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Welsh Assembly Government

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RBS 2: Registered buyers and sellers - explanatory leaflet

Applying to be a registered buyer or seller of first-sale fish (including shellfish and nephrops) in the UK and Isle of Man

Introduction

The fisheries departments in Scotland, England, Wales, Northern Ireland and Isle of Man 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. 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 purpose 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 Isle of Man: 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 (that is 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.
- If the annual turnover of first-sale fishery products is more than €400,000 (being marketed for the first time), you will also be required to record and submit your records of first-sale fish by electronic means. **See RBS 5 for more details.**

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 this arrangement, for all purchases of first-sale fish, including shellfish and nephrops.

Who must/can register?

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 (that is other than by competitive bidding from a registered seller by auction at a designated auction site). If you operate

as both buyer and seller of first-sale fish, you may need to register as both. If in doubt, consult your fisheries department.

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.

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.

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.

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 25 kg is bought per day.

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 in 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 - Application 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 or IoM driving licence
- bank statement from last three months
- utility bill from last three months (cannot be used as both proof of name and proof of address).

Due to the dangers of postal interception and fraud, and for your own protection, do not send us original documents.

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 HM Customs and Revenue Certificate or IoM equivalent
 - 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 last three 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. Continue on a separate sheet if necessary.
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 company name, if any.
3. Enter the address of the contact person.
4. Enter the telephone number of the contact person.
5. Enter the fax number, if any, of the contact person, partnership or company.
6. Enter the email address, if any, of the contact person.

Section D - Addresses 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 two 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 or Isle of Man, then you must submit your records to fisheries departments for audit at least once each calendar year (by 31 December if registered in Scotland) 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 (such as 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.

What happens next?

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 within three weeks of receipt of your application by fisheries departments. We will notify you in writing of any conditions attached to your registered status.

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

All registered sellers of first-sale fish landed in the UK and Isle of Man and sold through auction must submit sales notes within 48 hours of the sale and maintain records of each transaction for two calendar years.

Registered buyers of first-sale fish landed in the UK and Isle of Man and sold through direct sales (consignments) will, also 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 two calendar years.

Annex A

Further advice and guidance can be obtained from any of the fisheries departments. Completed applications and supporting documentation can be emailed or posted to one of the following addresses.

Registration of Buyers and Sellers Scheme
Department of Agriculture and Rural Development (DARD)
4th Floor
Dundonald House
Upper Newtownards Road
Belfast
BT4 3SB
Tel: 028 9037 8329
Fax: 028 9037 8323
Email: RBSregistration.fisheries@dardni.gov.uk

Registration of Buyers and Sellers Scheme
Marine Management Organisation
PO Box 1275
Newcastle upon Tyne
NE99 5BN
Tel: 0191 376 2638
Fax: 0191 376 2501
Email: ops@marinemanagement.org.uk

Registration of Buyers and Sellers Scheme
Welsh Assembly Government
Suite 3
Cedar Court
Havens Head Business Park
Milford Haven
Pembrokeshire
SA73 3LS
Tel: 01646 693 412
Fax: 01646 696 030
Email: MilfordHavenFisheryOffice@wales.gsi.gov.uk

Registration of Buyers and Sellers Scheme
Scottish Government Marine Scotland
Room 535
Pentland House
47 Robbs Loan
Edinburgh
EH14 1TY
Tel: 0131 244 6060
Fax: 0131 244 6086
Email: fishregister@scotland.gsi.gov.uk

Registration of Buyers and Sellers Scheme
Department of Agriculture, Fisheries and Forestry
Fisheries Division
Rose House
51-59 Circular Road
Douglas
Isle of Man
IM1 1AZ
Tel: 01624 685 857
Fax: 01624 685 851
Email: fisheries@daff.gov.im