

Your legal obligation

In Scotland, The Aquatic Animal Health (Scotland) Regulations 2009 (2009 Regulations) implement animal health requirements for aquaculture animals and their products and the prevention and control of certain diseases in aquatic animals. The 2009 Regulations requires the authorisation of all Aquaculture Production Businesses (APB's)

The authorisation procedure will be undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) based at the Marine Scotland, Marine Laboratory in Aberdeen.

APBs are defined as any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to the rearing, keeping or cultivation of aquaculture animals, and include:

- finfish farms
- molluscan shellfish farms
- crustacean farms
- quarantine facilities
- wild aquatic animal re-stocking hatcheries moving aquatic animals between river catchments
- installations where aquaculture animals are reared or wild aquatic animals are held and fed with a view to their being placed on the market
- put-and-take fisheries that transfer fish
- certain importers of aquatic animals

Authorisations will be issued subject to a business or establishment meeting certain conditions. The conditions for authorisation include that businesses or establishments must:

- provide and maintain details of their business to allow the publication of a publicly available register of APBs
- keep and make available to the FHI, movement and mortality records, including mortalities during transport and movements of dead fish
- participate in a risk-based surveillance scheme
- implement acceptable Good Hygiene Practice (i.e. Biosecurity Measures Plan)
- notify the Scottish Ministers of breaches in containment
- provide reasonable assistance and access to Fish Health Inspectors and any person accompanying them, to farm sites for inspection and sampling as required

All new fish and shellfish farms are required to apply for authorisation before any development takes place. The details of the specific locations (sites) that the APB will be authorised to farm at will be included in the authorisation of the APB and the details of each site the APB operates at will be published in the publicly available register.

[The internet-based register](#) of all Aquaculture Production Business in Scotland is also available to view.

In addition, where the APB operator is involved in the transportation of aquaculture animals, the APB operator must keep and make available certain records in accordance with Article 20 of the 2009 Regulations and ensure the disease prevention requirements in accordance with Article 19 of The 2009 Regulations are being met. Further advice on transportation requirements is available on the [Specialist Transport Business guidance website](#).

Suspension of an Authorisation

Scottish Ministers may suspend an authorisation by serving an operator with a written notice where they consider 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 suspension is to take effect and its duration; the reason for the suspension and will inform the operator of the right of appeal. Details of the appeals procedure are set out below.

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. Details of the appeals procedure are set out below.

Appeals procedure

In accordance with Article 40 of The 2009 Regulations, a person may appeal to the FHI against any of the following:

- (a) refusal to grant an authorisation
- (b) any condition to which an authorisation is subject
- (c) any amendment made to an authorisation under regulation 9 of the 2009 Regulations or any decision not to grant an amendment under that regulation
- (d) suspension or revocation of an authorisation under regulation 10 or 11 of the 2009 Regulations
- (e) service of an enforcement notice under regulation 39 of the 2009 Regulations

Appeals must be made in writing within 21 days of the decision to the FHI Duty Inspector detailing if the applicant wishes to;

- appear before and be heard by an independent person appointed by the Scottish Ministers

- provide written representations to Scottish Ministers

Written appeals must be sent to the Duty Inspector by post, e-mail or fax.