
STATUTORY INSTRUMENTS

1997 No. 1881

The Fish Health Regulations 1997

PART V

OFFENCES AND PENALTIES

Offences by directors etc.

20.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in such capacity,

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

Offences

21.—(1) Any person who contravenes, or fails to comply with, a provision of these Regulations or a provision or requirement of a notice served in accordance with the provisions of these Regulations, shall be guilty of an offence.

(2) Any person who, for the purposes of procuring the issue of a movement document—

- (a) makes a statement which he knows to be false in a material particular;
- (b) recklessly make a statement which is false in a material particular; or
- (c) intentionally fails to disclose any material particular,

shall be guilty of an offence.

Penalties

22.—(1) A person who is guilty of an offence by reason of his failure to comply with provisions of regulation 12(1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) A person guilty of any other offence under these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Amendment of the Registration of Fish Farming and Shellfish Farming Businesses Order 1985

23. Part II of Schedule 3 to the Registration of Fish Farming and Shellfish Farming Businesses Order 1985(1) shall be amended by adding after paragraph 2—

“**3.** Observed abnormal mortality, as defined in Article 2 of Council Directive [95/70/EC](#) of 22nd December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs.”.

Revocation

24. The Fish Health Regulations 1992(2), the Fish Health (Amendment) Regulations 1993(3), the Fish Health (Amendment) Regulations 1994(4) and the Fish Health (Amendment) Regulations 1995(5) are hereby revoked.

(1) S.I.1985/1319, amended by S.I. 1994/1447.
(2) S.I. 1992/3300.
(3) S.I. 1993/2255.
(4) S.I. 1994/1448.
(5) S.I. 1995/886.