
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 310

Fish Health Regulations (Northern Ireland) 1998

Part I

Introductory

Citation and commencement

1. These Regulations may be cited as the Fish Health Regulations (Northern Ireland) 1998 and shall come into operation on 16th October 1998.

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;

“Commission Decision [93/55/EEC](#)” means Commission Decision of 21st December 1992 amending the guarantees for the introduction of molluscs into zones for which a programme for *Bonamia ostreae* and *Marteilia refringens* has been approved⁽¹⁾ as amended by Commission Decision [93/169/EEC](#) of 19th February 1993 amending Decision [93/55/EEC](#) concerning the guarantees for certain molluscs⁽²⁾;

“Commission Decision [96/490/EC](#)” means Commission Decision of 18th July 1996 on certain protective measures with regard to *Gyrodactylus salaris* in salmonids⁽³⁾ as amended by Commission Decision [98/24/EC](#) of 15th December 1997 amending Decision [96/490/EC](#) concerning certain protective measures in salmonids⁽⁴⁾;

“dead fish” includes any part of a dead fish;

“the Department” means the Department of Agriculture for Northern Ireland;

(1) O.J. No. L14, 22.1.93, p. 24

(2) O.J. No. L71, 24.3.93, p. 16

(3) O.J. No. L202, 10.8.96, p. 21

(4) O.J. No. L26, 14.1.98, p. 8

“the Directive” means Council Directive [91/67/EEC](#) of 28th January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽⁵⁾ which has been amended by and must be read with the provisions set out in Part I of Schedule 6;

“Directive [95/70/EC](#)” means Council Directive [95/70/EC](#) of 22nd December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs⁽⁶⁾;

“eggs” means fertilised ova (including eyed ova and any associated fluid) of fish, crustaceans or molluscs;

“European Inspector” means a Commission expert or a Commission veterinary expert acting with regard to the Directive or Council Directive [95/70/EC](#);

“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 molluscs” 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 which is completed, in respect of live fish, eggs and gametes of the salmonid species, in accordance with the provisions of Commission Decision [96/490/EC](#);

“Form B” means a movement document for live fish, eggs or gametes from an approved farm in the form set out in the Directive which is completed in respect of salmonid ova for breeding purposes, with a certification that the eggs have been disinfected in accordance with the requirements of Article 2 of Commission Decision [96/490/EC](#);

“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 Commission Decision [93/22/EEC](#)⁽⁷⁾;

“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 Commission Decision [93/22/EEC](#);

“Form G” means a movement document completed by the Official Service, certifying that the consignment of molluscs originates from an area where there has been no history of *bonamiosis* or *marteilosis* in the previous two years confirmed by tests as provided for in Commission Decision [93/55/EEC](#);

“Form H” means a movement document completed by the Official Service, certifying that the consignment of molluscs have been submitted at the place of despatch to a check ensuring that it does not contain species other than *Crassostrea gigas*, as required by Commission Decision [93/55/EEC](#);

(5) O.J. No. L46, 19.2.91, p. 1

(6) O.J. No. L332, 30.12.95, p. 33

(7) O.J. No. L16, 25.1.93, p. 8

“Form I” means a movement document completed by the Official Service, certifying that the site of origin complies with the conditions of Commission Decision [93/44/EEC](#) of 21st December 1992⁽⁸⁾, as amended by Commission Decision [94/865/EEC](#) of 20th December 1994⁽⁹⁾, approving the programmes concerning spring viraemia of carp submitted by the United Kingdom, and defining the additional guarantees for certain fish species for consignment to Northern Ireland, Great Britain, the Isle of Man and Guernsey;

“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 and—

- (i) in the case of Form A, Form B, Form C and Form D corresponding to the forms set out in the Directive;
- (ii) in the case of Form E and Form F corresponding to the forms set out in Commission Decision [93/22/EEC](#); and
- (iii) in the case of Form G, H and Form I complying with these Regulations;

“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 or third country 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 Community, with the exception of retail sale;

“premises” includes any place, farm or installation in which aquaculture animals are kept, any vehicle, ship, vessel, boat, craft, hovercraft or aircraft;

“United Kingdom Official Service” means—

- (a) in relation to England, the official service appointed by the Minister of Agriculture, Fisheries and 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;

“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⁽¹⁰⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

⁽⁸⁾ O.J. No. L16, 25.1.93, p. 53

⁽⁹⁾ O.J. No. L352, 31.12.94, p. 75

⁽¹⁰⁾ 1954 c. 33 (N.I.)