STATUTORY RULES OF NORTHERN IRELAND

# 2003 No. 87

# DISEASES OF FISH ACT (NORTHERN IRELAND) 1967

## Infected Waters (Infectious Pancreatic Necrosis) Order (Northern Ireland) 2003

| | |
|---|---|
| *Made - - - -* | *21st February 2003* |
| *Coming into operation* | *24th February 2003* |

The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by section 1(1) of the Diseases of Fish Act (Northern Ireland) 1967(**1**), and of every other power enabling it in that behalf, having reason to believe in accordance with that sub-section that the waters in the area specified in the Schedule are infected waters, hereby makes the following Order:

**Citation and commencement**

**1.** This Order may be cited as the Infected Waters (Infectious Pancreatic Necrosis) Order (Northern Ireland) 2003 and shall come into operation on 24th February 2003.

**Interpretation**

**2.** In this Order –

(a) "the Department" means the Department of Agriculture and Rural Development;

(b) "disease" means the fish disease *Infectious Pancreatic Necrosis*;

(c) "infected area" shall be construed in accordance with Article 3.

**Infected area**

**3.** Whereas Infectious Pancreatic Necrosis virus, the causative organism of the Infectious Pancreatic Necrosis disease, has been identified in fish in the area described in the Schedule (hereinafter referred to as the infected area) that area is hereby declared to be an infected area for the purposes of section 1 of the Diseases of Fish Act (Northern Ireland) 1967 and Articles 4 and 5 shall apply for the prevention, eradication and control of the disease in that area.

(**1**) 1967 c. 7 (N.I.)

**Provisions for the prevention, eradication and control of disease**

**4.**—(1) An authorised person may:

(a) examine any fish in all or any of the waters in the infected area or the carcasses of any such fish;

(b) direct in writing the occupier of that area to take such measures as the authorised person may specify in the direction for the purposes of preventing, eradicating or controlling the disease;

(2) Without prejudice to the generality of paragraph (1)(b), any direction issued under that sub-paragraph may require the occupier of the infected area to –

(a) destroy, bury or otherwise dispose of the carcasses of any fish found in or near the waters in the infected area;

(b) treat such waters, or any fish in those waters;

(c) disinfect or treat any premises, vehicle or stall of any fish dealer or carrier in the infected area;

in such manner and within such time as may be specified in the direction.

(3) Where an authorised person gives a direction under this Article, the occupier of the infected area shall comply with it.

(4) Where the occupier of the infected area fails to comply with the requirements of any direction given under this Article, the Department may, without prejudice to any proceedings arising out of such default, take such steps as may be necessary to ensure that the requirements of the direction are complied with.

**5.**—(1) Subject to paragraph (2), a person shall not transport, or cause or permit to be transported, from the infected area –

(a) any dead fish found or taken in the area; or

(b) any live fish,

except under the authority and in accordance with the conditions of a licence issued by the Department.

(2) Paragraph (1)(a) shall not apply to the transport from the infected area of any dead fish which have been eviscerated.

**6.** The owner of the infected area, or a person appointed by him shall maintain a daily record of water temperature and fish mortalities for each fish pond in the infected area which shall be made available for inspection by an authorised person.