

GUIDANCE NOTES FOR APPLICANTS PROPOSING TO AMEND AN AUTHORISATION OR A REGISTRATION UNDER THE AQUATIC ANIMAL HEALTH (SCOTLAND) REGULATIONS 2009, AND TO NOTIFY CHANGES TO AN AQUATIC ANIMAL HOLDING SITE.

This application form is to be used for the purposes of:

- Requesting an amendment to the authorisation of an Aquaculture Production Business (APB) under regulation 9 of the Aquatic Animal Health (Scotland) Regulations ('the 2009 Regulations').
- Requesting any amendment to authorisation of an Authorised Processing Establishment (APE) under regulation 9 of the 2009 Regulations; or
- Notifying a change to the details of your registered business or site.

GENERAL GUIDANCE:

The 2009 Regulations require all Aquaculture Production Businesses (APB's) and processing establishments which are involved with aquaculture animals slaughtered for disease control purposes (Authorised Processing Establishment - APE's) to be *authorised* by Scottish Ministers and all non-commercial aquaculture businesses (NCB's), stocked fisheries (FIS's) and specialist transporters (STB's) to be *registered* with Scottish Ministers.

In terms of regulation 9 of the 2009 Regulations, Scottish Ministers may amend any APB or APE authorisation, including any condition to which it is subject. Amendments may be made on the initiative of Scottish Ministers or on application by an operator.

Applications by APB or APE operators to amend an authorisation, including any condition which has been imposed as part of the authorisation, or any change to the operation of the business or the sites at which the business is authorised to operate at must be made to the Fish Health Inspectorate (on behalf of Scottish Ministers) **PRIOR TO THE CHANGE BEING IMPLEMENTED.**

In accordance with regulation 9(4) of the 2009 Regulations, where an application is made to amend an authorisation, the Fish Health Inspectorate (on behalf of Scottish Ministers) will give written notice to the operator, which will:

- a. Specify the amendment or any decision not to make the amendment;
- b. Specify the reason for the amendment or any decision not to make it, and
- c. Inform the applicant of the right of appeal.

NCB's, STB's and FIS's are required to notify, to Scottish Ministers, any change to the business or site at which they operate within 30 days of making the change.

Where a change relating to the registration of a NCB, STB or FIS, is notified to Scottish Ministers, Scottish Ministers will confirm the change in writing.

In accordance with regulation 13 of the 2009 Regulations, a publicly available register of all APB's and APE's must be maintained by Scottish Ministers. Details provided in the application form will be used for this purpose.

COMPLETING THE APPLICATION FORM:

1. Amendment or change of details

Please indicate the type of amendment or change required.

Amendment to business details: this option should be selected for applying to Scottish Ministers for changes to your authorised business details and for notifying Scottish Ministers of changes to your registered business details for example the name of the business or business address.

Change of business ownership: this option should be chosen to notify that a business is under new ownership.

Amendment of conditions of authorisation: this option should be selected if you would like to request an amendment to any conditions of authorisation imposed on your business by Scottish Ministers.

Change to site details: this option should be selected if you are an APB applying to Scottish Ministers for changes to individual sites or are a registered business notifying of a change to a site. Changes requiring an application (APB) or notification (registered business) include the following; site name, species held, location and life stages held.

Amendment to status of business or sites: this option should be used for notifying Scottish Ministers of a change to the status of your business or site. Businesses may be either active, non-producing or deregistered and sites may be active, inactive or deregistered.

Active refers to the status of a site that is stocked or fallow with the intention of restocking in the foreseeable future or the status of a business that operates an active site(s). **Inactive** refers to the status of a site that is unlikely to be stocked in the foreseeable future and no longer requires authorisation. **Deregistered** refers to the status applied to a business or site that is no longer used for the purpose of fish or shellfish production e.g. where the lease has been surrendered. **Non-producing** refers to the status of a business that has no active sites, but is the owner of site leases. Non-producing businesses require authorisation prior to any farming activities commencing.

Transfer of aquaculture site: this option should be used where a site is being transferred. If both businesses involved are currently authorised as APB's, both businesses are required to notify Scottish Ministers of the transfer.

This form should **not** be used if you are applying for a site transfer as the receiving authorised or registered business where the operation of the site or details pertaining to the site are changing on transfer. You must instead complete an '**Aquatic animal holding site details form**' for each site. This will provide Marine Scotland with updated details on how the site will operate and new contact details for the site and will serve as the authorisation amendment application / change notification.

2. Detail

Please provide details of the reason for the amendment or nature of the change. This could be, for example, details of the new business correspondent, details of a new species being farmed on site or the reason for objecting to a condition of authorisation imposed upon your business. This section may also be used for any other information you consider relevant to your application or notification.

3. Business transfers and change to business status:

For business transfers: Please provide full contact details (if known) of the new (receiving) business. If this information is not known, please leave blank.

For a change in business status: Please provide the date of when the business status changed or is due to change. Please detail the status the business is changing to or from (active, de-registered or non-producing). In addition please detail whether any of the sites which belonged to the business are to be transferred to another business.

4. Site transfers and change to site status

For site transfers: Where sites are to be transferred, please detail the site names and site numbers involved. Site names and numbers may be found on the front of the movement record books issued by Marine Scotland.

Please detail the name and authorisation / registration number of the business the sites will be transferred from and the name and authorisation / registration number of the business the sites will be transferred to. Business names and numbers may also be found on the front of the movement record books issued by Marine Scotland.

For a change in site status: Please provide details of all site names and numbers of sites that are changing status. Please provide the date at which the site status changed or is due to change and detail what the site status is to be changed to (active, inactive or deregistered).

REGULATION 8(5) AND REGULATION 12(6) OF THE AQUATIC ANIMAL HEALTH (SCOTLAND) REGULATIONS 2009 MAKE IT AN OFFENCE FOR A PERSON TO PROVIDE INFORMATION OR MAKE A STATEMENT IN AN APPLICATION THAT IS FALSE, AND WHICH THAT PERSON KNOWS OR SUSPECTS IS FALSE.

Completed application forms should be sent via post/ fax or e-mail to:

Fish Health Inspectorate,
The Marine Directorate,
Marine Laboratory,
375 Victoria Road,
Aberdeen,
AB11 9DB

Tel: (0131) 2443498

e-mail : MS.fishhealth@gov.scot

Additional forms and further information can be found on [the FHI website](#)