

STATUTORY RULES OF NORTHERN IRELAND

2009 No. 129

**The Aquatic Animal Health
Regulations (Northern Ireland) 2009**

PART 4

NOTIFICATION AND CONTROL OF DISEASE OUTBREAKS

Obligation to notify in case of suspicion of a listed disease or increased mortality

26.—(1) It is an offence for a relevant person who knows or suspects that a listed disease is present in any aquatic animal to fail to notify immediately the Department of that knowledge or suspicion.

(2) It is an offence for a relevant person who knows or suspects that increased mortality has occurred or is occurring in aquaculture animals to fail to notify immediately the Department or a veterinarian of that knowledge or suspicion.

(3) In this regulation a “relevant person” means—

- (a) the owner of, or any person attending, any aquatic animal;
- (b) any person accompanying any aquaculture animal during transport;
- (c) any professional person involved in aquatic animal health services;
- (d) any veterinarian or senior member of staff of any laboratory; or
- (e) any other person with an occupational relationship to aquatic animals of susceptible species or to the products of such animals.

Commencement Information

II Reg. 26 in operation at 27.3.2009, see [reg. 1\(1\)](#)

Initial designation area

27.—(1) Where the Department suspects that a listed disease or an emerging disease is present, or may become present, in aquatic animals in Northern Ireland, it shall designate such area as it considers appropriate to prevent or limit the spread of the disease.

(2) Where the Department has made an initial designation, it shall—

- (a) take, or arrange to have taken, samples of or from any aquatic animal or waters in the initial designation area as may be necessary to establish whether the disease is present;
- (b) examine, or arrange to have examined, the samples in a laboratory designated by the Department in accordance with [^{F1}Article 54(2)(b) of Regulation 2016/429];
- (c) place any farm or mollusc farming area in the initial designation area under the surveillance of the Department; and

- (d) where it suspects that the disease is present, initiate an [F²epidemiological enquiry in accordance with Article 57(1) of Regulation 2016/429].
- (3) It is an offence for a person, except under, and in accordance with the conditions of, a licence granted by the Department, to —
- (a) move any aquatic animal or aquaculture product into, out of or within an initial designation area; or
 - (b) dispose of any aquatic animal (whether alive or dead) which comes from an initial designation area.

Textual Amendments

- F1** Words in [reg. 27\(2\)\(b\)](#) substituted (30.10.2023) by [The Aquatic Animal Health \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/163\)](#), regs. 1(1), **7(a)**
- F2** Words in [reg. 27\(2\)\(d\)](#) substituted (30.10.2023) by [The Aquatic Animal Health \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/163\)](#), regs. 1(1), **7(b)**

Commencement Information

- I2** Reg. 27 in operation at 27.3.2009, see [reg. 1\(1\)](#)

Contents and publication of initial designation

- 28.**—(1) An initial designation shall—
- (a) be in the form of a notice;
 - (b) state the date on which it shall come into operation;
 - (c) specify the location and size of the area being designated;
 - (d) specify the nature of the prohibitions, restrictions and requirements applicable within that area or any part of that area.
- (2) In an initial designation, the Department may—
- (a) prohibit or restrict the movement of any equipment, material or substances liable to transmit disease into, out of or within the initial designation area or any part of that area;
 - (b) impose, in relation to the initial designation area or any part of that area, such additional control measures as the Department considers necessary to prevent or limit the risk of the spread of disease to other aquatic animals.
- (3) An initial designation may be published in such manner and to such extent as the Department considers necessary.
- (4) The Department shall serve a copy of the initial designation on any person it considers likely to be affected by the making of the designation.
- (5) An initial designation may be amended, suspended or withdrawn by further notice.
- (6) It is an offence for a person to fail to comply with any prohibition, restriction or requirement imposed under paragraph (2).

