

The Prohibition of Keeping or Release of Live Fish (Specified Species) (Scotland)
Order 2003
Guidance Notes

Why is the new Order required?

The spread of non-native fish species can have far-reaching and undesirable ecological consequences for animal and plant communities in rivers and lochs. Introduced non-native fish can have direct effects on native species, such as predation, or by upsetting the natural balance that operates between species. Non-native species can also introduce and spread novel diseases and parasites to which native species may have no resistance. Ruffe and North American signal crayfish are good examples of non-native introductions that have already harmed native species in Scotland. It is therefore vital that we restrict the spread of non-native fish species to protect our native species and their habitats. The measures set out in The Prohibition of Keeping or Release of Live Fish (Specified Species) (Scotland) Order 2003 have been introduced to make it easier to control introductions.

When did the Order come into force?

Subject to some transitional provisions, the new measures came into force on 10 December 2003, and make it an offence to keep or release specified non-native fish species without a licence.

What species are covered by the Order?

A list of the species covered by the Order can be found in Annex A at the back of these notes.

I had these fish before the Order came into effect. Am I committing an offence?

Transitional provisions apply to those who have kept and continue to keep the species specified in Annex A before 10 December 2003 **except for** coho salmon, crayfish and pike-perch. Those who have kept and continue to keep the species in Annex A other than coho salmon, crayfish and pike-perch should apply for a licence by 10 June 2004. Thereafter, it is expected that those keeping any fish included in the Order will have obtained a licence.

Licences will be issued for the specified species that have been kept prior to the Order coming into effect. Such licences, however, may be temporary and could include specific conditions which may necessitate the removal of listed fish species from a water.

Who needs a licence?

Anyone wishing to keep any of the listed species - including members of the public, fish farmers, fish dealers, wholesalers, retailers, hobbyists and owners of fisheries - require a licence to do so.

Are there any exceptions to this?

Members of the public wishing to keep grass carp, sturgeon/sterlet, ameiurid/ictalurid catfish, red shiner and fathead minnow (roseys) in garden ponds or indoor aquaria (other than aquaria on retail or wholesale premises) are covered by a general licence and need not apply for individual licences **for these species only**.

How do I get a licence?

Licences for the keeping or release of specified species (including fish kept prior to the Order coming into force) are issued by SEERAD under the Import of Live Fish (Scotland) Act 1978. Application forms and further information may be obtained from:

SEERAD
Freshwater Fisheries
Room 408a, Pentland House
47 Robbs Loan
Edinburgh
EH14 1TY

Fisheries Research Services
Freshwater Laboratory
Faskally
Pitlochry
PH16 5LB

Tel: 0131 244 5244
Fax: 0131 244 6313

Tel: 01796 472060
Fax: 01796 473523

freshwaterfisheries@scotland.gsi.gov.uk

enquiries@marlab.ac.uk

- In assessing applications, SEERAD may consult with Fisheries Research Services and Scottish Natural Heritage.
- All applications must be submitted and processed prior to fish being obtained.
- A licensee must ensure that anyone to whom he wishes to sell or give any listed fish is first in possession of a licence, otherwise he may be committing an offence.

How much will it cost?

There is no charge made for the application or the granting of licences.

How long will my licence last?

Licences will generally be valid for an indefinite period, except where circumstances or conditions dictate.

Will there be any conditions attached to my licence?

Licences may impose conditions for the keeping of non-native fish, such as the provision and maintenance of screens and outfalls. Licensees will also have to keep accurate records of fish movements, which may be subject to periodic inspections.

What are the penalties for not complying?

An offence will have been committed if a person:

- keeps or releases any of the listed species without first being in possession of a licence;
- fails to meet any conditions (specific or general) placed on a licence, including supplying a listed species to a third party who is not in possession of a licence.

Failure to comply with licence conditions may result in licences being revoked and possible prosecution. The maximum penalty for non-compliance is a fine of up to £2500. Depending on the circumstances, fish stocked illegally may have to be removed and/or destroyed.

What if I wish to release species into the wild?

For releases of species covered by both the Order and the Wildlife and Countryside Act 1981 (WCA), a single joint application is available and a single licence will be issued. For definitions of 'the wild' and 'garden ponds' see Annex B. Fish species that are not native to Great Britain and not included in Annex A are covered by the provisions of section 14 and Schedule 9 of the WCA.

Will I need a separate licence for every specified species that I own?

A single licence can be issued to cover the keeping of more than one species.

A copy of the Order can be viewed at:

www.hms0.gov.uk/legislation/scotland/ssi2003/20030560.htm

Fish Species Covered by the Order

The Order makes it an offence in Scotland to keep or release the specified species (listed in the table below) into any water (including aquaria, ponds and fish farms) without a licence.

