1993 No. 306

FISHERIES

The Fish Health Regulations (Northern Ireland) 1993

Made	*5th July 1993*
Coming into operation	*23rd August 1993*

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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 Economic 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) 1993 and shall come into operation on 23rd August 1993.

(a) S.I. 1972/1811
(b) 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) and S.R. 1984 No. 253

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;

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

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

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

"the Directive" means Council Directive No 91/67/EEC of 28th January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products(**a**) as read with the decisions made under that Directive and referred to in Part I of Schedule 6;

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

"European Inspector" means a Commission veterinary expert acting with regard to the Directive;

"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 mollusc" 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;

"Form B" means a movement document for live fish, eggs or gametes from an approved farm in the form set out in the Directive;

(a) O.J. No. L46, 19.2.91, p. 1

"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;

"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 the Directive;

"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 the Directive;

"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 in the form set out in the Directive and shall include Form A, Form B, Form C, Form D, Form E and Form F;

"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 of the European Communities as 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 Economic Community, with the exception of retail sale;

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

"test" means a test referred to in Article 15 of the Directive and defined in Commission Decision 92/532/EEC(**a**);

"United Kingdom Official Service" means—

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

(**a**) O.J. No. L337, 21.11.92, p. 18

"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(**a**) 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.

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;

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

(**a**) 1954 c. 33 (N.I.)