STATUTORY RULES OF NORTHERN IRELAND

# 1998 No. 310

# FISHERIES

## Fish Health Regulations (Northern Ireland) 1998

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| *Made - - - -* | *2nd September 1998* |
| *Coming into operation* | *16th October 1998* |

The Department of Agriculture, 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, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

## Part I

### Introductory

**Citation and commencement**

**1.** These Regulations may be cited as the Fish Health Regulations (Northern Ireland) 1998 and shall come into operation on 16th October 1998.

**Interpretation**

**2.**—(1) In these Regulations—

"approved farm" means a farm complying, as the case may be, with the requirements of Annex CI, II or III of the Directive and approved as such in accordance with Article 6 thereof;

"approved storage centre" means a storage centre or purification centre approved by the Department as meeting the requirements set out in Part II of Schedule 5;

"approved water station" means a water station approved by the Department as meeting the requirements set out in Part I of Schedule 5;

"approved zone" means a zone complying, as the case may be, with the provisions of Annex BI, II or III of the Directive and approved as such in accordance with Article 5 thereof;

"aquaculture animals" means live fish, crustaceans or molluscs coming from a farm, including those from the wild intended for a farm;

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

"aquaculture products" means products derived from aquaculture animals, whether intended for farming, such as eggs and gametes, or for human consumption;

"Commission Decision 93/55/EEC" means Commission Decision of 21st December 1992 amending the guarantees for the introduction of molluscs into zones for which a programme for *Bonamia ostreae* and *Marteilia refringens* has been approved(**3**) as amended by Commission Decision 93/169/EEC of 19th February 1993 amending Decision 93/55/EEC concerning the guarantees for certain molluscs(**4**);

"Commission Decision 96/490/EC" means Commission Decision of 18th July 1996 on certain protective measures with regard to *Gyrodactylus salaris* in salmonids(**5**) as amended by Commission Decision 98/24/EC of 15th December 1997 amending Decision 96/490/EC concerning certain protective measures in salmonids(**6**);

"dead fish" includes any part of a dead fish;

"the Department" means the Department of Agriculture for Northern Ireland;

"the Directive" means Council Directive 91/67/EEC of 28th January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products(**7**) which has been amended by and must be read with the provisions set out in Part I of Schedule 6;

"Directive 95/70/EC" means Council Directive 95/70/EC of 22nd December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs(**8**);

"eggs" means fertilised ova (including eyed ova and any associated fluid) of fish, crustaceans or molluscs;

"European Inspector" means a Commission expert or a Commission veterinary expert acting with regard to the Directive or Council Directive 95/70/EC;

"farm" means any establishment or, in general, any geographically defined installation in which aquaculture animals are reared or kept with a view to their being placed on the market;

"farmed" in relation to a fish, crustacean or mollusc means a fish, crustacean or mollusc at or from a farm;

"fish, crustaceans or molluscs" means any fish, crustacean or mollusc at any stage of development;

"Form A" means a movement document for live fish, eggs and gametes from an approved zone in the form set out in the Directive which is completed, in respect of live fish, eggs and gametes of the salmonid species, in accordance with the provisions of Commission Decision 96/490/EC;

"Form B" means a movement document for live fish, eggs or gametes from an approved farm in the form set out in the Directive which is completed in respect of salmonid ova for breeding purposes, with a certification that the eggs have been disinfected in accordance with the requirements of Article 2 of Commission Decision 96/490/EC;

"Form C" means a movement document for molluscs from an approved coastal zone in the form set out in the Directive;

"Form D" means a movement document for molluscs from an approved farm in the form set out in the Directive;

(**3**) O.J. No. L14, 22.1.93, p. 24
(**4**) O.J. No. L71, 24.3.93, p. 16
(**5**) O.J. No. L202, 10.8.96, p. 21
(**6**) O.J. No. L26, 14.1.98, p. 8
(**7**) O.J. No. L46, 19.2.91, p. 1
(**8**) O.J. No. L332, 30.12.95, p. 33

"Form E" means a movement document for live farmed fish, molluscs and crustaceans, their eggs and gametes referred to in Article 14 paragraph 1 of the Directive in the form set out in Commission Decision 93/22/EEC(**9**);

"Form F" means a movement document for live wild fish, molluscs, or crustaceans, their eggs and gametes referred to in Article 14 paragraph 2 of the Directive in the form set out in Commission Decision 93/22/EEC;

"Form G" means a movement document completed by the Official Service, certifying that the consignment of molluscs originates from an area where there has been no history of *bonamiosis* or *marteilosis* in the previous two years confirmed by tests as provided for in Commission Decision 93/55/EEC;

"Form H" means a movement document completed by the Official Service, certifying that the consignment of molluscs have been submitted at the place of despatch to a check ensuring that it does not contain species other than *Crassostrea gigas*, as required by Commission Decision 93/55/EEC;

"Form I" means a movement document completed by the Official Service, certifying that the site of origin complies with the conditions of Commission Decision 93/44/EEC of 21st December 1992(**10**), as amended by Commission Decision 94/865/EEC of 20th December 1994(**11**), approving the programmes concerning spring viraemia of carp submitted by the United Kingdom, and defining the additional guarantees for certain fish species for consignment to Northern Ireland, Great Britain, the Isle of Man and Guernsey;

"gametes" means sperm or unfertilised ova and any associated fluid of fish, crustaceans or molluscs;

