Aquaculture and Fisheries (Scotland) Act 2007

2007 asp 12

PART 1

FISH FARMS AND SHELLFISH FARMS

[F1 Fish farm management agreements and statements

Textual Amendments

F1 Ss. 4A, 4B and preceding cross-heading inserted (16.9.2013) by Aquaculture and Fisheries (Scotland) Act 2013 (asp 7), **ss. 1(2)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2

4A Fish farm management agreements and statements

(1) A person who carries on a business of fish farming at a fish farm located within a farm management area must—

(a) be party to a farm management agreement, or prepare and maintain a farm management statement, in relation to the fish farm, and

(b) ensure that the fish farm is managed and operated in accordance with the agreement or (as the case may be) statement.

(2) For the purposes of this section, a "farm management agreement" is an agreement—

(a) between two or more persons who carry on a business of fish farming at fish farms located in a farm management area, and

(b) which contains provision about the matters specified in subsection (4).

(3) For the purposes of this section, a "farm management statement" is a statement—

(a) prepared and maintained by a person who—

(i) carries on a business of fish farming at a fish farm located in a farm management area, and

(ii) is not, in relation to that fish farm, party to a farm management agreement, and

Changes to legislation: *There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2007, Cross Heading: Fish farm management agreements and statements. (See end of Document for details)*

(b) which contains provision about the matters specified in subsection (4).

(4) The matters referred to in subsections (2)(b) and (3)(b) are—

(a) a description of the farm management area and the fish farm or farms to which the agreement or statement applies,

(b) arrangements for—

(i) fish health management,

(ii) management of parasites,

(iii) the movement of live fish on and off the farms,

(iv) the harvesting of fish,

(v) fallowing of the farms after harvesting,

(c) review of the agreement or statement at least every 2 years,

(d) in the case of a farm management agreement, arrangements for persons to become, or cease to be, parties to the agreement.

(5) In this section—

the " Code of Practice " means the document called the Code of Good Practice for Scottish Finfish Aquaculture as issued and revised from time to time by the body known as the Code of Good Practice Management Group,

" farm management area " means an area specified as such in the Code of Practice.

(6) The Scottish Ministers may by order modify the definition of the Code of Practice in subsection (5) so as to—

(a) substitute a reference to another document for the one for the time being referred to in that definition,

(b) substitute a reference to another body for the one for the time being referred to in that definition.

(7) An order under subsection (6) may—

(a) include incidental, supplemental, consequential, transitional, transitory or saving provision,

(b) modify any enactment, instrument or document.

4B Inspections: farm management agreements and statements

(1) An inspector may carry out an inspection of any fish farm to which section 4A(1) applies for the purpose of ascertaining whether that section is being complied with.

(2) In particular, an inspection under subsection (1) may include—

(a) taking samples (including samples of fish or material from fish),

(b) examining, and taking copies of, documents or records.

(3) An inspector may arrange for the carrying out of such tests as the inspector considers necessary, using samples taken during an inspection under subsection (1), for the purpose mentioned in subsection (1).**]**

Changes to legislation:
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