Aquaculture and Fisheries (Scotland) Bill

Bill Number: SP Bill 67
Introduced on: 29 June 2006
Introduced by: Ross Finnie (Executive Bill)
Passed: 1 March 2007
Royal Assent: 5 April 2007

2007 asp 12

Passage of the Bill

The Aquaculture and Fisheries (Scotland) Bill [SP Bill 67] was introduced on the 29 June 2006. Stage 1 commenced on 27 September 2006 with the Environment and Rural Development Committee as the lead committee. The Stage 1 debate took place on 20 December 2006 and the Bill was passed following the Stage 3 parliamentary debate on 1 March 2007.

Purpose and objectives of the Bill

The Bill has three main purposes: to provide a statutory basis for regulating previously unregulated practices in aquaculture; to enhance emergency powers for controlling Gyrodactylus salaris, a parasite of salmon; and to make a number of miscellaneous amendments to salmon, freshwater and sea fisheries legislation.

Provisions of the Bill

The Scottish Executive published an aquaculture strategy in 2003. This included a commitment to legislate to improve the regulation of aquaculture. The Bill builds on this commitment. Part 1 of the Bill would introduce new powers to control sea lice and escapes from fish farms, and give a statutory underpinning to codes of good fish farming and shellfish farming practice.

Gyrodactylus salaris (GS) is a parasite of salmon. It is currently absent from the UK, but outbreaks have occurred in other European countries. In Norway and Finland it has wiped out salmon from entire river catchments. Scottish Ministers currently have some powers to control GS under fish health legislation, however, these would not extend to the two main methods of eradicating GS, both of which involve flushing river systems with chemicals. Part 2 of the Bill would provide these powers, and strengthen Ministers other powers to control the disease.

The Scottish Executive held a major consultation on freshwater fisheries management in 2000, and followed this with a Green Paper in 2001. The law
on salmon and freshwater fisheries was brought together in the [Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003](https://www.legislation.gov.uk/uksi/2003/617/contents/enacted). Part 3 of the Bill contains a number of amendments to this Act which have been drawn up in consultation with a Freshwater Fisheries Forum. It also includes a technical amendment to sea fisheries law.

Part 4 of the Bill contains a number of miscellaneous provisions relating to: introduction of live fish into inland waters; provision of information about fish and shellfish farming; allowing Ministers to make payments for compulsory slaughter of fish, and more generally to support the aquaculture industry.

The Executive had intended to make changes to the system of managing freshwater fisheries in Scotland through this Bill. However, it was not possible to develop legislative proposals in time, and the Executive intends to bring forward another fisheries bill, sometime in the next Parliamentary session.

**Parliamentary consideration**

The Environment and Rural Development Committee’s [Stage 1 report](https://www.parliament.scot/parliamentary-debates/2004-12-06/141) to the Parliament on the general principles of the Bill made a number of recommendations. In its findings, the Committee emphasised the importance of preventive measures to stop the parasite Gyrodactylus salaris (GS) reaching Scotland. The Committee called for more robust measures at ports to prevent it spreading to Scotland and recommended the launch of a high profile public information campaign about the importance of disinfecting angling gear and other water-sports equipment.

During Stage 2, the main amendments made to the Bill concerned sea fisheries. A new part was added which provides for administrative penalties for sea fisheries offences. This would give a person charged with an offence the option of accepting a fine, rather than being taken to court. The fixed penalty would not be classified as a criminal conviction. If the person did not accept the fixed penalty then they could be taken to court as is the case at present. The introduction of a fixed penalty system was recommended by the Prime Minister’s Strategy Unit’s enquiry into the future of sea fisheries, which produced a report called ‘Net Benefits’ in 2004.