



ASFB/RAFTS Briefing – November 2007

The Aquaculture & Fisheries (Scotland) Act 2007

Below is a brief summary of the key provisions of the Aquaculture and Fisheries (Scotland) Act 2007 which came into force earlier this year. The key areas of coverage are increased regulation of aquaculture, new powers to contain and eradicate *gyrodactylus salaris* and new provisions relating to salmon and freshwater fisheries. There are some elements which relate to sea fisheries but these are beyond the scope of this briefing. A full version of the Act can be viewed online at:

<http://www.opsi.gov.uk/legislation/scotland/acts2007/20070012.htm>

If you have any queries on the Act, please let me know.

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1. Salmon & Freshwater Fisheries

- **Section 19** - Prohibition on the use of **gaffs, tailers and landing nets** with mesh constructed with knotted or metallic material
- **Section 20** - **Fishing by rod**

Anglers not fishing from a boat may only use **single rod and line** when fishing for **salmonids**

Anglers not fishing from a boat and fishing for **other freshwater fish** (excluding salmonids) may use **up to 4** rods

Anglers fishing from a boat may only use **up to 4** rods when fishing for **salmonids or other freshwater fish**.

Foul hooking of any fish is prohibited

The use of **live vertebrates** as bait is prohibited

The use of **set lines are prohibited** (unattended fishing line with lures or bait)

- **Section 21** – Prohibition on the use of **pike gags and keepnets** with mesh constructed with knotted or metallic material
- **Section 22** – Ministers powers to 1) make orders specifying **weekly close time for freshwater fish**, and 2) order specifying **annual close time for freshwater fish** other than trout. These are enabling powers and would require specific consultation with interested parties before new proposals or changes could be made
- **Section 24 – Conservation of freshwater fish** – Ministers powers to make regulations for conservation of freshwater fish. This includes powers to apply different measures to different species, prohibit certain baits or lures and the times and places where these provisions might apply. Again, these are enabling powers and would require specific consultation with interested parties before new proposals or changes could be made
- **Section 35 – Fish movements** – Ministers powers to regulate the movement of all fish (excluding salmon or sea trout – where there are DSFBs, these will remain the authorising body) A regime to implement this is currently being drafted. Fish farms will be exempt, but it will bring all other fish movements within its scope.
- **Section 37 – Payments** – power for Ministers to make payments for a range of purposes, including development, promotion, organisation, research. The matters are - fish farming, shellfish farming, other aspects of aquaculture, sea fisheries, the sea fish industry, salmon fisheries and freshwater fisheries.

2. **Gyrodactylus Salaris**

- **Section 13 – Designated areas** – power for Ministers to prohibit movements within designated areas suspected of infection; Power to require disinfection in such areas; regulate entry or exit in such areas; prohibit or regulate the taking of dead fish into or out of the area.
- **Section 14 – Preliminary designation** to prohibit or regulate the movement in or out of an area of live fish; live eggs of fish; foodstuff for fish.
- **Section 15** – Ministers powers to **create barriers** to prevent fish movement and spread of Gs in a waterbody and to facilitate treatments to assist eradication of Gs. This power also gives Ministers authority to arrange for the use of chemical agents for the purpose of eradication.
- **Section 16 – clearance of fish farms** – Ministers powers to instruct the clearance of fish farm stock, disinfection of the units and destruction of fish farm stock. These apply to farms which are or may become infected by Gs.
- **Section 17** – power for Ministers to take such other measures as they consider appropriate for the purpose of eradicating or preventing or limiting the spread of Gs
- **Section 18** – power for Ministers to make **compensation payments for fish destroyed**.

3. Aquaculture

- **Section 1** – Ministers power to seek information and data from fish farms for the purposes of the **prevention, reduction and control of parasites and to require farmers to maintain records**. Power to make an order for the purpose of obtaining information in relation to the **containment of fish on fish farms, the prevention of escape of fish from fish farms and the recovery of escaped fish**.
- **Section 2** – **creates an offence** for failure to provide information in relation to the above orders, provide false information or alter records.
- **Sections 3 & 5** – 3 creates **powers of inspection** to assess levels of parasites, measures for prevention, taking samples, inspection of records and carrying out tests. 5 allows inspectors to ascertain the risks of **fish escapes**, whether fish have escaped, containment measures, recovery measures, and power to take samples and inspect records.
- **Sections 6, 7 & 8**– 6 **provides for enforcement notices** to be implemented by Ministers to ensure the prevention, control and reduction of parasites, the containment of fish, the prevention of escape of fish and the recovery of escaped fish. 7 provides for a **code of practice** – Ministers may approve and formalise any industry code of practice to ensure compliance to cover the 4 areas above. 8 provides power for Ministers to ensure compliance with the code of practice, through monitoring and enforcement.
- **Sections 9 & 10** – powers of entry for Inspectors in pursuance of the above powers.

