



## **Registering buyers and sellers of first sale fish**

### **Introduction to new legislation**

First sale fish is fish landed from a fishing vessel which is being sold for the first time. Under a new scheme being introduced, buyers and sellers of first-sale fish and shellfish landed into the UK must register with the fisheries department in the country where they buy or sell. Any fish market which sells first sale fish and shellfish must also be registered as a 'designated market'.

Information relating to the landing, first marketing and sale of fish and shellfish in the Community must be submitted to the authorities in a Member State. Sales notes must be provided by authorised sellers of first sale fish when sold through designated (registered) auction centres or markets or by buyers for all other forms of sale. More recently the seller and buyer of first sale fish have to be registered with the authorities. Currently, buyers and sellers of first sale fish in the UK are required to submit sales notes to the fisheries departments but no registration system is in place.

These requirements are now to be enforced under The Registration of Fish Buyers and Sellers Regulations 2005 in England with separate but similar laws in Scotland, Wales and Northern Ireland. The new regulations intend to improve the monitoring and control of fish and shellfish landed in the UK.

This guide provides advice on how to register, submit sales notes and maintain appropriate records; it does not have any legal status.

More detailed guidance is available on our website [www.seafish.org](http://www.seafish.org)

### **Timetable**

By **7 July 2005** an application for registration should have been made and from 1 September 2005 all fish markets and buyers and sellers of first sale fish in the UK should be registered by the fisheries department in which they operate. Sales notes will then have to be submitted to fisheries departments and records maintained. There are some variations in these requirements in Scotland with the scheme operating with pelagic fish from July 2005 and submission of sales notes for direct sales of shellfish not required until 2006.

There is also some delay in the process in Wales. You can get more information from your local fishery office or fisheries department, or from one of the following websites.

England [www.defra.gov.uk](http://www.defra.gov.uk)  
020 7 270 8131/8260

Scotland	<a href="http://www.scotland.gov.uk">www.scotland.gov.uk</a> 0131 244 4980
Wales	<a href="http://www.countryside.wales.gov.uk/fisheries">www.countryside.wales.gov.uk/fisheries</a> 02920 825111
Northern Ireland	<a href="http://www.dardni.gov.uk">www.dardni.gov.uk</a> 02890 520100

### **What is a designated market?**

It's a site where fish are auctioned and which is registered with the relevant fishery department. It is up to those responsible for the premises to register. Application forms and explanatory leaflets are available from local fisheries offices, fishery departments or the websites shown above.

### **Does all fish have to be sold on a designated market?**

No. It will still be possible for fish to be sold off-market, via direct sales or consignments. In these circumstances, however, fish may only be sold to a registered buyer and the buyer will be responsible for submitting the sales note information to the fisheries department.

### **Are there any conditions a market must meet to be designated?**

The market must be approved by the local authority under fish hygiene regulations. Those responsible for the market will also be asked what weighing facilities they have on the premises, but they do not have to provide weighing equipment.

### **Will there be a restriction on when a market can be open?**

No. The times at which auctions are to be conducted at designated markets will be subject to notification and approval by the fisheries department on an individual basis. It will be possible to amend these times subject to appropriate notice being given to the local fisheries office. It is not the intention to restrict the arrangements whereby fish can be landed into markets, stored and prepared for sale at any time during the day.

### **Who has to register as a seller or buyer?**

You need to be registered as a seller if you sell first-sale fish, by auction, at a designated market, but not if you only sell direct (that is, other than by auction) to registered buyers.

You need to register as a buyer if you buy first-sale fish direct from a vessel or agent, unless you are only buying for 'private consumption'. You do not need to register as a buyer if you only ever buy at auction from a registered seller at a designated market.

You must register with the fisheries department in the country, or countries, in which you intend to operate as a registered buyer and/or seller of fish. If you want to operate in, say, both England and Scotland, you will need to be registered in both. This can be done using a single application form.

All the details on how to register are set out in the application forms and explanatory leaflets which are available from local fishery offices, fisheries departments or the websites shown on page two.

**Do wholesalers, fishmongers, friers, pubs and restaurants buying direct from fishermen have to register as buyers?**

Yes, if they are buying first-sale fish or shellfish.

**Do foreign buyers have to be registered?**

Yes, there is no difference between a foreign, EU or UK buyer.

All buyers of first-sale fish and shellfish in the UK must register unless they buy only from a registered seller at a designated fish market. If all purchases are made from a designated auction centre then the buyer will not have to register with the UK authorities.

If fish is transported out of the UK before it is first sold, different arrangements apply. Please contact your local fishery office for more information.

**I buy and sell fish. Do I have to register twice?**

If you buy and sell first-sale fish and shellfish, you need to register for both purposes. You can apply for both types of registration on the same form.

**Is fish and shellfish bought for private consumption included in the registration process?**

No. If you purchase small quantities of fish at first sale for private consumption you will not have to register as a buyer. "Private consumption" is intended to cover a small quantity (defined as less than 25kg in any day) of fish bought by an individual for consumption by family or friends but not, say, fish bought by a pub owner for sale as meals in a bar or restaurant.

**Is aquaculture included?**

No, the arrangements apply to sea fisheries. Aquaculture is not included.

### **If I am registered, what information do I have to provide to the fishery department?**

The information you need to provide is set out in the sales notes which you can get from your local fishery office, fisheries department or any of the websites listed on page one. They are also attached to the more detailed guidance available on our website at [www.seafish.org](http://www.seafish.org)

Registered sellers must give the fisheries department sales notes for all first-sale fish they sell by auction at a designated market. They must do this within 48 hours of the sale taking place.

Registered buyers must give the fisheries department sales notes for all first-sale fish other than from a registered seller selling by auction at a designated market. They must do this within 48 hours of receiving all the information needed to fill in the sales note.

### **Is the sales information required for sale from all fishing vessels landing in the UK including those from other Member States or third countries?**

Yes. The requirements relate to all first sales of fish in the UK, whether landed from a boat registered or licensed in the UK, another EU Member State or a third country.

### **Does this scheme apply to fish transported to the UK in containers?**

No, not if the fish has been landed in another country before being sent to the UK. However, the scheme does apply to fish that is landed in the UK by carrier vessels which have picked up the fish from a vessel out at sea.

### **Wholesalers, fishmongers, friers and restaurants may be put off buying from local fishermen if they have to provide sales notes. Can this be made more straightforward for the buyer?**

Fishermen can help their customers by filling in sales notes for them, but the buyer is still responsible for registering as a buyer and sending sales notes to the fisheries department.

### **What if I don't have all the necessary information?**

You must do everything reasonably possible to collect the necessary information. If you are prosecuted for providing false information, it will help your cause if you show that you took reasonable precautions to ensure it was correct.