
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 207

**Food Safety (Fishery Products and Live Shellfish)
(Hygiene) Regulations (Northern Ireland) 1998**

Part II

Production and Placing on the Market of Live Shellfish

Placing live shellfish on the market

19.—(1) Subject to paragraphs (2) to (4), no person shall place on the market for immediate human consumption any live shellfish, unless—

- (a) they originate, if they are live bivalve molluscs, from a bivalve production area which—
 - (i) has been designated a class A area, a class B area or a class C area in accordance with regulation 3(1), and any condition or limitation specified in Chapter I of Schedule 2 in relation to that class of area has been complied with,
 - (ii) has been identified, pursuant to any law in force in Great Britain, the Channel Islands or the Isle of Man which is intended to give effect to the results to be achieved by Chapter I of the Annex to the Live Bivalve Molluscs Directive, as an area from which bivalve molluscs may be collected, and any condition or limitation derived from that Chapter which relates to that production area has been complied with, or
 - (iii) if they are imported for relaying, was of the same standard as an area designated as a class B area or a class C area in accordance with regulation 3(1)(b) or (c), and any condition or limitation specified in Chapter I of Schedule 2 for that production area has been complied with;
- (b) they have been harvested, kept and transported to any approved dispatch centre, approved purification centre or approved relaying area to which they are thereafter transferred in accordance with the applicable requirements of—
 - (i) Chapter II of Schedule 2, or
 - (ii) any law in force in Great Britain, the Channel Islands or the Isle of Man which is intended to give effect to the results to be achieved by Chapter II of the Annex to the Live Bivalve Molluscs Directive,accompanied by a valid movement document or a valid permanent transport authorisation;
- (c) if they are live bivalve molluscs, they have, where necessary, been relaid in accordance with—
 - (i) Chapter III of Schedule 2, or
 - (ii) any law in force in Great Britain, the Channel Islands or the Isle of Man which is intended to give effect to the results to be achieved by Chapter III of the Live Bivalve Molluscs Directive;

- (d) they have been handled hygienically and, if they are live bivalve molluscs, they have, where appropriate, been purified at a purification centre which has been approved in accordance with—
 - (i) regulation 11, or
 - (ii) any law in force in Great Britain, the Channel Islands or the Isle of Man which is intended to give effect to the results to be achieved in relation to the approval of purification centres by the Live Bivalve Molluscs Directive;
 - (e) they are as specified in Chapter V of Schedule 2;
 - (f) they have been wrapped in accordance with the applicable requirements of Chapter VII of Schedule 2;
 - (g) they have been stored and transported in accordance with the applicable requirements of Chapter VIII and Chapter IX of Schedule 2;
 - (h) they comprise or form part of a consignment which bears a healthmark—
 - (i) unless head (ii) or (iii) applies, which is in accordance with Chapter X of Schedule 2,
 - (ii) which, if they comprise or form part of a consignment which has been given a healthmark in accordance with any law in force in another EEA State, Great Britain, the Channel Islands or the Isle of Man which is intended to give effect to the results to be achieved by Chapter X of the Annex to the Live Bivalve Molluscs Directive, is in accordance with that law,
 - (iii) which, if they comprise or form part of a consignment from a third country in respect of which the European Commission has adopted approved import conditions, is in accordance with those approved import conditions,

but a healthmark is not required in relation to live shellfish which originate from a third country in respect of which the European Commission has not adopted approved import conditions, unless those live shellfish have been repackaged in accordance with paragraph 3 of Chapter VII of Schedule 2;

 - (i) if they are imported live shellfish, prior to importation such of the requirements specified in regulations 44 and 45 as are applicable to his case are satisfied in relation to those live shellfish which he places on the market.
- (2) Paragraph (1)(a) shall not apply to—
- (a) pectinidae, unless they are aquaculture products; or
 - (b) any imported live bivalve molluscs, unless they were harvested from seawaters or brackish waters within British fishery limits⁽¹⁾.
- (3) Paragraph (1)(b) and (c) shall not apply to imported live shellfish, unless their country of dispatch is part of the United Kingdom, the Channel Islands or the Isle of Man.
- (4) Paragraph (1)(h)(ii) to (iii) shall not apply in circumstances where, in Northern Ireland, a person repackages live shellfish from a country or territory other than Northern Ireland in accordance with paragraph 3 of Chapter VII of Schedule 2.

(1) See sections 1(5) and 10(2)(b) of the Fishery Limits Act 1976 (c. 86)