1995 No. 174

FISHERIES

The Fish Health (Amendment) Regulations (Northern Ireland) 1995

Made	*21st April 1995*
Coming into operation . .	*24th May 1995*

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) 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 Fish Health (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 24th May 1995.

Amendment of the Fish Health Regulations (Northern Ireland) 1993

2. The Fish Health Regulations (Northern Ireland) 1993(**c**) shall be amended as provided in regulations 3 to 15.

3. In regulation 2(1) (Interpretation)—

(*a*) after the definition of ''aquaculture products'' there shall be inserted the following definition—

'' ''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(**d**) as amended by Commission Decision 93/169/EEC of 19th February 1993 amending Decision 93/55/EEC concerning the guarantees for certain molluscs(**e**);'';

(*b*) for the definition of ''the Directive'' there shall be inserted the following definition—

'' ''the Directive'' means Council Directive 91/67/EEC of 28th January 1991 concerning the animal health conditions governing

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(a) S.I. 1972/1811
(b) 1972 c. 68
(c) S.R. 1993 No. 306
(d) O.J. No. L14, 22.1.93, p. 24
(e) O.J. No. L71, 24.3.93, p. 16

the placing on the market of aquaculture animals and products(**a**) which has been amended by and must be read with the provisions set out in Part I of Schedule 6;'';

(*c*) after the definition of ''the Directive'' there shall be inserted the following definition—

'' ''Directive 93/53/EEC'' means Council Directive 93/53/EEC of 24th June 1993 introducing minimum Community measures for the control of certain fish diseases(**b**);'';

(*d*) after the definition of ''Form F'' there shall be inserted the following definitions—

'' ''Form G'' means a movement document completed by the Official Service, certifying that the molluscs originate from an area where there has been no history of *bonamiosis* or *marteiliosis* 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 molluscs have been submitted at the place of despatch to a check ensuring that they do 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 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(**c**);'';

(*e*) for the definition of ''movement document'' there shall be substituted the following definition—

'' ''movement document'' means a document duly completed and—

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

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

4. In regulation 3 (Placing on the market of aquaculture animals and aquaculture products) after paragraph (2) there shall be inserted the following paragraph—

''(3) The provisions of this regulation are without prejudice to the provisions of Directive 93/53/EEC.''.

(**a**) O.J. No. L46, 19.2.91, p. 1
(**b**) O.J. No. L175, 19.7.93, p. 23
(**c**) O.J. No. L16, 25.1.93, p. 53

5. In regulation 6 (Validity of movement documents) after paragraph 2(*c*) there shall be inserted the following sub-paragraph—

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

6. For regulation 7 (Introduction of live fish, eggs and gametes) there shall be substituted the following regulation—

"**7.**—(1) Subject to paragraph (2), a person shall not introduce into a zone specified in column (2) of Schedule 2 from elsewhere in the European Communities, or subsequently move within that zone, any live fish, eggs or gametes specified opposite thereto in column (3) unless they are accompanied by valid movement documents in the form specified opposite thereto in column (4) confirming that—

(*a*) they come from an area free from the disease specified in column (5) opposite the reference to such movement document; or

(*b*) where a movement document does not require that they come from an area free from such disease, they fulfil the conditions set out in that movement document.

(2) The provisions of this regulation shall not apply to tropical fish kept permanently in aquaria.".

7. In regulation 8 (Introduction of dead fish) for the word "columnn" there shall be substituted the word "column".

8. After regulation 9 (Introduction of live molluscs, eggs and gametes) there shall be inserted the following regulation—

"**9A.**—(1) Subject to paragraph (2), a person shall not introduce into an approved zone or an approved farm any wild fish, molluscs, crustaceans, their eggs or gametes, which have been caught in the deep sea and which are to be used for breeding purposes unless those fish, molluscs, crustaceans, eggs or gametes are first placed in quarantine in suitable facilities and in such conditions as the Department may determine.

(2) The provisions of this regulation shall not apply to tropical fish kept permanently in aquaria.".

9. For regulation 16 there shall be substituted the following regulation—

"*Extension of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995 and the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993*

16.—(1) The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995(**a**) (except Part III thereof), and the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993(**b**) (except Parts III and IV thereof) to the extent that those

(**a**) S.R. 1995 No. 52
(**b**) S.R. 1993 No. 304

Regulations apply to aquaculture animals and aquaculture products, shall have effect as if the relevant areas were a Member State.

(2) For the purposes of this regulation "the relevant areas" means Great Britain, the Isle of Man and any of the Channel Islands."

10. In regulation 17(2) (Obstruction) for the words "paragraph (1)(*c*)" there shall be substituted "paragraph (1)(*b*)".

11. For Schedule 1 (List of Diseases) there shall be substituted the Schedule set out in Schedule 1.

12. For Schedule 2 (Zones in Northern Ireland — Live Fish, Eggs and Gametes) there shall be substituted the Schedule set out in Schedule 2.

13. For Schedule 3 (Zones in Northern Ireland — Dead Fish) there shall be substituted the Schedule set out in Schedule 3.

14. For Schedule 4 (Zones in Northern Ireland — Live Molluscs, Eggs and Gametes) there shall be substituted the Schedule set out in Schedule 4.

15. In Schedule 6 (Meaning of "Directive 91/67/EEC") in Part I—

(*a*) after the entry relating to Commission Decision 93/169/EEC there shall be inserted the following entries—

"Commission Decision 94/306/EC of 16th May 1994 laying down the sampling plans and diagnostic methods for the detection and confirmation of certain mollusc diseases.	O.J. No. L133, 28.5.94, p. 51
Commission Decision 94/450/EC of 24th June 1994 amending Decision 93/74/EEC concerning the status of Denmark with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L187. 22.7.94, p. 8
Commission Decision 94/865/EC of 20th December 1994 amending Decision 93/44/EEC approving the programmes covering spring viraemia of carp submitted by the United Kingdom and defining the additional guarantees of certain fish	O.J. No. L352, 31.12.94, p. 75

species for consignment to Great Britain, Northern Ireland, the Isle of Man and Guernsey.''

(*b*) after the entry relating to Commission Decision 94/865/EC, inserted by this regulation, there shall be inserted the following heading and provision—

''**Directives Amending Council Directive 91/67/EEC**

Directive	*O.J. Reference*
Council Directive 93/54/EEC of 24th June 1993 amending Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products.''	O.J. No. L175, 19.7.93, p. 34

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 21st April 1995.

(L.S.) *G. Lavery*

Assistant Secretary