

2003 No. 243

DISEASES OF FISH ACT (NORTHERN IRELAND) 1967

**Infected Waters (Infectious Pancreatic Necrosis) (No. 2)
Order (Northern Ireland) 2003**

Made - - - - - *17th April 2003*

Coming into operation *18th April 2003*

The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by section 1(1) of the Diseases of Fish Act (Northern Ireland) 1967^(a), and of every other power enabling it in that behalf, having reason to believe in accordance with that sub-section that the waters in the area specified in the Schedule are infected waters, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Infected Waters (Infectious Pancreatic Necrosis) (No. 2) Order (Northern Ireland) 2003 and shall come into operation on 18th April 2003.

Interpretation

2. In this Order –
- (a) “the Department” means the Department of Agriculture and Rural Development;
 - (b) “disease” means the fish disease *Infectious Pancreatic Necrosis*;
 - (c) “infected areas” shall be construed in accordance with Article 3.

Infected area

3. Whereas Infectious Pancreatic Necrosis virus, the causative organism of the disease, has been identified in fish in the areas described in the Schedule (hereinafter referred to as the infected areas) those areas are hereby declared to be infected areas for the purposes of section 1 of the Diseases of Fish Act (Northern Ireland) 1967 and Articles 4 and 5 shall apply for the prevention, eradication and control of the disease in those areas.

Provisions for the prevention, eradication and control of disease

- 4.—(1) An authorised person may:
- (a) examine any fish in all or any of the waters in the infected areas or the carcasses of any such fish;
 - (b) direct in writing the occupier of any such area to take such measures as the authorised person may specify in the direction for the purposes of preventing, eradicating or controlling the disease;

^(a) 1967 c. 7 (N.I.)

(2) Without prejudice to the generality of paragraph (1)(b), any direction issued under that sub-paragraph may require the occupier of any infected area to –

- (a) destroy, bury or otherwise dispose of the carcasses of any fish found in or near the waters in the infected area;
- (b) treat such waters, or any fish in those waters;
- (c) disinfect or treat any premises, vehicle or stall of any fish dealer or carrier in the infected areas;

in such manner and within such time as may be specified in the direction.

(3) Where an authorised person gives a direction under this Article, the occupier of the infected area to whom it relates shall comply with it.

(4) Where the occupier of an infected area fails to comply with the requirements of any direction given under this Article, the Department may, without prejudice to any proceedings arising out of such default, take such steps as may be necessary to ensure that the requirements of the direction are complied with.

5.—(1) Subject to paragraph (2), a person shall not transport, or cause or permit to be transported, to, from or within any infected area –

- (a) any dead fish found or taken in such an area;
- (b) any live fish,

except under the authority and in accordance with the conditions of a licence issued by the Department.

(2) Paragraph (1)(a) shall not apply to the transport of any dead fish which have been eviscerated.

6. The owner of any infected area, or a person appointed by him for the purpose, shall maintain a daily record of water temperature and fish mortalities for each fish cage in the infected areas which shall be made available for inspection by an authorised person.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 17th April 2003.

(L.S.)

N. B. Cornick

A senior officer of the Department of Agriculture and Rural Development

SCHEDULE

THE INFECTED AREAS

1. The area comprising the fish cages within Glenarm Bay which comprises the fish farm indicated by the co-ordinates on chart "North Channel, Northern Part – L (D) 2199" :-

Latitude 54° 59'.05"N	Longitude 05° 57'.07"W
Latitude 54° 59'.27"N	Longitude 05° 56'.62"W
Latitude 54° 58'.75"N	Longitude 05° 55'.77"W
Latitude 54° 58'.52"N	Longitude 05° 56'.22"W

2. The area comprising the fish cages within Red Bay which comprises the fish farm indicated by the co-ordinates and points on chart "North Channel, Northern Part – L (D3) 2199" :-

Point A = Latitude 55° 3.9'N Longitude 06° 09'W
Point B = a point at a bearing of 290° True and a distance of 100 metres from Point A.
Point C = a point at a bearing of 20° True and a distance of 250 metres from Point B.
Point D = a point at a bearing of 110° True and a distance of 100 metres from Point C.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order contains provisions for the prevention, eradication and control of the fish disease Infectious Pancreatic Necrosis in the infected areas as described in the Schedule. These measures include provisions for: –

- (a) the examination and treatment of fish in all or any of the waters in the infected areas;
- (b) disposal of fish found in or near such waters;
- (c) disinfectant or treatment of premises, vehicles or stall of any fish dealer or carrier;
- (d) the treatment of such waters;
- (e) the control of movement of live or dead uneviscerated fish to, from or within the infected areas; and
- (f) a daily record to be kept of fish mortalities and the temperature of the infected waters.

Under section 1(4) of the Diseases of Fish Act (Northern Ireland) 1967 any person who contravenes any provision of this Order is guilty of an offence and under section 201(1) of the Fisheries Act (Northern Ireland) 1966 (as applied) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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