



Aquaculture and Fisheries (Scotland) Bill

Bill Number:	SP Bill 17
Introduced on:	3 October 2012
Introduced by:	Richard Lochhead MSP (Government Bill)
Passed:	15 May 2013
Royal Assent:	18 June 2013

Passage of the Bill

The [Aquaculture and Fisheries \(Scotland\) Bill](#) was introduced in the Scottish Parliament on 3 October 2012. The Rural Affairs, Climate Change and Environment (RACCE) Committee, as lead committee, began taking Stage 1 evidence on the general principles of the Bill on 28 November 2012. The Stage 1 debate took place on 28 February 2013 and the Bill was passed following the Stage 3 parliamentary debate on 15 May 2013.

Purpose and objectives of the Bill

The Bill sought to make changes to the law on fish farming and shellfish farming. New requirements for the management of freshwater fisheries were introduced. Changes were made to sea fisheries laws and rules on shellfish waters. Fixed penalty notices for offences under certain aquaculture, fisheries and other marine legislation were included as well as powers to introduce a charging regime.

Provisions of the Bill

The Bill was presented in six parts and two schedules as follows:

Part 1 was about aquaculture. Specifically, fish farm management, fish farming: equipment and wellboats, commercially damaging species, control, powers, offences, and interpretation.

Part 2 was about governance and management of salmon fisheries.

Part 3 was about sea fisheries. Specifically, enforcement of legislation, detention of vessels in connection with court proceedings, inspection and seizure of objects used in commercial sea fishing, retention and disposal of property seized by British sea-fishery officers, forfeiture, and enforcement of EU rules.

Part 4 was about protection of shellfish waters and orders relating to fisheries for shellfish.

Part 5 contained miscellaneous provisions about, for example, charging and fixed penalty notices.

Part 6 contained general sections relating to subordinate legislation, interpretation, ancillary provision, Crown application, Commencement and short title.

Schedule 1 related to control schemes for commercially damaging species, and Schedule 2 was about forfeiture under section 41 or 42 (sea fisheries).

Parliamentary consideration

Stage 1: Stage 1 scrutiny of the Bill was undertaken by the RACCE Committee. The Committee took a wide variety of evidence. This included fact-finding visits to salmon rivers, wild fisheries hatcheries, coastal netting stations, both fresh and sea water fish farms, scientific stations, and processing plants. It also included extensive written and oral evidence.

In the Stage 1 report the Committee said its work was hindered by some of the more adversarial, tit-for-tat engagement of sections of both the aquaculture and wild fisheries sectors.

Despite this, the Committee broadly welcomed the proposals in the Bill and recommended the Scottish Parliament support its general principles. The Committee said that the Stage 1 draft of the Bill was very much the starting point and, should the Bill reach Stage 2, it would require amendment in order to make it more robust and to take account of evidence received by the Committee throughout its Stage 1 scrutiny.

Stage 2: The RACCE Committee considered the Bill at two meetings in March 2013.

Of the 90 amendments considered, only Government amendments were successful (36 in total, 33 agreed without division and 3 agreed by division).

Amendments were proposed by non-Government party members of the Committee that would have required the publication of data on sea lice – a parasite of salmon – at a more detailed geographical level than at present. They were disagreed to by division.

Amendments were proposed to allow regulations on technical requirements for equipment in fish farming to specify training of operators. The Scottish Government said it would come back to this issue at Stage 3.

The requirement for individually numbered tagging of net caught wild salmon was debated. An amendment which would require such a tagging scheme was rejected.

An amendment which would have allowed the Government to make regulations giving District Salmon Fishery Boards a right of first refusal to buy salmon netting rights was rejected.

The Government lodged a package of amendments designed to tackle the problem of illegal cockle fishing on the Solway Firth, and improve enforcement of inshore fisheries legislation more generally. These amendments attracted cross party support and were agreed to.

Stage 3: The Bill was considered at Stage 3 on 15 May 2013.

Amendments on technical requirements for equipment used in fish farming, on powers to detain wellboats in connection with court proceedings, and on monitoring and evaluating the effects of orders and penalties for offences were agreed to.

Amendments about fish farm management agreements, a duty to publish information on parasites, and on carcass tagging were not agreed to.

After debate, the motion was agreed to and the Bill passed.

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