

**1993 No. 306****FISHERIES****The Fish Health Regulations (Northern Ireland) 1993**

*Made* . . . . . 5th July 1993

*Coming into operation* . . . . . 23rd August 1993

## INDEX

## PART I — INTRODUCTORY

*Regulations*

1. Citation and commencement.
2. Interpretation.

## PART II — GENERAL

3. Placing on the market of aquaculture animals and aquaculture products.
4. Transportation of aquaculture animals.
5. Identification of aquaculture animals and aquaculture products.

## PART III — MOVEMENT WITHIN THE EUROPEAN ECONOMIC COMMUNITY

6. Validity of movement documents.
7. Introduction of live fish, eggs and gametes.
8. Introduction of dead fish.
9. Introduction of live molluscs, eggs and gametes.
10. Export to other parts of the European Economic Community of aquaculture animals and aquaculture products from Northern Ireland.

## PART IV — DISEASE AND POWERS

11. Notification of disease.
12. Powers — diseases of fish.
13. Powers — diseases of molluscs.
14. Powers of veterinary inspector.
15. Failure to comply with a notice.

16. Extension of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1993 and the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993.
17. Obstruction.
18. Powers — European Inspectors.

#### PART V — OFFENCES AND PENALTIES

19. Offences.
20. Penalties.

#### ARRANGEMENT OF SCHEDULES

##### *Schedules*

1. List of Diseases.
2. Zones in Northern Ireland — Live Fish, Eggs and Gametes.
3. Zones in Northern Ireland — Dead Fish.
4. Zones in Northern Ireland — Live Molluscs, Eggs and Gametes.
5. Part I — Requirements for Water Station.  
Part II — Requirements for Storage Centre.
6. Meaning of “Directive 91/67/EEC”.

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.

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(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;

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(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;

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(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;

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

- (c) if the aquaculture animals are transported overland in water, they shall be transported in such a manner that the water cannot escape from the vehicle during transport;
- (d) all reasonable steps shall be taken to safeguard the health of the aquaculture animals, including, if appropriate, changing the water in which they are transported; and
- (e) any water used in the transport of the aquaculture animals shall only be changed at an approved water station.

*Identification of aquaculture animals and aquaculture products*

5.—(1) A person shall not despatch a consignment of aquaculture animals or aquaculture products unless information is provided in accordance with paragraph (2) which—

- (a) identifies the consignment;
- (b) enables the farm of origin or, in the case of aquaculture animals or aquaculture products from the wild, the place of origin to be traced; and
- (c) where a movement document is required by these Regulations to accompany the consignment, enables the aquaculture animals or aquaculture products comprising the consignment to be linked to that movement document.

(2) The information referred to in paragraph (1) shall be provided on the container for the consignment to which it relates or on a label fixed to the container or on the movement document accompanying the consignment.

PART III

MOVEMENT WITHIN THE EUROPEAN ECONOMIC COMMUNITY

*Validity of Movement Documents*

6.—(1) A movement document is not valid unless—

- (a) it is drawn up at the farm of origin of the aquaculture animals or aquaculture products to which it relates, or in the case of such animals or products from the wild at their place of origin, by the Official Service of the Member State in which that farm or place is situated;
  - (b) it is in the official language or languages of the place of destination of the aquaculture animals or aquaculture products to which it relates;
  - (c) it is drawn up on a single sheet of paper; and
  - (d) it is made out for a single consignee.
- (2) A movement document is not valid when—
- (a) it is drawn up more than 48 hours before the aquaculture animals or aquaculture products to which it relates are loaded for despatch;
  - (b) the movement to which it relates has not been completed within 10 days of its issue; or

- (c) it is used in connection with aquaculture animals and aquaculture products other than those in respect of which it is issued.

*Introduction of live fish, eggs and gametes*

7. 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.

*Introduction of dead fish*

8. A person shall not introduce into a zone specified in column (2) of Schedule 3 from elsewhere in the European Communities dead fish specified opposite thereto in column (3) unless they comply with the conditions specified opposite thereto in column (4).

*Introduction of live molluscs, eggs and gametes*

9.—(1) Subject to paragraph (3), a person shall not introduce into a zone specified in column (2) of Schedule 4 from elsewhere in the European Communities or subsequently move within that zone any live molluscs, eggs or gametes specified opposite thereto in column (3) with the intention of relaying them 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) Subject to paragraph (3), a person shall not relay in a zone specified in column (2) of Schedule 4 any live molluscs, eggs or gametes specified opposite thereto in column (3) from outside that zone 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.

