



The Aquaculture and Fisheries (Scotland) Act 2013

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Aquaculture & Fisheries (Scotland) Bill

Part 1: Aquaculture

Part 2: Salmon Fisheries etc.

Part 3: Sea Fisheries

Part 4: Shellfish

Part 5: Miscellaneous

Part 6: General

Part 1: Aquaculture





Part 1: Aquaculture

S1: Fish farm management agreements and statements

- Requires that all fish farms must be party to a farm management agreement/statement to agree arrangements for–
 - Fish health management
 - Management of parasites
 - Movement of fish
 - Harvesting and fallowing of fish
- Such documents do not have to be published and are solely between fish farms (no external input required).



Part 1: Aquaculture

S2: Escapes, and obtaining samples, from fish farms

- A power for inspectors to require samples of fish from any fish farm.
- This will allow inspectors to take samples from: a farm suspected of an escape, even where no escape has been reported; a farm which either supplied the escaped stock or a site to which the remainder of the stock was moved for growing on; or a site operating in the vicinity of a suspected escape and which may be the origin on the escape.



Part 1: Aquaculture

S3: Technical requirements for equipment

- This is an enabling power for secondary legislation, the purpose of which will be:
 - the containment of fish,
 - prevention of escape of fish
 - and the prevention, control or reduction of parasites, pathogens or diseases.
- Bill was successfully amended to ensure that staff are adequately trained in the use of equipment and that records of such training are maintained for inspection



Part 1: Aquaculture

Provisions consulted on but not taken forward

- Fall back power for Scottish Ministers to specify Farm Management Areas – *Marine Scotland have confirmed that this can be delivered under existing powers*
- Power to revoke consents



Part 1: Aquaculture

Provisions consulted on but not taken forward (cont)

- Collection and publication of sea lice data and information on fish mortality, movement, disease, treatment and production – *Government already have the powers to deliver this. Have reached voluntary agreement with SSPO to deliver these outside legislation.*
- Unsuccessful amendments taken forward on this aspect at Stage 2 and Stage 3. RACCE Committee to write to the Minister this autumn for an update on the SSPO proposed reporting areas.



Part 1: Aquaculture

Provisions consulted on but not taken forward (cont)

- Power to require SEPA to reduce Biomass consents – *SEPA can already reduce biomass consent in certain circumstances. The Scottish Government will consider further non-legislative solutions and are in discussion with SEPA about these matters.*



Part 1: Aquaculture

Provisions consulted on but not taken forward (cont)

- A power for Scottish Ministers to determine a lower treatment threshold for sea lice – *Scottish Government believe that this can be achieved through existing powers and through the provisions contained in the Bill.*
- We hope to examine this further through a proposal to the Scottish Aquaculture Research Forum to assess simply criteria for delivering this in the absence of sea lice dispersal models.

Part 2:

Salmon Fisheries, etc.





Part 2: Salmon Fisheries, etc.

- Section 20: A duty to publish and copy to Scottish Ministers the annual report and audited accounts
 - A summary of the Board's activities in relation to the Act
 - a summary of proposed future actions for the following year
 - information about complaints made to the Board (number and how disposed of)
 - a statement as to how the board has complied with good governance requirements



Part 2: Salmon Fisheries, etc.

- Section 20: A duty to hold all board meetings in public
 - Meetings (other than the annual meeting), or a portion of meetings may be held in private but Board must state reasons for this
 - Minutes of meetings must be published and minutes of the annual meeting must be sent to Scottish Ministers



Part 2: Salmon Fisheries, etc.

- Section 20: A duty to maintain and keep under review arrangements for dealing with complaints about the way in which the board have carried out their legislative functions
- Section 20: A duty to maintain, and keep under review, arrangements for the registration and declaration of relevant financial interests of board members



Part 2: Salmon Fisheries, etc.

- Section 20: A power for Scottish Ministers to dissolve the committee constituting a board (if they fail to comply with good governance requirements)
 - The effect of this will be to trigger the election of a new committee by proprietors.



Part 2: Salmon Fisheries, etc.

- Section 21: A duty to consult and report before making applications seeking regulations as to baits and lures, designation orders, estuary limits orders or annual close times orders
 - must publish notice of the proposed application and take into account any representations or objections.



Part 2: Salmon Fisheries, etc.

- Section 22: An enabling power for Scottish Ministers to introduce a statutory carcass tagging system by regulations
 - *Key issue remains the use of individually numbered, recorded tags*



Part 2: Salmon Fisheries, etc.

- Section 23: A power for persons authorised by Scottish Ministers to take fish samples for analysis and to undertake tracking and monitoring of fish.
 - *Failure or wilful refusal to permit the taking of fish, taking of samples or to provide fish or samples of fish from a fishery will be a criminal offense.*



Part 2: Salmon Fisheries, etc.

- Section 24: A power for Scottish Ministers to conduct inquiries and obtain information
 - *Purpose is the protection and development of stocks.*
- Powers for Scottish Ministers to include changes to annual close time orders as part of a salmon conservation measure.



Part 2: Salmon Fisheries, etc.

- Section 25: Monitoring and evaluation of the effects of orders
 - Power for Scottish Ministers to impose requirements on DSFBs and proprietors relating to monitoring and evaluation of the effect of:
 - annual close time orders
 - salmon conservation orders
 - salmon conservation regulations
 - baits and lures regulations.



Part 2: Salmon Fisheries, etc.

- Section 28: An enabling power for Scottish Ministers to modify, by regulation, DSFBs functions under the 2003 Act with respect to consenting to introductions.
 - *Government intends to review existing guidance and literature on stocking and develop a national policy position, including consideration of whether it is more appropriate for Scottish Ministers to take responsibility for consenting introductions of salmon, potentially where waters are within an SAC, where self-authorisation is proposed, or where there is evidence of poor practice.*



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