

The registration of buyers and sellers of first sale fish and designation of auction sites scheme 2005

Department for Environment, Food and Rural Affairs
Scottish Executive Environment and Rural Affairs Department
National Assembly for Wales
Department of Agriculture and Rural Development (NI)

Explanatory leaflet RBS 2: Applying to be a registered buyer or seller of first sale fish in the UK

■ Introduction

1. From 1 September 2005 the Fisheries Departments in Scotland, England and Northern Ireland require all buyers of first sale fish bought directly from fishing vessels and sellers of first sale fish sold at a designated auction site operating in their areas to be registered with them. The Welsh Fisheries Department will require all buyers and sellers that operate in Wales to be registered during early 2006. This explanatory leaflet has been prepared to help explain the registration requirements and help guide you through the application process. Please read the guidance carefully before completing and submitting application form RBS-1.

For the purposes of this scheme:

A registered seller is an auction trader who sells first sale fish by competitive bidding at a designated auction site in the UK: and who is, by virtue of registered status responsible for submission of sales notes, maintaining records and the accuracy of the information they contain.

A registered buyer is someone who buys first sale fish direct from a vessel or agent (i.e. other than by competitive bidding from a registered seller at an auction in a designated auction site) and is by virtue of registered status, responsible for submission of sales notes, maintaining records and the accuracy of the information they contain.

2. The timetable for implementation of registration of buyers and sellers differs slightly across the UK and is set out below. You should note that the place of sale or purchase of fish will dictate the requirements and which Fisheries Department(s) you will need to register with.

If you need further advice or have any queries please contact the relevant Fisheries Department listed in Annex A.

■ Scotland

3. If your main business is the purchase of pelagic fish (herring, mackerel or horse mackerel) and if you wish to purchase more than 10 tonnes per landing, you must submit an application by 24 June 2005. Those applications will be decided by 30 June and successful applicants will be required to submit sales notes and maintain appropriate records under the new arrangements from 1 July 2005. (Existing requirements for the submission of sales notes by the buyers and sellers of pelagic fish will meanwhile remain in place.)

Applications for status as a registered pelagic buyer or seller in Scotland must be received by 24 June 2005 in order for you to be registered by 1 July 2005.

4. All other buyers and sellers in Scotland who wish to be registered must submit applications for registration to the Departments by 1 July 2005. The registers will come into place on 1 September 2005. All successful applicants for registration will be notified in writing.

Applications for status as a registered buyer or seller for all other first sale fish must be received by 1 July 2005 in order to be registered by 1 September 2005.

5. From 1 September 2005 sales notes must be completed in accordance with Article 9 of Council Regulation 2847/93 and submitted by the registered buyer or seller (as appropriate); and appropriate records will need to be maintained under the new arrangements for all purchases of first sale fish, except shellfish (including Nephrops) sold through direct sales (i.e. not sold at auction in a designated auction site). Arrangements for the maintenance of records and submission of sales notes for direct sales of shellfish in Scotland will come into force early in 2006. Further advice about that will be issued by SEERAD at a later stage.

■ England and Northern Ireland

6. In England and Northern Ireland, all of the requirements relating to the submission of sales notes will come into force (including for direct sales of pelagic fish and shellfish) on 1 September 2005. If you wish to be a registered buyer and/or seller in England or Northern Ireland from 1 September 2005, you need to submit your application to the Fisheries Departments by 1 July 2005.
7. From 1 September 2005, in England and Northern Ireland, sales notes must be completed in accordance with Article 9 of Council Regulation 2847/93 and submitted by the registered buyer or seller (as appropriate). Appropriate records will need to be maintained under the new arrangements, for all purchases of first sale fish.

■ Wales

8. The Welsh Fisheries Department will require all buyers and sellers of first sale fish that operate in Wales, and who are required to meet the provisions of Article 9 of Council Regulation 2847/93 and Article 22(2) of Council

Regulation 2371/2002, to be registered in early 2006. Further information is available from the Welsh Fisheries Department: their contact details are provided in Annex A.

9. The Welsh Fisheries Departments will accept applications made using application form RBS-1 during 2005 but will not process applications until early 2006.

■ Buyers/Sellers Registering after 2 July 2005

10. Fisheries Departments will accept applications for registration between 2 July 2005 and 31 August 2005. However, applications received between these dates will be held by the relevant Department and processed after 1 September 2005.
11. If you wish to be a registered buyer and/or seller of first sale fish in the UK after 1 September 2005 please allow at least 15 working days from receipt of your application by Fisheries Departments for your application to be considered.

■ Who must/can register?

