STATUTORY RULES OF NORTHERN IRELAND

2002 No. 53

DISEASES OF FISH

Diseases of Fish (Control) (Amendment) Regulations (Northern Ireland) 2002

Made - - - - 15th February 2002

Coming into operation 10th March 2002

The Department of Agriculture and Rural Development, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Diseases of Fish (Control) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 10th March 2002.

Amendment of the Diseases of Fish (Control) Regulations (Northern Ireland) 1996

2. The Diseases of Fish (Control) Regulations (Northern Ireland) 1996 shall be amended in accordance with the provisions of the Schedule.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 15th February 2002.

E. Cummins (Mrs)
A Senior Officer of the
Department of Agriculture and Rural
Development

(**1**) S.I. 1972/1811
(**2**) 1972 c. 68

SCHEDULE Regulation 2

Amendments of the Diseases of Fish (Control) Regulations (Northern Ireland) 1996

1. For regulations 2 to 7 there shall be substituted the following regulations:

"**Interpretation**

2.—(1) In these Regulations—

"the Act" means the Diseases of Fish Act (Northern Ireland) 1967(**3**);

"confirmed" in relation to a disease listed in either Part I or Part II of Schedule 3, means confirmed by or on behalf of the Department as a result of laboratory examination or, in the case of Infectious Salmon Anaemia, as a result of clinical examination and a post mortem examination;

"the Department" means the Department of Agriculture and Rural Development;

"Directive 93/53/EC"(**4**) means the Council Directive of 24th June 1993 introducing minimum Community measures for the control of certain diseases as amended by the Act of Accession of Austria, Finland and Sweden and by Council Directive 2000/27/EC of 2nd May 2000(**5**);

"farm" means any establishment licensed under the provisions of section 11 of the Fisheries Act (Northern Ireland) 1966(**6**);

"farm suspected of being infected" means a farm containing fish suspected of being infected;

"Fish Health Regulations" mean the Fish Health Regulations (Northern Ireland) 1998(**7**);

"fish suspected of being infected" means fish showing clinical signs or post mortem lesions or dubious reactions in laboratory tests giving rise to reasonable suspicion of the presence of a disease which is listed in Schedule 3;

"infected waters order" has the meaning assigned to it in section 1(1) of the Act;

"inland waters" means waters within Northern Ireland which do not form part of the sea or of any creek, bay, or estuary of a river as far as the tide flows;

"inspector" means a person appointed by the Department for the purposes of these Regulations;

"occupier" in relation to a fish farm means the person to whom a fish culture licence has been granted under the provisions of section 11 of the Fisheries Act (Northern Ireland) 1966;

"official census" has the meaning given to it in regulation 3;

"scheme" means the scheme established by the United Kingdom pursuant to Article 6 of Directive 93/53/EEC for the withdrawal of all fish in Northern Ireland farms infected with Infectious Salmon Anaemia and approved by the Commission by Decision 2001/872/EC(**8**);

(**3**) 1967. Ch. 7
(**4**) O.J. No. L175, 19.07.93, p. 23
(**5**) O.J. No. L114, 13.05.00, p. 29
(**6**) 1966 c. 17 (N.I.)
(**7**) S.R. 1998 No. 310
(**8**) O.J. No. L325, 07.12.01, p. 33

"waters" means any waters (including the waters of any farm) frequented by, or used, for keeping live fish, live eggs of fish, or foodstuff for fish and includes the banks or margins of any such waters and any buildings used in connection therewith;

(2) All other expressions have the meaning they bear in the Fish Health Regulations.

(3) All notices served, authorisations granted or directions given under these Regulations —

(a) shall be in writing;

(b) may be made subject to conditions; and

(c) may be amended, supplemented, suspended or revoked in writing at any time.

(4) The control measures provided for in regulations 4 to 9 are without prejudice to any measures which may be taken to prevent, eradicate or control fish disease under the provisions of the Act, the Fisheries Act (Northern Ireland) 1966 and the Fish Health Regulations.

Official census

3.—(1) As soon as possible after an infected waters order has been made in relation to a farm suspected of being infected, the Department shall prepare a record containing the information set out in Schedule 2 (referred to in these Regulations as an "official census") in relation to the fish on the farm.

(2) After the official census has been prepared it shall be provided to the occupier of the farm to whom it relates and it shall be the duty of the occupier to check regularly for—

(a) any increased population, or

(b) new mortality,

of the fish on the farm and to make any appropriate amendments to the census.

(3) The official census, as amended in accordance with this regulation, shall be kept in such a place that it shall be available to the Department or an inspector on demand for copying or inspection.

(4) The official census, as amended in accordance with this regulation, shall be retained by the occupier of the farm for a period of 4 years from the date on which the relevant infected waters order has been revoked.

Control measures when disease in Part I of Schedule 3 is suspected on a farm

4.—(1) Where—

(a) a farm is suspected of being infected with a disease listed in Part I of Schedule 3; and

(b) an infected waters order has been made in relation to that farm,

the prohibitions and requirements set out in, or specified in accordance with, Schedule 4 shall have effect, and shall remain in effect, in relation to that farm for so long as the infected waters order remains in effect in relation to it.

(2) It shall be the duty of the occupier of the farm subject to the control measures referred to in paragraph (1) to take all reasonable steps to ensure that those measures are complied with.