

GUIDANCE NOTES FOR AN APPLICATION TO AUTHORISE AN AQUACULTURE PRODUCTION BUSINESS (APB) UNDER THE AQUATIC ANIMAL HEALTH (SCOTLAND) REGULATIONS 2009

The Aquatic Animal Health (Scotland) Regulations 2009 ('The 2009 Regulations') require all Aquaculture Production Businesses (APB's) to be authorised by Scottish Ministers. Authorisation must be granted prior to the operation of the APB. **Please complete one form per APB.**

GENERAL GUIDANCE:

An APB that operates more than one aquatic animal holding site must register the details of site or unit separately using the "**Aquatic Animal Holding Site Details**" form. For disease control purposes, an APB authorised to operate an aquatic animal holding site is responsible for the husbandry and health of stock on that site.

An APB operating a business which wholly or mainly transports live aquaculture animals, in means of transport specially designed or adapted for that purpose, must also register as a Specialist Transporter Business (STB) (see regulation 12 of the 2009 Regulations). This includes road transporters, helicopter transporters and boat (well boat) transporters. Please refer to the '**Guidance for registration of a Specialist Transporter Business (STB)**' and complete an '**Application to Register a Specialist Transporter Business (STB)**' form if this applies to your business. These documents are available by contacting the address below.

If the APB to be authorised is or will be involved in processing aquaculture animals slaughtered for disease control purposes, the processing establishment must also be authorised. Please refer to the '**Guidance notes for an application for authorisation of a processing establishment (APE)**' and complete the '**Application for authorisation of a processing establishment (APE)**' form if this applies to your business. These documents are available by contacting the address below.

In terms of regulation 6(1) of the 2009 Regulations, Scottish Ministers may grant an authorisation to an APB, subject to such conditions as they consider appropriate, where they are satisfied that the operation of the business will not lead to an unacceptable risk of spreading disease. However, in accordance with regulation 6(2) of the 2009 Regulations, it will be a condition of an authorisation that the APB must:

- A. Keep a record, in such form and manner as the Scottish Ministers may specify of-
 - i. the movement of any aquaculture animal or any aquaculture animal product into or out of the area in respect of which the business operates;
 - ii. the number of any aquaculture animals that have died in each epidemiological unit within that area;
 - iii. the results of any health surveillance carried out by the APB; and
 - iv. the results of any health surveillance carried out by the Fish Health Inspectorate (on behalf of Scottish Ministers) which have been notified to the APB;
- B. Follow good biosecurity practice;
- C. Comply with any surveillance requirement imposed by the Fish Health Inspectorate (on behalf of Scottish Ministers); and
- D. Have a system in place which enables the operator to demonstrate to Scottish Ministers that the requirements of subparagraphs A – C are being met.

Upon receipt of an application for authorisation of an APB and the provision of details of all aquatic animal holding sites at which that APB wishes to be authorised to farm at, a written notice will be issued by the

Fish Health Inspectorate (on behalf of Scottish Ministers) detailing the result of the application, in accordance with the 2009 Regulations.

If the authorisation is granted, the authorisation will detail all the sites at which that APB is authorised to farm at, the duration of the authorisation, any conditions to which it is subject and a unique authorisation number.

In terms of regulation 13 of the 2009 Regulations, a publicly available register of all APB's must be maintained by Scottish Ministers. Details provided on the application form will be used for populating the register.

Refusal of authorisation:

Where Scottish Ministers refuse to grant an application for authorisation, or grants an authorisation subject to any condition, the applicant will be informed in writing of the reasons for refusal or the imposition of the condition and will be made aware of the right of appeal under the 2009 Regulations.

Amendment of an authorisation:

Under regulation 9 of the 2009 Regulations, Scottish Ministers may amend any authorisation, including any condition to which it is subject, and an applicant may make an application to Scottish Ministers for any amendment to the authorisation, including any condition to which it is subject. Where Scottish Ministers decide to amend an authorisation, the applicant will be informed in writing, specifying and giving reasons for the amendment; in the case where Scottish Ministers determine not to make an amendment, the applicant will also be notified. In both cases, the applicant will be made aware of the right of appeal under the 2009 Regulations.

Suspension of an authorisation:

Scottish Ministers may suspend an authorisation by serving an operator with a written notice where they consider that the APB has not complied with, is not complying with, or is not likely to comply with, a condition of its authorisation or a requirement under the 2009 Regulations. The written notice will detail the date on which the suspension is to take effect and its duration; the reason for the suspension and will inform the operator of the right of appeal under the 2009 Regulations.

Revocation of an authorisation:

Scottish Ministers may revoke an authorisation by serving an operator with a written notice where it considers that an APB has not complied with, is not complying with, or is not likely to comply with, a condition of its authorisation or a requirement under the 2009 Regulations. The written notice will detail the date on which the revocation is to take effect, the reason for the revocation and will inform the operator of the right of appeal under the 2009 Regulations.

COMPLETING THE APPLICATION FORM:

1. Business details

Please complete with the full business name (including whether the business is a Ltd company etc.) and enter all details for the Chief Executive Officer (CEO) or owner of the business.

The Companies House registration number should be included if applicable. This will be in the format of SC followed by three digits (for companies registered in Scotland) or by an 8 digit number (for companies registered in England or Wales).

Please complete the number of aquatic animal holding sites that are intended to be included in the authorisation. Applications for an APB authorisation must be accompanied by the provision of details for each aquatic animal holding site that business intends to operate at. An '**aquatic animal holding site details**' form must be completed for each of these sites.

2. Business contact person details

Please complete with the details for the person who will be the primary correspondent for the business.

REGULATION 9 OF THE AQUATIC ANIMAL HEALTH (SCOTLAND) REGULATIONS 2009 REQUIRES OPERATORS (OF APB'S) TO APPLY TO SCOTTISH MINISTERS, IN WRITING, FOR ANY AMENDMENT TO INFORMATION SUPPLIED IN THIS APPLICATION, PRIOR TO THE AMENDMENT.

For this purpose, it is recommended that a copy of your application is retained for your records.

REGULATION 8(5) OF THE AQUATIC ANIMAL HEALTH (SCOTLAND) REGULATIONS 2009 MAKES IT AN OFFENCE FOR A PERSON TO 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,
Marine Scotland,
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](#)