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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 85**

**The Aquatic Animal Health (Scotland) Regulations 2009**

**PART 3**

**PLACING ON THE MARKET**

**General health requirements**

**16.**—(1) It is an offence to place on the market any aquaculture animal for farming or to release any such animal into the wild or into a put and take fishery, unless the animal—

- (a) is clinically healthy; and
- (b) comes from a farm or mollusc farming area where there is no unexplained increased mortality.

(2) Paragraph (1)(b) does not apply where—

- (a) the animal comes from a part of the farm or mollusc farming area, which, in the opinion of the competent authority, is independent of the epidemiological unit in which the increased mortality has occurred; and
- (b) the placing on the market of the animal has the prior written consent of the competent authority.

(3) It is an offence to release any ornamental aquatic animal kept in a closed ornamental facility into an open ornamental facility, farm, mollusc farming area, relaying area, put and take fishery, or into the wild, without the prior written consent of the competent authority.

(4) It is an offence to contravene any of the following provisions of Regulation (EC) No. 1251/2008—

- (a) Article 9 (introduction of aquaculture animals after inspection);
- (b) Article 15(1), (2) or (3) (requirements for the release of aquaculture animals and products thereof and for transport water).

(5) In paragraph (3) “closed ornamental facility” and “open ornamental facility” have the same meaning as in Article 2(a) and (b) of Regulation (EC) No. 1251/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the The Aquatic Animal Health (Scotland) Regulations 2009, Section 16.