
STATUTORY INSTRUMENTS

1997 No. 1881

The Fish Health Regulations 1997

PART IV

DISEASE AND POWERS

Notification of disease

12.—(1) Any person who—

- (a) knows of any observed abnormal mortality amongst bivalve molluscs in farms, farming areas, harvested natural beds, or purification centres or storage tanks which discharge water into the sea;
- (b) knows of any symptom amongst fish or molluscs which might constitute grounds for suspecting the presence of a disease listed in Schedule 1;
- (c) has any reason for suspecting the presence amongst fish or molluscs of a disease listed in Schedule 1;

shall notify the Minister as quickly as possible.

(2) Any person who has in his possession or under his charge an infected item, or an item which he suspects is an infected item, shall detain it until—

- (a) it has been examined by a veterinary inspector; or
- (b) a veterinary inspector has instructed him to dispose of it.

(3) A veterinary inspector shall have powers to take such samples of or from fish or molluscs as may be necessary to establish whether a disease listed in Schedule 1 is present amongst fish or molluscs.

(4) For the purposes of this regulation—

“infected item” means a fish or mollusc or the carcase or part of the carcase of the same which is infected with a disease listed in Schedule 1; and

“observed abnormal mortality” shall have the meaning it is given in Article 2 of Directive [95/70/EC](#).

Powers—diseases of fish

13. If the result of a test for the presence of a disease of fish listed in Schedule 1 is positive, the Minister may, by notice in writing served on the person appearing to have charge of any fish, facilities or equipment—

- (a) require the slaughter of all fish in infected farms;
- (b) require the destruction of all infected or contaminated fish; and
- (c) require the disinfection of facilities and equipment.

Powers—diseases of molluscs

14.—(1) If a veterinary inspector has reasonable grounds for suspecting amongst molluscs the presence of a disease listed in Schedule 1 he may—

- (a) by notice in writing served on the person appearing to have charge of any molluscs kept on such premises as are specified in the notice, prohibit the movement of any molluscs on to or off such premises, except under the written authority of the Minister; or
- (b) by notice in writing served on any person appearing to him to be appropriate, prohibit the taking of any molluscs from any area as is specified in the notice except under the written authority of the Minister.

(2) A notice served under paragraph (1) above shall remain in force until withdrawn by a further notice in writing served by a veterinary inspector on the person on whom the initial notice was served.

(3) If the result of a test for the presence of a disease of molluscs listed in Schedule 1 is positive, the Minister may, by notice in writing served on the person appearing to have charge of any molluscs, facilities or equipment—

- (a) require the destruction of all infected or contaminated molluscs; and
- (b) require the disinfection of facilities and equipment.

Powers of veterinary inspector

15.—(1) Subject to regulation 10 of the Animals and Animal Products (Import and Export) Regulations 1995⁽¹⁾ and regulation 13 of the Products of Animal Origin (Import and Export) Regulations 1996⁽²⁾ a veterinary inspector shall have the powers set out in this regulation.

(2) A veterinary inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(3) A veterinary inspector shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

- (a) carry out inspections of any premises;
- (b) take samples of or from aquaculture animals or aquaculture products;
- (c) examine relevant documentary or computer material.

(4) A veterinary inspector shall have powers to make such inspections and take such samples as may be necessary to carry out the health inspections, sampling plans and diagnostic methods established by Directive [91/67/EEC](#) or Directive [95/70/EC](#).

(5) A veterinary inspector entering any premises under these Regulations may take with him such persons, equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under these Regulations.

Failure to comply with a notice

16. If any person fails to comply with the requirements of a notice served under these Regulations then, without prejudice to any proceedings consequent upon such failure, a veterinary inspector may enter on any premises to which such notice relates and take or cause to be taken such steps as appear to the veterinary inspector to be necessary either to ensure compliance with the requirements of the notice or to remedy the consequences of the failure to carry them out, and all reasonable costs of

(1) S.I.1995/2428; the only relevant amending instrument is S.I. 1996/1111.

(2) S.I. 1996/3124.

taking such steps shall be recoverable by the Minister from the person on whom the notice was served.

Extension of the Animals and Animal Products (Import and Export) Regulations 1995 and the Products of Animal Origin (Import and Export) Regulations 1996

17.—(1) The Animals and Animal Products (Import and Export) Regulations 1995 and the Products of Animal Origin (Import and Export) Regulations 1996, to the extent that those regulations apply to aquaculture animals and aquaculture products, shall have effect as if the relevant areas were another Member State.

(2) For the purposes of this regulation “the relevant areas” means Northern Ireland, the Isle of Man and any of the Channel Islands.

Obstruction

18.—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer or give any information if to do so might incriminate him.

Powers—European Inspectors

19. A European Inspector may accompany any person who is enforcing these Regulations for the purpose of establishing whether Directive 91/67/EEC and Directive 95/70/EC are applied in a uniform way.