12. In summary, you need to be a registered seller if you operate as an auction trader who sells first sale fish by competitive bidding at a designated auction site in the UK. You need to be a registered buyer if you buy first sale fish direct from a vessel or through an agent (i.e. other than by competitive bidding from a registered seller by auction at a designated auction site). If you operate as both a buyer and seller of first sale fish, you may need to register as both. If in doubt consult your Fisheries Department.
13. Companies may only register individual offices or subsidiary companies separately if that office or subsidiary company buys or sells fish in its own right and is a separate legal entity.
14. Individual company employees can only apply for registered status in their own right if they are buying or selling fish in a personal capacity and not on behalf of their employer.
15. Status as a registered seller does not automatically grant you permission to sell at any designated auction site in the UK. You will need to approach the operators of the designated auction site for information on local port rules or other by-laws that apply in their premises.
16. Registration as a buyer is not required when purchases of first sale fish direct from a fishing vessel are wholly for private consumption and less than 25kg is bought per day.
17. Requests for further information about this Scheme can be obtained from the relevant Fisheries Department. Completed applications and supporting documentation should be posted to one of the Fisheries Departments listed at Annex A.

■ Completing the application form

Section A - Area of Operation

1. Tick the appropriate box(es) to show which administration(s) you buy and/or sell first sale fish

in. Your application will be passed to the appropriate administrations for consideration by the Fisheries Department which receives the original application. You will be informed separately of the result of your application by each relevant Fisheries Department.

Section B - Applicants Details

1. Enter here the full name of the individual applying for status as either a registered buyer or seller (or both) of first sale fish. This should be left blank for partnership, company or corporate body applications. You must provide a photocopy of one of the following documents to prove your name:
 - Current Passport;
 - Current UK driving licence;
 - Bank Statement from the last 3 months or;
 - Utility Bill from the last 3 months.

You must not send originals. This is due to the dangers of postal interception and fraud and is for your own protection.

2. For partnership, company or corporate body applications please enter the registered name. We require proof of your registered name and will accept photocopies of any of the following:
 - Current Inland Revenue Certificate;
 - Current VAT Certificate.

We also require a photocopy of your Certificate of Incorporation (if applicable).

3. Enter the address of the individual making the application. In the case of partnership, company or corporate body applications please enter the address of the registered office. We will accept photocopies of any of the following as proof of your address or registered address in the case of partnership, company or corporate body applications:
 - Current Council Tax Bill (or equivalent);
 - Utility Bill from the last 3 months if not used as proof of name.

Bills provided as proof of address for partnership, company or corporate body applications must be in the name of the partnership, company or corporate body.

4. Enter the telephone number of the individual, partnership or company.
5. Enter the fax number, if any, of the individual, partnership or company.
6. Enter the email address, if any, of the individual, partnership or company.
7. For applications by individuals please enter the date of birth of the applicant.
8. Indicate by ticking the appropriate box whether this application is for status as a registered buyer, seller or both. If you want to have an auction site designated please complete application form RBS-3.
9. Enter the names and addresses of all partners or company directors.

10. Indicate by ticking the appropriate box(es) which industry sector you operate in. The categories are demersal, pelagic, nephrops or shellfish (excluding nephrops). This information is for statistical reasons only and will not affect your registration or the species you can buy and/or sell.

Section C - Contact for further correspondence

Where an application is made by a partnership, company or corporate body you must provide the name, address and other contact details of a person within the organisation who will be responsible for this application and any future related correspondence.

1. Enter the name of a contact person within the partnership, company or corporate body who will be responsible for liaising with the Department on any issues relating to your application.
2. Enter the address of the contact person.
3. Enter the telephone number of the contact person.
4. Enter the fax number, if any, of the contact person. partnership or company.
5. Enter the email address, if any, of the contact person

Section D - Address where records of transactions involving first sale fish will be kept.

It will be a condition of registration as a buyer and/or seller that you keep records of each fish sale transaction involving first sale fish for 2 calendar years. These records must also be shown to a Fishery Officer on request.

All individuals, partnerships companies or corporate bodies must provide details of all addresses where these records will be kept.

If you store records at an address outside the UK, then you must submit your records to fisheries departments for audit at least once each calendar year and within 28 days of a request by a fishery officer.

1. Enter the address of the premises where the records will be kept.
2. Enter the telephone number, if any, of the premises.
3. Enter the fax number, if any, of the premises.

Continue on a separate page if the records will be stored at more than one address.

Section E - Declaration and Certification

1. It is important that you understand the implications and the responsibilities, of applying to be a registered buyer and/or seller of fish. You will be responsible for the submission of sales notes to the Fisheries Departments; for maintaining records of fish sales/purchases; and for the accuracy of the relevant information. This will include, for example, the accuracy of the weight and species of fish sold and recorded on the sales notes:

so you may wish to consider how you can be assured about that (for example by check weighing, or ensuring the requirements of marketing standards regulations are met by those responsible).

