and shall contain the information, specified in Schedule 5 to this Order.".

(4) After paragraph 2 of Schedule 3 (particulars to be included in records) there is inserted—

"**3.** A copy of all information notified to the Scottish Ministers in accordance with articles 4A and 4B of this Order.".

(5) After Schedule 3 there are inserted the Schedules set out in Schedules 1 and 2 to this Order.

St Andrew's House,Edinburgh
17th April 2002

ALLAN WILSON
Authorised to sign by the Scottish Ministers