



Obligations Applicable to Buyers and Sellers of First-Sale Fish

**Applicable to all buyers and sellers of first-sale fish
(Individuals, Auctions and other Companies)**

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ACRONYMS AND ABBREVIATIONS

Acronym	Definition
EU	European Union
MMO	Marine Management Organisation
MCRS	Minimum Conservation Reference Size

DEFINITIONS

Expression	Definition
Competent Authority (or Authority / Authorities)	For the purposes of this document the Competent Authority is the Marine Management Organisation (MMO) who act as the Regulatory Body. This document also refers to the MMO Fisheries Monitoring Centre as part of this organisation.
First-Sale Fish	'First-sale fish' means fish from a United Kingdom fishing vessel which is offered for sale for the first time. Refer to Section 1 for further information.
Master or Master of the vessel	The person in charge of the (fishing) vessel and legally responsible for the vessel's adherence to fisheries regulations. In this case it is not a requirement for this person to hold a Master Mariner sea going qualification ¹ .
	Additional expressions are defined in Commission Implementing Regulation (EU) 404/2011 of 8 April 2011

¹ The qualification awarded to those senior ships' officers whose competency has been assessed under the STCW A-II/2 syllabus.



REFERENCES

Document Reference No.	Title
UK Fisheries rules No 1379/2013 Annex1	UK Fisheries rules No 1379/2013 Annex1 of the Fisheries Administration and Common Organisation of the Markets in Fishery and Aquaculture Products.
Form RBS1	Apply for Registered Status as a Buyer or Seller of First-Sale Fish (Including Shellfish and Nephrops) in the UK.
Form RBS3 (Guidance Note RBS4).	Application for Designation of Premises as an Auction Site in the UK and Isle of Man (IoM).
UK Fisheries rules No. 1224/2009	UK Fisheries rules No. 1224/2009 establishing a control system for ensuring compliance
UK Regulation 1605 (2005)	Registered Buyers and Sellers Regulation. The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites Regulations 2005 (as amended).

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Obligations Applicable to Buyers and Sellers of First-Sale Fish

Summary

This document is intended to be used by all personnel involved in transactions where there is a sale or purchase of first-sale fish.

This document defines what is meant by 'First-Sale Fish' and how transactions of buying and selling these fish can be carried out within the UK law.

This document outlines:

- the responsibilities of a registered buyer or seller of first-sale fish
- details how you can register, as an individual or as a company, as a buyer and / or seller of first-sale fish
- how to register an auction site

This document is intended to help you² understand more about your obligations as the registered buyer or seller of first-sale fish.

However, it is not a comprehensive guide to the legislation for the fishing industry. It is to be used as a guide; not as a definitive interpretation of the legislation.

² Where the term 'you' is used in this document, this always refers to the registered buyer or seller of first-sale fish.

1 What is First-Sale Fish?

'First-sale fish' means fish from a UK fishing vessel which is offered for sale for the first time.

This includes fish below the minimum conservation reference size (MCRS – also known as 'undersize')

In this guidance 'fisheries products' or 'fish' includes fish and shellfish, a list of these is available in UK Fisheries rules do No 1379/2013 Annex 1

2 Who can Buy First-Sale Fish?

To purchase first-sale fish from a UK fishing vessel (directly or from the vessel's agent) you must either be a registered buyer or buy less than 30 kg of fish a day for your own consumption.

If you only buy fish from a designated auction site you do not need to register.

If you buy fish from a merchant or wholesaler then this is 'second sale' (i.e. it has been purchased previously) and you do not need to register.

As a buyer of fish you should ensure that:

- you and the person you obtain the fish from understand clearly who is the first buyer of the fish
- what the contractual arrangements are
- who will be responsible for the sales note.

2.1 Registered Buyers

The Marine Management Organisation (MMO) registers buyers and sellers operating in England.

You must only buy fish from someone allowed to fish commercially.

Once registered you must submit sales information (a 'sales note') and ensure you comply with the obligations regarding traceability.

2.2 Private Consumption

If you buy less than 30 kg of fish per day directly from a commercial fisher for your own consumption then you do not need to register as a buyer or submit sales notes.

3 Who is Permitted to Sell First-Sale Fish?

Only commercial fishers and designated auction sites are allowed to sell first-sale fish.

3.1 Commercial Fishers

Commercial fishing means fishing for any kind of reward or gain, whether through a financial transaction, barter or other form of trade

3.2 Designated Auction Sites

If you want to sell fish by competitive bidding ('auction') this must be carried out at a designated auction site.

If you are an auction agent or sell fish across a designated auction site then you must register as a seller of first-sale fish.

4 Register as a Buyer or Seller of Fish

You can register as a buyer and/or seller of first-sale fish - free of charge - by completing form RBS1.

You will need to provide details of:



- you or your company
- where you want to operate in the UK
- your registered and trading addresses
- where your records will be held
- your facilities and proposed method of operation

Please understand that you can only register as an individual buyer and/or seller if you buy fish for yourself and not on behalf of your employer or company.

If you represent a company you can only register specified offices or subsidiary companies if they are separate legal entities.

You must send the completed form and copies of any supporting documentation to:

Registered Buyers and Sellers
Marine Management Organisation
Lutra House
Walton Summit
Bamber Bridge
Preston, Lancashire
PR5 8BX

You must not buy or sell fish until you have received your registration number.

5 Register an Auction Site

You can register your premises as a designated auction site – free of charge - by completing the form RBS3 (guidance note RBS4).

You will need to provide details of:

- you or your company
- your premises
- the days and times when you want to operate an auction
- your weighing facilities
- your local authority hygiene certificate

You must send the completed form and copies of any supporting documentation to:



Registered Buyers and Sellers
Marine Management Organisation
Lutra House
Walton Summit
Bamber Bridge
Preston, Lancashire
PR5 8BX

You must not operate your auction until you have received your registration number.

6 Responsibilities of a Registered Buyer or Seller

As a registered buyer or seller of fish you must:

- ensure fish is weighed prior to first sale and maintain appropriate records
- keep a record of each sale of fish for three years
- make records available for inspection at the notified location
- complete and submit a sales note to the competent authority for each transaction
- submit sales notes electronically (e-Sales) where turnover exceeds £175,000

You will also need to comply with requirements for the traceability of fish, which includes transport, weighing and labelling of fish.

Refer to the MMO document 'Traceability and Labelling Information'.

Your premises and records may be inspected by a Marine Enforcement Officer (MEO) to assess compliance with the regulations.

7 Contact Details

Registered Buyers and Sellers
The Fish Quay
Sutton Harbour
Plymouth
Devon
PL4 0LH
United Kingdom

Telephone: 0208 026 9052

Email: registrationof.buyersandsellersrbs@defra.gov.uk

MMO ERS Helpdesk Telephone: 0191 376 2660

Email: it.helpdesk@marinemanagement.org.uk

8 Further Information

Refer to Table of References.

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