(3) Paragraphs (1) and (2) shall not apply to the relaying of live molluscs, eggs or gametes when they are relaid in an approved storage centre.

(4) For the purposes of this regulation—

“coastal zone” means any waters lying below the high water mark on the ordinary spring tides and any land adjacent to such waters;

“relaying” in relation to molluscs means the deposit or immersion of molluscs in a coastal zone.

*Export to other parts of the European Economic Community of aquaculture animals and aquaculture products from Northern Ireland*

**10.** A person shall not export from Northern Ireland to other parts of the European Economic Community any aquaculture animal or aquaculture product unless it complies with the relevant provisions of the Directive (including any option permitted by that Directive which has been exercised in relation to its destination) and is accompanied by any documents required under the Directive.

PART IV

DISEASE AND POWERS

*Notification of disease*

**11.**—(1) Any person who—

(a) knows of any abnormal death of, or other symptom in, any fish or molluscs which might constitute grounds for suspecting the presence of a disease listed in Schedule 1; or

(b) has any other reason for suspecting the presence amongst fish or molluscs of a disease listed in Schedule 1;

shall notify the Department of that fact 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) Where a veterinary inspector has given an instruction to any person under paragraph (2) to dispose of an infected item, or an item which is suspected of being infected, that person shall comply with that instruction.

(4) 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.

(5) For the purposes of this regulation “item” means a fish or mollusc or the carcase or part of the carcase of a fish or mollusc.

*Powers — diseases of fish*

**12.** If the result of a test for the presence in any fish of a disease listed in Schedule 1 is positive, the Department may, by notice in writing served on the person appearing to have charge of those fish or any facilities or equipment which have or may have been in contact therewith—

(a) require the slaughter of all fish in farms where infected fish are present;



- (b) require the destruction of all infected fish; and
- (c) require the disinfection of such of those facilities and equipment as may be specified in the notice.

*Powers — diseases of molluscs*

**13.**—(1) If a veterinary inspector has reasonable grounds for suspecting the presence of a disease listed in Schedule 1 amongst molluscs 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; 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 Department.

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

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

- (a) require the destruction of all infected molluscs; and
- (b) require the disinfection of such of those facilities and equipment as may be specified in the notice.

*Powers of veterinary inspector*

**14.**—(1) Subject to regulation 9 of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1993(a) and regulation 8 of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993(b) 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 premises for the purposes of ascertaining whether there is or has been on those 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;

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(a) S.R. 1993 No. 305

(b) S.R. 1993 No. 304

(c) examine relevant documentary or data processing 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 the Directive.

(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*

15. If any person fails to comply with the requirements of a notice served under these Regulations or any instruction given under regulation 11(2) then, without prejudice to any proceedings consequent upon such failure, a veterinary inspector may enter on any premises to which such notice or instruction 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 instruction, as the case may be, or to remedy the consequences of contravention thereof, and all reasonable costs of taking such steps shall be recoverable by the Department from the person on whom the notice was served or instruction given as the case may be.

#### *Extension of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1993 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) 1993(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 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.

#### *Obstruction*

17.—(1) A person shall not—

- (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)(c) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

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(a) S.R. 1993 No. 305

(b) S.R. 1993 No. 304

*Powers — European Inspectors*

18. A European Inspector may accompany any person who is enforcing these Regulations for the purpose of establishing whether the Directive is applied in a uniform way.

## PART V

## OFFENCES AND PENALTIES

*Offences*

19.—(1) A person shall not contravene a provision or condition of a notice served in accordance with the provisions of these Regulations.

(2) A person shall not for the purpose of procuring the issue of a movement document—

- (a) make 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 fail to disclose any material particular.

*Penalties*

20.—(1) A person who without reasonable excuse, proof of which shall lie with him, contravenes regulation 11(1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(2) A person who without reasonable excuse, proof of which shall lie with him, contravenes any other provision of these Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 5th July 1993.

(L.S.)