SPECIES OF FISH (INCLUDING LIVE EGGS) WHOSE KEEPING OR RELEASE IN SCOTLAND IS PROHIBITED EXCEPT UNDER AUTHORITY OF A LICENCE GRANTED BY THE SCOTTISH MINISTERS

COMMON NAME	SCIENTIFIC NAME
Asp	<i>Aspius aspius</i>
Barbel	species of the genus <i>Barbus</i> (excluding the native <i>Barbus barbus</i>)
Bass (including striped bass, white bass and their crosses e.g. hybrid striped bass)	species of the genus <i>Morone</i>
Bighead carp	<i>Hypophthalmichthys nobilis</i>
Bitterling	<i>Rhodeus sericeus/Rhodeus amarus</i>
Blacknose Dace	<i>Rhinichthys atratulus</i>
Blageon	<i>Leuciscus souffia</i>
Blue bream	<i>Abramis ballerus</i>
Blue Sucker	<i>Cycleptus elongatus</i>
Burbot	<i>Lota lota</i>
Catfish	species of the genera <i>Ictalurus</i> , <i>Ameiurus</i> and <i>Silurus</i>
Charr	species of the genus <i>Salvelinus</i> (excluding the native <i>Salvelinus alpinus</i>)
Chinese black or snail-eating carp	<i>Myopharyngodon piceus</i>
Chinese Sucker (also known as Zebra Hi Fin, banded shark/sucker)	<i>Myxocyprinus asiaticus</i>
Coho salmon	<i>Oncorhynchus kisutch</i>
Common White Sucker	<i>Catostomus commersoni</i>

COMMON NAME	SCIENTIFIC NAME
Crayfish	All freshwater species of the families <i>Astacidae</i> , <i>Cambaridae</i> or <i>Parastacidae</i> (excluding the native white-clawed crayfish <i>Austropotamobius pallipes</i>)
Danubian bleak	<i>Chalcalburnus chalcoides</i>
Danubian Salmon & Taimen	species of the genus <i>Hucho</i>
Eastern Mudminnow	<i>Umbra pygmaea</i>
European Mudminnow	<i>Umbra krameri</i>
Fathead minnow (or Roseyreds)	<i>Pimephales promelas</i>
Freshwater minnow, Dragon Fish or Pale chub	<i>Zacco platypus</i>
Grass carp	<i>Ctenopharyngodon idella</i>
Landlocked salmon	non-anadromous varieties of the species <i>Salmo salar</i>
Largemouth bass	<i>Micropterus salmoides</i>
Marbled trout	<i>Salmo marmoratus</i>
Nase	<i>Chondrostoma nasus</i>
Northern Redbelly Dace (common minnow)	<i>Phoxinus/Chrosomus eos</i>
Pacific salmon and trout	species of the genus <i>Oncorhynchus</i> (excluding <i>Oncorhynchus mykiss</i>)
Paddlefish	species of the genera <i>Polyodon</i> and <i>Psephurus</i>
Perch	species of the genus <i>Perca</i> (excluding the native <i>Perca fluviatilis</i>)
Pike	species of the genus <i>Esox</i> (excluding the native <i>Esox lucius</i>)
Pike-perch	<i>Stizostedion lucioperca</i>
Red shiner	<i>Cyprinella/Notropis lutrensis</i>
Rock bass	<i>Ambloplites rupestris</i>
Ruffe	<i>Gymnocephalus cernuus</i>

COMMON NAME	SCIENTIFIC NAME
Schneider	<i>Alburnoides bipunctatus</i>
Silver carp	<i>Hypophthalmichthys molitrix</i>
Small-mouth bass	<i>Micropterus dolomieu</i>
Snakehead	species of the genus <i>Channa</i>
Southern Redbelly Dace (common minnow)	<i>Phoxinus/Chrosomus erythrogaster</i>
Sturgeon or sterlet	species of the genera <i>Acipenser</i> , <i>Huso</i> , <i>Pseudoscaphirhynchus</i> and <i>Scaphirhynchus</i>
Sunbleak (Sundace), also known as Belica or Motherless Minnow	<i>Leucaspis delineatus</i>
Sunfish, including pumpkinseed (also basses, crapies & bluegills)	species of the genus <i>Lepomis</i>
Topmouth gudgeon	<i>Pseudorasbora parva</i>
Toxostome (or French nase)	<i>Chondrostoma toxostoma</i>
Vimba	<i>Vimba vimba</i>
Weatherfish	<i>Misgurnus fossilis</i>
Whitefish	species of the genus <i>Coregonus</i> (excluding the native <i>Coregonus lavaretus</i> and <i>Coregonus albula</i>)

Definitions

- **Garden Ponds** – are described as discrete, isolated bodies of water not exceeding 0.4 hectares in size on private residential premises, with no risk of escape of fish into the wild, that are not used for fishing or any commercial purposes related to fish rearing or dealing.
- **The Wild** – a water is considered to be ‘wild’ if it cannot be guaranteed that all fish could be recovered with reasonable ease, or if any viable life stage of the fish could escape from it into open watercourses or waters connected to a continuous body of water. In general, only small, fully enclosed sites from which fish can easily be recovered can be regarded as not ‘wild’.