Commencement Information

- I3** Reg. 28 in operation at 27.3.2009, see [reg. 1\(1\)](#)

Powers of inspectors in initial designation area

- 29.**—(1) This regulation applies where the Department has made an initial designation.
- (2) An inspector may—
- (a) remove, slaughter, destroy or dispose of any aquatic animal showing clinical signs of disease in the initial designation area;
 - (b) cleanse and disinfect any premises in the initial designation area or any thing on those premises liable to transmit disease.
- (3) An inspector may, by notice served on the occupier of any premises in the initial designation area, require that person to—
- (a) take such measures as are specified in the notice to secure the slaughter, destruction, removal or disposal of any aquatic animal on the premises;
 - (b) provide and operate a disinfection facility at the entrances and exits of the premises in such manner as may be specified in the notice;
 - (c) cleanse and disinfect any premises or any thing on those premises liable to transmit disease in such manner as may be specified in the notice;
 - (d) take such other measures as are specified in the notice as the inspector considers necessary to eradicate the suspected disease or to prevent or limit the spread of the suspected disease to other aquatic animals.
- (4) An inspector may, by notice served on any person, prohibit that person from entering any farm or mollusc farming area in the initial designation area.
- (5) Where an inspector considers that any requirement imposed by a notice under paragraph (3) has not been complied with, the inspector may, without prejudice to any proceedings under paragraph (6),—
- (a) enter any premises in the initial designation area to which the notice relates;
 - (b) take, or cause to be taken, such steps as the inspector considers necessary to—
 - (i) ensure compliance with the requirement; or
 - (ii) remedy the consequences of the failure to comply with the requirement; and
 - (c) recover any expenses reasonably incurred in so doing from the person who has failed to comply with the requirement.
- (6) It is an offence for a person to fail to comply with any requirement or prohibition imposed under paragraph (3) or (4).

Commencement Information

14 Reg. 29 in operation at 27.3.2009, see [reg. 1\(1\)](#)

Withdrawal of initial designation

- 30.** The Department shall withdraw an initial designation if—
- (a) it is satisfied that the suspected disease is not present, or is not likely to become present, in the initial designation area; or
 - (b) it has designated the area under regulation 31.

Commencement Information

I5 Reg. 30 in operation at 27.3.2009, see [reg. 1\(1\)](#)

Confirmed designation

31.—(1) Where the Department has confirmed that a listed disease or an emerging disease is present in aquatic animals in Northern Ireland, it shall designate such area as it considers appropriate to prevent or limit the spread of the disease.

(2) Where the Department has made a confirmed designation, it shall—

- (a) carry out an epizootic investigation;
- (b) place any farm or mollusc farming area in the confirmed designation area under the surveillance of the Department;
- (c) take, or arrange to have taken, samples of or from any aquatic animal or water in the confirmed designation area as may be necessary to monitor the presence of the disease; and
- (d) examine, or arrange to have examined, the samples in a laboratory designated by the Department in accordance with [^{F3}Article 54(2)(b) of Regulation 2016/429].

(3) It is an offence for a person, except under, and in accordance with the conditions of, a licence granted by the Department, to—

- (a) move any aquatic animal or aquaculture product into, out of or within a confirmed designation area; or
- (b) dispose of any aquatic animal (whether alive or dead) which comes from a confirmed designation area.

Textual Amendments

F3 Words in [reg. 31\(2\)\(d\)](#) substituted (30.10.2023) by [The Aquatic Animal Health \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/163\)](#), [regs. 1\(1\), 8](#)

Commencement Information

I6 Reg. 31 in operation at 27.3.2009, see [reg. 1\(1\)](#)

Contents and publication of confirmed designation

32.—(1) A confirmed designation shall—

- (a) be in the form of a notice;
- (b) state the date on which it shall come into operation;
- (c) declare any farm or mollusc farming area or other premises where the presence of the disease has been confirmed to be infected;
- (d) specify the location and size of the area being designated;
- (e) specify the nature of the prohibitions, restrictions and requirements applicable within that area or any part of that area.

(2) In a confirmed designation the Department may—

- (a) prohibit or restrict the movement of any equipment, material or substances liable to transmit disease into, out of or within the confirmed designation area or any part of that area;

- (b) impose, in relation to the confirmed designation area or any part of that area, such additional control measures as the Department considers necessary to eradicate the disease or to prevent or limit the spread of disease to other aquatic animals.
- (3) A confirmed designation shall be published in such manner and to such extent as the Department considers necessary.
- (4) The Department shall serve a copy of the confirmed designation on any person it considers likely to be affected by the making of the confirmed designation.
- (5) The following persons shall be entitled, on application in writing, to be supplied by the Department free of charge with a copy of the report of the evidence on which the confirmed designation was made—
 - (a) the operator of any aquaculture production business or processing establishment authorised under Part 2 in the confirmed designation area;
 - (b) the operator of any put and take fishery or non-commercial installation registered under Part 2 in the confirmed designation area;
 - (c) the owner of any several fishery in the confirmed designation area.
- (6) A confirmed designation may be amended, suspended or withdrawn by further notice.
- (7) It is an offence for a person to fail to comply with any prohibition, restriction or requirement imposed under paragraph (2).
- (8) In paragraph (5)(c) “several fishery” has the meaning given in section 206(1) of the Fisheries Act (Northern Ireland) 1966(1).