*L. Sinclair*

Assistant Secretary

**List of Diseases**

1. Infectious haematopoietic necrosis (referred to in these Regulations as “IHN”)
2. Viral haemorrhagic septicaemia (referred to in these Regulations as “VHS”)
3. *Bonamiosis*
4. *Marteiliosis*

SCHEDULE 2

Regulation 7

1686

Zones in Northern Ireland — Live Fish, Eggs and Gametes

Item (1)	Zone (2)	Live fish, eggs and gametes(a) (3)	Form of movement document (4)	Diseases(b) (5)
1	Northern Ireland	Live farmed fish of the species— <i>Oncorhynchus nerka</i> <i>Oncorhynchus tshawytscha</i> <i>Oncorhynchus rhodurus</i>	Form A	IHN
			Form E	VHS
2	Northern Ireland	Live wild fish of the species— <i>Oncorhynchus nerka</i> <i>Oncorhynchus tshawytscha</i> <i>Oncorhynchus rhodurus</i>	Form A	IHN
			Form F	VHS
3	Northern Ireland	Eggs and gametes of farmed fish of the species— <i>Oncorhynchus nerka</i> <i>Oncorhynchus tshawytscha</i> <i>Oncorhynchus rhodurus</i>	Form A or Form B	IHN
			Form E	VHS
4	Northern Ireland	Eggs and gametes of wild fish of the species— <i>Oncorhynchus nerka</i> <i>Oncorhynchus tshawytscha</i> <i>Oncorhynchus rhodurus</i>	Form A	IHN
			Form F	VHS
5	Northern Ireland	Live farmed fish of the species— <i>Salmo trutta</i>	Form A	VHS
			Form E	IHN
6	Northern Ireland	Live wild fish of the species— <i>Salmo trutta</i>	Form A	VHS
			Form F	IHN

Fisheries

No. 306

Item (1)	Zone (2)	Live fish, eggs and gametes(a) (3)	Form of movement document (4)	Diseases(b) (5)
7	Northern Ireland	Eggs and gametes of farmed fish of the species— <i>Salmo trutta</i>	Form A or Form B	VHS
			Form E	IHN
8	Northern Ireland	Eggs and gametes of wild fish of the species— <i>Salmo trutta</i>	Form A	VHS
			Form F	IHN
9	Northern Ireland	Live farmed fish of the species— <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> (fry only)	Form A	VHS
			Form E	IHN
10	Northern Ireland	Live wild fish of the species— <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> (fry only)	Form A	VHS
			Form F	IHN
11	Northern Ireland	Eggs and gametes of farmed fish of the species— <i>Thymallus thymallus</i> <i>Coregonus</i> sp.	Form A or Form B	VHS
			Form E	IHN
12	Northern Ireland	Eggs and gametes of wild fish of the species— <i>Thymallus thymallus</i> <i>Coregonus</i> sp.	Form A	VHS
			Form F	IHN
13	Northern Ireland	Live farmed and wild fish of the species— <i>Oncorhynchus mykiss</i> <i>Salmo salar</i>	Form A	IHN and VHS

Item (1)	Zone (2)	Live fish, eggs and gametes(a) (3)	Form of movement document (4)	Diseases(b) (5)
14	Northern Ireland	Eggs and gametes of farmed and wild fish of the species— <i>Oncorhynchus mykiss</i> <i>Salmo salar</i>	Form A or Form B	IHN and VHS
15	Northern Ireland	Live farmed fish, their eggs and gametes other than fish of the following species— <i>Oncorhynchus nerka</i> <i>Oncorhynchus tshawytscha</i> <i>Oncorhynchus rhodurus</i> <i>Salmo trutta</i> <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> (fry only) <i>Oncorhynchus mykiss</i> <i>Salmo salar</i> their eggs and gametes	Form E	IHN and VHS
16	Northern Ireland	Live wild fish, their eggs and gametes other than fish of the following species— <i>Oncorhynchus nerka</i> <i>Oncorhynchus tshawytscha</i> <i>Oncorhynchus rhodurus</i> <i>Salmo trutta</i> <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> (fry only) <i>Oncorhynchus mykiss</i> <i>Salmo salar</i> their eggs and gametes	Form F	IHN and VHS

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(a) The common names of the fish referred to in this Schedule are as follows:

NAME	COMMON NAME
<i>Oncorhynchus nerka</i>	Sockeye salmon
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus rhodurus</i>	Amago salmon
<i>Salmo trutta</i>	Brown trout or sea trout
<i>Thymallus thymallus</i>	Grayling
<i>Coregonus</i> sp.	Whitefishes
<i>Esox lucius</i>	Pike
<i>Oncorhynchus mykiss</i> (formerly known as <i>Salmo gairdneri</i> )	Rainbow trout
<i>Salmo salar</i>	Atlantic salmon

