EXECUTIVE NOTE TO

THE REGISTRATION OF FISH FARMING AND SHELLFISH FARMING BUSINESSES AMENDMENT (SCOTLAND) ORDER 2008

S.S.I. 2008/222

The above instrument was made in exercise of the powers conferred by section 7(1), (2) and (3) of the Diseases of Fish Act 1983 to amend the Registration of Fish Farming and Shellfish Farming Businesses Order 1985 (itself amended by The Registration of Fish Farming and Shellfish Farming Businesses Amendment (Scotland) Order 2002 (SSI 2002/193) and the Registration of Fish Farming and Shellfish Farming Businesses Amendment (Scotland) (No 2) Order 2002 (SSI 2002/220).). The instrument is subject to negative resolution procedure in terms of section 7(9) of the Diseases of Fish Act 1983.

Policy Objectives

The original instrument made notification of finfish farm escapes a statutory requirement. This placed an obligation on fish farmers to notify Scottish Ministers, in writing, of escapes, or when there is cause to suspect that there is significant risk that an escape has occurred.

This instrument updates the forms set out in Schedules 4 and 5 of the principle order to be used for notification of escapes. The amended forms will provide additional information to Scottish Ministers particularly around the circumstances that gave rise to the escape incident.

Under the powers of the Aquaculture and Fisheries (Scotland) Act 2007, Fisheries Research Services (FRS) will take on the role of reporting body, where a company has failed to comply with the requirements of The Registration of Fish Farming and Shellfish Farming Businesses Order 1985, as amended by The Registration of Fish Farming and Shellfish Farming Businesses Amendment (Scotland) order 2002. The associated guidance – What to do in the event of an escape – will be amended accordingly.

Consultation

The original instrument and its implications were subject to a wide ranging consultation with fish farmers, regulators and other interested parties at that time. Consultation on this amended version was undertaken through the Containment Working Group which comprised of industry and its main stakeholders. It was also raised during the consultation on the Aquaculture and Fisheries (Scotland) Bill. Fisheries Research Services will run an awareness campaign in 2008 on the implementation of the Aquaculture and Fisheries (Scotland) Act 2007. This will also provide an opportunity to update farmers on the amended notification forms.

Financial Effects

The original Order already requires fish farmers to notify Scottish Ministers in writing of escapes, or suspected escapes, and therefore this amendment will not impose any additional cost on them. The additional information required on the new forms is already routinely collected by the farmer and will not pose any additional burden.

A Regulatory Impact Assessment has not been carried out as the order is not expected to have any additional impact on the cost to business.

Marine Directorate
Scottish Government
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