Commencement Information

I7 Reg. 32 in operation at 27.3.2009, see **reg. 1(1)**

Powers of inspectors in confirmed designation area

- 33.**—(1) This regulation applies where the Department has made a confirmed designation.
- (2) An inspector may—
 - (a) remove, slaughter, destroy or dispose of any aquatic animal suspected of being infected in the confirmed designation area;
 - (b) cleanse and disinfect any premises in the confirmed designation area or any thing on those premises liable to transmit disease.
 - (3) An inspector may, by notice served on the occupier of any premises in the confirmed designation area, require that person to—
 - (a) take such measures as are specified in the notice to secure the slaughter, destruction, removal or disposal of any aquatic animal on the premises;
 - (b) provide and operate a disinfection facility at the entrances and exits of the premises in such manner as may be specified in the notice;
 - (c) cleanse and disinfect any premises or any thing on those premises liable to transmit disease in such manner as may be specified in the notice;
 - (d) empty, cleanse and disinfect any pool, pond or cage on the premises in such manner as may be specified in the notice;

(e) take such other measures as are specified in the notice as the inspector considers necessary to eradicate the disease or to prevent or limit the spread of the disease to other aquatic animals.

(4) An inspector may, by notice served on the occupier of any premises in the confirmed designation area, permit the harvesting of aquaculture animals, which have reached commercial size and show no clinical signs of disease, for human consumption or for further processing in a processing establishment authorised under Part 2.

(5) An inspector may, by notice served on the occupier of any premises in the confirmed designation area, prohibit that person from repopulating the premises with any aquatic animal for such period as may be determined by the inspector.

(6) An inspector may, by notice, prohibit any person from entering any farm or mollusc farming area in the confirmed designation area.

(7) Where an inspector considers that any requirement imposed by a notice under paragraph (3) has not been complied with, the inspector may, without prejudice to any proceedings under paragraph (8),—

- (a) enter any premises in the confirmed designation area to which the notice relates;
- (b) take, or cause to be taken, such steps as the inspector considers necessary to—
 - (i) ensure compliance with the requirement; or
 - (ii) remedy the consequences of the failure to comply with the requirement; and
- (c) recover any expenses reasonably incurred in so doing from the person who has failed to comply with the requirement.

(8) It is an offence for a person to fail to comply with any requirement or prohibition imposed under paragraph (3), (5) or (6).

Commencement Information

18 Reg. 33 in operation at 27.3.2009, see [reg. 1\(1\)](#)

Withdrawal of confirmed designation

34.—(1) The Department shall withdraw a confirmed designation if it is satisfied that the listed disease or emerging disease is not present in the confirmed designation area.

(2) The Department shall publicise the withdrawal of a confirmed designation in such manner and to such extent as it considers necessary.

Commencement Information

19 Reg. 34 in operation at 27.3.2009, see [reg. 1\(1\)](#)

Creation of barriers to movement of aquatic animals

35.—(1) Where the Department has made an initial designation under regulation 27 or a confirmed designation under regulation 31 in relation to any disease, it may exercise the powers in paragraph (2).

- (2) The Department may, where it considers it appropriate to do so, arrange for—
 - (a) the creation and maintenance of barriers to the movement of any aquatic animal in any inland waters—

- (i) to prevent the spread of the disease; and
 - (ii) to facilitate treatment with chemical agents with a view to eradicating the disease from the waters concerned;
 - (b) the treatment with chemical agents of any waters in the initial designation area or, as the case may be, the confirmed designation area with a view to eradicating the disease from the waters concerned;
 - (c) the removal of dead aquatic animals; and
 - (d) the dismantling and removal of barriers created under sub-paragraph (a).
- (3) In paragraph (2)(a) “inland waters” means waters which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows.

Commencement Information

I10 Reg. 35 in operation at 27.3.2009, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Aquatic Animal Health Regulations (Northern Ireland) 2009, PART 4.