(b) The full names of the diseases in column 5 are set out in Schedule 1



SCHEDULE 3

Regulation 8

1690

Zones in Northern Ireland — Dead Fish

Item (1)	Zone (2)	Dead fish(a) (3)	Conditions(b) (4)
1	Northern Ireland	Dead fish of the species— <i>Oncorhynchus nerka</i> <i>Oncorhynchus tshawytscha</i> <i>Oncorhynchus rhodurus</i> <i>Salmo trutta</i> <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> (fry only) <i>Oncorhynchus mykiss</i> <i>Salmo salar</i>	The fish was slaughtered and eviscerated prior to despatch
2	Northern Ireland	Dead uneviscerated fish of the species— <i>Oncorhynchus nerka</i> <i>Oncorhynchus tshawytscha</i> <i>Oncorhynchus rhodurus</i>	The fish is from an approved zone or an approved farm free of IHN and was slaughtered prior to despatch
3	Northern Ireland	Dead uneviscerated fish of the species— <i>Salmo trutta</i> <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> (fry only)	The fish is from an approved zone or an approved farm free of VHS and was slaughtered prior to despatch
4	Northern Ireland	Dead uneviscerated fish of the species— <i>Oncorhynchus mykiss</i> <i>Salmo salar</i>	The fish is from an approved zone or an approved farm free of IHN and VHS and was slaughtered prior to despatch

Fisheries

No. 306

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(a) The common names of the fish referred to in this Schedule are as follows:

NAME	COMMON NAME
<i>Oncorhynchus nerka</i>	Sockeye salmon
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus rhodurus</i>	Amago salmon
<i>Salmo trutta</i>	Brown trout or sea trout
<i>Thymallus thymallus</i>	Grayling
<i>Coregonus</i> sp.	Whitefishes
<i>Esox lucius</i>	Pike
<i>Oncorhynchus mykiss</i> (formerly known as <i>Salmo gairdneri</i> )	Rainbow trout
<i>Salmo salar</i>	Atlantic salmon

(b) The full names of the diseases in column 4 are set out in Schedule 1

## SCHEDULE 4

Regulation 9

## Zones in Northern Ireland — Live Molluscs, Eggs and Gametes

<i>Item</i> (1)	<i>Zone</i> (2)	<i>Live molluscs, eggs and gametes(a)</i> (3)	<i>Form of movement document</i> (4)	<i>Diseases</i> (5)
1	Northern Ireland	Live farmed molluscs of the species <i>Ostrea edulis</i> , their eggs and gametes	Form C or Form D	<i>Bonamiosis</i> <i>Marteiliosis</i>
2	Northern Ireland	Live wild molluscs of the species <i>Ostrea edulis</i> , their eggs and gametes	Form C	<i>Bonamiosis</i> <i>Marteiliosis</i>
3	Northern Ireland	Live farmed molluscs, their eggs and gametes of species other than the species <i>Ostrea edulis</i>	Form E	<i>Bonamiosis</i> <i>Marteiliosis</i>
4	Northern Ireland	Live wild molluscs, their eggs and gametes of species other than the species <i>Ostrea edulis</i>	Form F	<i>Bonamiosis</i> <i>Marteiliosis</i>

(a) The common name of *Ostrea edulis* is Flat oyster

PART I

**Requirements for Water Station**

1. The hygienic properties of the water available for changing must be such as not to alter the health situation of the species transported with regard to the agents of the diseases referred to in Schedule 1.

2. These facilities shall contain devices designed to prevent any contamination of the host environment:

- either by facilitating disinfection of the water, or
- by ensuring that release of this water does not under any circumstances entail direct discharge into tidal or inland waters.

Regulations 2 and 9

PART II

**Requirements for Storage Centre**

The storage centre shall treat and disinfect all water which leaves the storage centre so as to prevent any contamination of the host environment.