"health inspection" means a visit by an Official Service or Services for the purpose of conducting health checks on a farm or approved zone;

"infected" means infected with a disease listed in Schedule 1;

"movement document" means a document duly completed and—

(i) in the case of Form A, Form B, Form C and Form D corresponding to the forms set out in the Directive;

(ii) in the case of Form E and Form F corresponding to the forms set out in Commission Decision 93/22/EEC; and

(iii) in the case of Form G, H and Form I complying with these Regulations;

"Northern Ireland" includes the territorial waters of the United Kingdom adjacent to Northern Ireland;

"Official Service" means the veterinary service or any other service of equivalent level designated by the competent authority of a Member State or third country responsible for carrying out the controls provided for in the Directive and shall include the appropriate United Kingdom Official Service;

"placing on the market" means holding or displaying for sale, offering for sale, selling, delivering, transferring or any other form of placing on the market in the European Community, with the exception of retail sale;

"premises" includes any place, farm or installation in which aquaculture animals are kept, any vehicle, ship, vessel, boat, craft, hovercraft or aircraft;

"United Kingdom Official Service" means—

(**9**) O.J. No. L16, 25.1.93, p. 8
(**10**) O.J. No. L16, 25.1.93, p. 53
(**11**) O.J. No. L352, 31.12.94, p. 75

(a) in relation to England, the official service appointed by the Minister of Agriculture, Fisheries and Food;

(b) in relation to Scotland and Wales, the Official Service appointed by the Secretary of State; and

(c) in relation to Northern Ireland, the Department;

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

"wild" in relation to a fish, crustacean or mollusc means any fish, crustacean or mollusc which is not a farmed fish, crustacean or mollusc.

(2) The Interpretation Act (Northern Ireland) 1954(**12**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

# Part II

## General

### Placing on the market of aquaculture animals and aquaculture products

**3.**—(1) A person shall not place on the market—

(a) aquaculture animals unless they meet the requirements set out in paragraph (2);

(b) aquaculture products for breeding purposes unless they are derived from aquaculture animals which meet the requirements set out in paragraph (2); or

(c) aquaculture products for human consumption unless they are derived from aquaculture animals which meet the requirements set out in paragraph (2)(*a*).

(2) The requirements for aquaculture animals referred to in paragraph (1) are—

(a) where placing on the market involves the loading of aquaculture animals, they shall not show clinical signs of disease on the day of loading;

(b) they shall not be intended for destruction or slaughter under a scheme for the eradication of a disease referred to in Annex A of the Directive;

(c) they shall not come from a farm which is subject to a prohibition which has been imposed for aquaculture animal health reasons; and

(d) they shall not have been in contact with aquaculture animals from a farm which is subject to a prohibition which has been imposed for aquaculture animal health reasons.

(3) The provisions of this regulation are without prejudice to the provisions of regulations 4, 5, 9 and 10 of the Diseases of Fish (Control) Regulations (Northern Ireland) 1996(**13**).

### Transportation of aquaculture animals

**4.**—(1) A person shall not transport aquaculture animals unless the requirements set out in paragraph (2) are met.

(2) The requirements for the transport of aquaculture animals referred to in paragraph (1) are that—

(a) the duration of the journey shall be as short as reasonably possible;

(**12**) 1954 c. 33 (N.I.)
(**13**) S.R. 1996 No. 16

(b) the means of transport shall have been cleaned and disinfected before the aquaculture animals are loaded;

(c) if the aquaculture animals are transported overland in water, they shall be transported in such a manner that the water cannot escape from the vehicle during transport;

(d) all reasonable steps shall be taken to safeguard the health of the aquaculture animals, including, if appropriate, changing the water in which they are transported; and

(e) any water used in the transport of the aquaculture animals shall only be changed at an approved water station.

**Identification of aquaculture animals and aquaculture products**

**5.**—(1) A person shall not despatch a consignment of aquaculture animals or aquaculture products unless information is provided in accordance with paragraph (2) which—

(a) identifies the consignment;

(b) enables the farm of origin or, in the case of aquaculture animals or aquaculture products from the wild, the place of origin to be traced; and

(c) where a movement document is required by these Regulations to accompany the consignment, enables the aquaculture animals or aquaculture products comprising the consignment to be linked to that movement document.

(2) The information referred to in paragraph (1) shall be provided on the container for the consignment to which it relates or on a label fixed to the container or on the movement document accompanying the consignment.

# Part III

## Movement within the European Community

**Validity of Movement Documents**

**6.**—(1) A movement document is not valid unless—

(a) it is drawn up at the place of origin of the aquaculture animals or aquaculture products to which it relates by the Official Service of the Member State in which that farm or place is situated;

(b) it is in the official language or languages of the place of destination of the aquaculture animals or aquaculture products to which it relates;

(c) it is drawn up on a single sheet of paper; and

(d) it is made out for a single consignee.

(2) A movement document is not valid when—

(a) it is drawn up more than 48 hours before the aquaculture animals or aquaculture products to which it relates are loaded for despatch;

(b) the movement to which it relates has not been completed within 10 days of its issue;

(c) it is used in connection with aquaculture animals and aquaculture products other than those in respect of which it is issued; or

(d) it has been incorrectly issued by an Official Service.

(3) For the purposes of this regulation the expression "place of origin" shall have the same meaning as it has in Article 11 of the Directive.