2. Failure to meet any of your legal requirements, or provision of false information, may leave you open to prosecution. If you are in any doubt about your obligations and responsibilities, your Fisheries Department will be happy to provide further advice.
3. If satisfied, please read the data protection statement and declaration and sign in the box. For partnership, company or corporate body applications an authorised signatory may sign on behalf of the partnership, company or corporate body. However, we require a photocopy of the Certificate of Incorporation and proof of authority for the signatory to sign on behalf of the partnership, company or corporate body (e.g. a letter signed by all partners or company directors or a letter from the head of the corporate body on letter headed paper stating who the authorised signatory is and providing a copy of their signature). Please enclose proof of your name and address with the application.
4. Completed applications and supporting documentation must be sent to one of the addresses listed in Annex A.

The deadlines for receipt of applications are:

- 24 June for buyers and sellers of pelagic fish who will be operating by 1 July 2005 in Scotland.
- 1 July for buyers/sellers of all other species who will be operating by 1 September 2005
- For applications after 2 July 2005, the application process will reopen on 1 September 2005. Please allow at least 15 working days from 1 September 2005 or from receipt of your application by Fisheries Departments (whichever is later) for your application to be considered.

■ What happens next?

If you are a buyer and/or seller of pelagic fish (within Scotland)

1. Your application for registration will be considered by SEERAD and you will receive written notification of the result by 30 June 2005. We will notify you in writing of any conditions attached to your registered status, if agreed. You will be required to return a signed copy of the notification to indicate you accept the conditions of registration. From 1 July 2005, the registered buyer or seller will be legally responsible for the submission of sales notes as required under Article 9 of Council Regulation 2847/93 and Article 22(2) of Council Regulation 2371/2002.
2. If we require further information on any part of your application we will contact your responsible person in writing before then.
3. Registered buyers of first sale pelagic fish will be required to continue to submit sales notes as now, and to keep records of each transaction for 2 calendar years.

■ If you wish to apply to be a registered buyer/seller of other first sale fish

1. Your application for registration will be considered by the Fisheries Department(s) of the geographical areas you wish to operate in. You will receive written notification of the result by 31 August 2005. We will notify you in writing of any conditions attached to your registered status, if agreed. You will be required to return a signed copy of the notification to indicate that you accept the conditions of registration.
2. If we require further information on any part of your application we will contact your responsible person in writing before then.
3. From 1 September 2005 all registered sellers of first sale fish landed in the UK and sold through auction must submit sales notes within 48 hours of the sale and maintain records of each transaction for 2 calendar years.
4. In Scotland, there will be phased implementation of the requirement to submit sales notes. The registered buyers of first sale fish landed in the UK and sold through direct sales (consignments) will, also from 1 September 2005, be required to submit sales notes within 48 hours of obtaining all the information related to the sale. They will also be required to maintain records of each transaction for 2 calendar years. (Note: this excludes the buyers of direct sales of pelagic fish, who are subject to a different, earlier deadline).

5. Exceptionally, registered buyers of first sale nephrops and shellfish sold through direct sales (consignments) in Scotland will have until a later date (yet to be decided) to meet the requirements for maintaining records and submitting sales notes. It is expected to introduce that requirement in early 2006. Further advice about that will be issued by SEERAD in due course.

■ If you are applying after 2 July 2005

6. Fisheries Departments will not process applications for registration received between 2 July 2005 and 31 August 2005 until 1 September 2005.
7. If you wish to be a registered buyer and/or seller of first sale fish in the UK after 1 September 2005 please allow at least 15 working days from receipt of your application by Fisheries Departments for your application to be considered. You will receive written notification of the result from the Fisheries Department in the geographical area(s) you wish to operate in. We will notify you in writing of any conditions attached to your registered status, if agreed. You will be required to return a signed copy of the notification to indicate that you accept the conditions of registration.

If we require further information on any part of your application we will contact your responsible person in writing.

Annex A

Further advice and guidance can be obtained from any of the Fisheries Departments. Completed applications and supporting documentation must be posted to one of the following addresses:

- Registration of Buyers and Sellers Scheme
Scottish Executive Environment and Rural Affairs and
Department (SEERAD)
Rm 518
Pentland House
47 Robbs Loan
Edinburgh
EH14 1TY
Tel: 0131 244 4980
Fax: 0131 244 6288
Email: fishregister@scotland.gsi.gov.uk
- Registration of Buyers and Sellers Scheme
Fisheries Enforcement Policy Team
Department for Environment, Food and
Rural Arrairs (Defra)
Zone 7-E
3-8 Whitehall Place
London
SW1A 2HH
Tel: 020 7 270 8131/8260
Fax: 020 7 270 8843
Email: RBSregister@defra.gsi.gov.uk
- Registration of Buyers and Sellers Scheme
Department of Agriculture and Rural
Development NI (DARDNI)
Room 19, Annexe 5
Castle Grounds
Stormont
Belfast
BT4 3TW
Tel: 028 9052 0042
Fax: 028 9052 3121
Email: RBSRegistration.fisheries@dardni.gov.uk
- Registration of Buyers and Sellers Scheme
National Assembly for Wales (NAW)
Fisheries Policy Branch
Cathay's Park
Cardiff
CF10 3NQ
Tel:029 2082 3184
Fax:029 2082 3562