## PART I

**Decisions Made under Council Directive 91/67/EEC**

<i>Decision</i>	<i>O.J. Reference</i>
Commission Decision 92/528/EEC of 9th November 1992 approving the programmes concerning bonamiosis and marteiliosis submitted by the United Kingdom.	O.J. No. L332, 18.11.1992, p. 25
Commission Decision 92/532/EEC of 19th November 1992 laying down the sampling plans and diagnostic methods for the detection and confirmation of certain fish diseases.	O.J. No. L337, 21.11.1992, p. 18
Commission Decision 92/538/EEC of 9th November 1992 concerning the status of Great Britain and Northern Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L347, 28.11.1992, p. 67
Commission Decision 93/22/EEC laying down the model of the movement documents referred to in Article 14 of Council Directive 91/67/EEC.	O.J. No. L16, 25.1.1993, p. 8
Commission Decision 93/39/EEC concerning the status of Guernsey with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L16, 25.1.1993, p. 46
Commission Decision 93/40/EEC concerning the status of the Isle of Man with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L16, 25.1.1993, p. 47
Commission Decision 93/44/EEC approving the programmes concerning spring viremia of carp submitted by the United Kingdom, and defining the additional guarantees for certain fish species for consignment to Great Britain, Northern Ireland, the Isle of Man and Guernsey.	O.J. No. L16, 25.1.1993, p. 53
Commission Decision 93/55/EEC amending the guarantees for the introduction of molluscs into zones for which a programme for <i>Bonamia ostreae</i> and <i>Marteilia refringens</i> has been approved.	O.J. No. L14, 22.1.1993, p. 24
Commission Decision 93/56/EEC approving the programme concerning bonamiosis and marteiliosis submitted by Ireland.	O.J. No. L14, 22.1.1993, p. 25
Commission Decision 93/57/EEC approving the programme concerning bonamiosis and marteiliosis submitted by the United Kingdom for Jersey.	O.J. No. L14, 22.1.1993, p. 26

- Commission Decision 93/58/EEC approving the programme concerning bonamiosis and marteiliosis submitted by the United Kingdom for Guernsey. O.J. No. L14, 22.1.1993, p. 27
- Commission Decision 93/59/EEC approving the programme concerning bonamiosis and marteiliosis submitted by the United Kingdom for the Isle of Man. O.J. No. L14, 22.1.1993, p. 28
- Commission Decision 93/73/EEC concerning the status of Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia. O.J. No. L27, 4.2.1993, p. 34
- Commission Decision 93/74/EEC concerning the status of Denmark with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia. O.J. No. L27, 4.2.1993, p. 35
- Commission Decision 93/169/EEC amending Decision 93/55/EEC concerning the guarantees for certain molluscs. O.J. No. L71, 24.3.1993, p. 16

## PART II

## Regulation 10

**Relevant Provisions of the Directive**

Relevant provisions: Articles 3, 4, 7 to 11, 14 and 16

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations.)*

These Regulations implement in respect of Northern Ireland Council Directive 91/67/EEC (O.J. No. L46, 19.2.91, p. 1) ("the Directive") concerning the animal health conditions governing the placing on the market of aquaculture animals and products, to the extent that it is not implemented by existing legislation.

The Regulations—

- (a) prohibit the placing on the market of aquaculture animals and products unless certain requirements relating to their health status are met (regulation 3);
- (b) prohibit the transport of aquaculture animals unless certain requirements relating to the welfare of the aquaculture animals and the prevention of the spread of disease are met (regulation 4);
- (c) prohibit the despatch of aquaculture animals and products unless requirements as to identification of the aquaculture animals and products are met (regulation 5);

- (d) contain certain requirements concerning movement documents for aquaculture animals and products (regulation 6);
- (e) prohibit the introduction into Northern Ireland from elsewhere in the European Community of live fish, eggs and gametes (regulation 7) and live molluscs, eggs and gametes (regulation 9) unless they are accompanied by appropriate movement documents;
- (f) prohibit the introduction into Northern Ireland from elsewhere in the European Economic Community of certain dead fish which have not been eviscerated unless they come from areas of appropriate fish health status (regulation 8);
- (g) prohibit the export to other parts of the European Economic Community of aquaculture animals and products from Northern Ireland unless they are accompanied by appropriate movement documents where required pursuant to the Directive (regulation 10);
- (h) require the notification of certain diseases (regulation 11);
- (i) provide the Department with powers to impose movement restrictions and to require slaughter and disinfection in connection with certain diseases (regulations 12 and 13);
- (j) make provision for the enforcement of these Regulations (regulations 14, 15 and 17);
- (k) extends the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1993 and the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993 so that trade between Northern Ireland and Great Britain, the Isle of Man and the Channel Islands in aquaculture animals and products is treated, for the purposes of those Regulations, as if it were trade between Northern Ireland and another Member State (regulation 16);
- (l) provide European Inspectors with certain powers to establish whether the Directive is applied uniformly (regulation 18);
- (m) provide that the contravention of a provision of the Regulations shall be an offence punishable by a fine not exceeding £2,000 except for a contravention of regulation 11(1) which shall be punishable by a fine not exceeding £1,000 (regulations 19 and 20).