STATUTORY RULES OF NORTHERN IRELAND

1996 No. 16

DISEASES OF FISH

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

Made - - - -	*18th January 1996*
Coming into operation	*23rd February 1996*

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:

Citation and commencement

1. These Regulations may be cited as the Diseases of Fish (Control) Regulations (Northern Ireland) 1996 and shall come into operation on 23rd February 1996.

Interpretation

2.—(1) In these Regulations—

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

"Directive 90/667/EEC" means Council Directive of 27th November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal or fish origin(**3**) which has been amended as set out in Schedule 1;

"Directive 91/67/EEC" means Council Directive of 28th January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products(**4**) which has been amended as set out in Schedule 1;

"farm" includes a farm in marine waters;

"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;

(**1**) S.I.1972/1811
(**2**) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3), S.R. 1984 No. 253 and S.I. 1994/2795 (N.I. 15)
(**3**) O.J. No. L363, 27.12.90, p. 51 as read with the provisions listed in Schedule 1
(**4**) O.J. No. L46, 19.2.91, p. 1 as read with the provisions listed in Schedule 1

"infected" in relation to—

(a) a farm, means a farm containing infected fish as well as a farm from which infected fish have been removed but which has not yet been disinfected in accordance with these Regulations;

(b) any fish, means the presence in that fish of a disease listed in Part I or Part II of Schedule 3 officially confirmed by laboratory examination or, in the case of Infectious Salmon Anaemia, by a clinical examination and a post mortem examination;

"infected waters order" has the meaning assigned to it by section 1(1) of the Diseases of Fish Act (Northern Ireland) 1967(**5**); and

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

(2) All other expressions have the meaning they bear in the Fish Health Regulations (Northern Ireland) 1993(**6**).

(3) All notices served under these Regulations and any authorisation granted under regulation 8(2) or 9(2)—

(a) shall be in writing;

(b) may be made subject to conditions; and

(c) may be amended, 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 Fisheries Act (Northern Ireland) 1966(**7**), the Diseases of Fish Act (Northern Ireland) 1967 or the Fish Health Regulations (Northern Ireland) 1993.

(5) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Official census

3.—(1) Where a farm contains fish suspected of being infected, as soon as possible after the farm has been made subject to an infected waters order, the Department shall—

(a) conduct a census of the fish on the farm; and

(b) notify the information obtained as a result thereof to the occupier of the farm.

(2) The census conducted under paragraph (1) shall obtain the information set out in Schedule 2.

(3) The occupier of any farm shall keep a record of the information notified to him under paragraph (1)(*b*) in such a place that it shall be available on request to the Department or, when an inspection of the farm is carried out, to an inspector.

(4) After a census has been conducted in relation to any farm under paragraph (1) it shall be the duty of the occupier of the farm, while the farm contains fish suspected of being infected, to check regularly and to note any—

(a) increase in the population, or

(b) new mortality,

of the fish on the farm and to update the record kept by him under paragraph (3) accordingly.

(5) The record kept by the occupier of a farm under paragraph (3) shall be retained for a period of 4 years after the infected waters order in respect of the farm has been revoked.

(**5**) 1967 c. 7
(**6**) S.R. 1993 No. 306 as amended by S.R. 1995 No. 174
(**7**) 1966 c. 17
(**8**) 1954 c. 33 (N.I.)

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

4.—(1) Where a farm contains fish suspected of being infected with a disease listed in Part I of Schedule 3, as soon as possible after the farm has been made subject to an infected waters order, the control measures set out in Schedule 4 shall take effect.

(2) The control measures referred to in paragraph (1) shall continue to have effect until withdrawn by notice served by the Department on the occupier of the farm to which they relate.

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

Control measures if presence of a disease in Part I of Schedule 3 is confirmed on a farm

5.—(1) If the fish on a farm are infected with a disease listed in Part I of Schedule 3, the Department shall, by notice served on the occupier of the farm, require the control measures set out in Schedule 5 to be taken.

(2) It shall be the duty of any person on whom a notice is served under paragraph (1) to comply with it.

Control measures when a disease in Part II of Schedule 3 is suspected in an approved zone or on an approved farm

6.—(1) Where a farm is either—

(a) a farm is an approved zone; or

(b) an approved farm which is not an approved zone;

and contains fish suspected of being infected with a disease listed in Part II of Schedule 3, as soon as possible after the farm has been made subject to an infected waters order, the control measures set out in Schedule 4 shall take effect in relation to the farm.

(2) The control measures referred to in paragraph (1) shall continue to have effect until withdrawn by notice served by the Department on the occupier of the farm to which they relate.

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

Control measures when a disease listed in Part II of Schedule 3 is confirmed in an approved zone or on an approved farm

7.—(1) If the fish on a farm, which is either—

(a) a farm in an approved zone; or

(b) an approved farm which is not in an approved zone,

are infected with a disease listed in Part II of Schedule 3, the Department shall, by notice served on the occupier of the farm, require the control measures set out in Schedule 5 to be taken.

(2) It shall be the duty of any person on whom a notice is served under paragraph (1) to comply with it.

Control measures to be taken when a disease listed in Part II of Schedule 3 is suspected at a non-approved farm in a non-approved zone

8.—(1) Where a farm—

(a) is not an approved farm,

(b) is not in an approved zone, and

(c) contains fish suspected of being infected with a disease listed in Part II of Schedule 3,

as soon as possible after the farm has been made subject to an infected waters order, the control measures set out in paragraph (2) shall take effect in relation to that farm.

(2) A person shall not remove any live fish, eggs or gametes from the farm concerned unless the live fish, eggs or gametes

(a) are to be sent to another farm infected with the same disease; or

(b) in the case of live fish, are to be sent for slaughter for human consumption,

and that person has the authorisation of the Department therefor.

(3) The control measures set out in paragraph (2) shall continue to have effect in relation to a farm until such time as the infected waters order to which the farm is subject is revoked.

(4) It shall be the duty of the occupier of any farm which is subject to the control measures set out in paragraph (2) to take all reasonable steps to ensure that they are complied with.

Control measures to be taken when a disease listed in Schedule 3 is suspected or confirmed in waters which are not the waters of a farm

9.—(1) Where in any area—

(a) fish from the wild are infected with, or are suspected of being infected with, a disease listed in Part I of Schedule 3; or

(b) which is an approved zone, fish from the wild are infected with, or are suspected of being infected with, a disease listed in Part II of Schedule 3;

and the area concerned is declared to be an infected area by an infected waters order, the control measures set out in paragraph (2) shall take effect in relation to that area ("the infected area").

(2) A person shall not—

(a) bring on to or take from the infected area any equipment, material or substances liable to transmit disease; or

(b) enter into or exit from the infected area; or

(c) bring a vehicle on to or take a vehicle from the infected area,

without the authorisation of the Department.

(3) It shall be the duty of the occupier of the land or waters within the infected area to—

(a) take such measures as may be specified by notice served on him by the Department to disinfect the entrances to and exits from the infected area; and

(b) take reasonable steps to ensure that the control measures set out in paragraph (2) are complied with.

Prohibition on vaccination against disease

10.—(1) A person shall not vaccinate any fish or cause any fish to be vaccinated against any disease listed in Part I of Schedule 3.

(2) A person shall not vaccinate any fish or cause any fish to be vaccinated against any of the diseases listed in Part II of Schedule 3 where the fish are—

(a) in an approved zone; or

(b) in an approved farm which is not in an approved zone; or

(c) in a zone or farm in respect of which the procedures to obtain approved status under Directive 91/67/EEC have been initiated.