

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2021 No.**

**AQUACULTURE**

**FISH FARMING**

**The Aquaculture (Fish Farming) Code of Practice (Scotland)  
Order 2021**

<i>Made</i>	- - - -	2021
<i>Laid before the Scottish Parliament</i>		2021
<i>Coming into force</i>	- -	2021

The Scottish Ministers make the following Order in exercise of the powers conferred by section 7(1) of the Aquaculture and Fisheries (Scotland) Act 2007(a) and all other powers enabling them to do so.

In accordance with section 7(4) of that Act, the Scottish Ministers have consulted such persons as they considered appropriate.

**Citation and commencement**

1. This Order may be cited as the Aquaculture (Fish Farming) Code of Practice (Scotland) Order 2021 and comes into force on [ ] 2021.

**Code of Practice**

2. The code of practice entitled “the Aquaculture Code of Practice for the Containment of and Prevention of Escape of Fish on Fish Farms in relation to Marine Mammal Interactions” and issued by the Scottish Ministers on [ ] 2021(b) is approved by the Scottish Ministers.

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh

2021

---

(a) 2007 asp 12.

(b) The full text of the Code is available at [hyperlink to code].

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order approves the code of practice entitled “the Aquaculture Code of Practice for the Containment of and Prevention of Escape of Fish on Fish Farms in relation to Marine Mammal Interactions” and issued by the Scottish Ministers on [ ] (“the Code”). The Code relates to the containment of fish on fish farms and the prevention of escape of fish from fish farms.

Under section 8 of the Aquaculture and Fisheries (Scotland) Act 2007 (“the 2007 Act”), the Scottish Ministers may serve notice on a person who carries on a business of fish farming where it appears to them that that person is not complying with, or is likely to not comply with, the Code in a material regard. Such a notice may require the execution of such works or the taking of such other steps as the Scottish Ministers consider necessary for securing compliance with the Code.

Section 6(6) to (13) of the 2007 Act provide further details in relation to the notice, including what the notice must specify, the procedure for appealing against a notice, the penalties and powers which apply where an enforcement notice has been contravened and the Scottish Ministers’ power to publicise the serving of a notice.

A Business and Regulatory Impact Assessment in relation to these Regulations has been prepared and placed in the Scottish Parliament Information Centre. Copies of it can be obtained from Marine Scotland, Victoria Quay, Leith, Edinburgh EH6 6QQ and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).