
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 129

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

PART 3

PLACING ON THE MARKET

General health requirements

19.—(1) It is an offence for a person to place on the market any aquaculture animal or any aquaculture product if the person doing so knows or suspects, or ought to know or suspect, that it would pose a risk of spreading disease to any aquatic animal.

(2) It is an offence for a person to place on the market any aquaculture animal for farming unless the animal—

- (a) is clinically healthy; and
- (b) subject to paragraph (4), comes from a farm or mollusc farming area where there is no unresolved increased mortality.

(3) It is an offence for a person to release any aquaculture animal into the wild or into a put and take fishery unless the animal—

- (a) is clinically healthy;
- (b) subject to paragraph (4), comes from a farm or mollusc farming area where there is no unresolved increased mortality; and
- (c) if it is of a species susceptible to a disease listed in the second column of Part II of Annex IV to Directive 2006/88, or is a vector for that disease, comes from a zone or compartment which has, in relation to that disease, a Category I disease-free health status as referred to in Part A of Annex III to Directive 2006/88.

(4) Paragraphs (2)(b) and 3(b) do not apply where—

- (a) the aquaculture animal comes from a part of the farm or mollusc farming area which is independent of the epidemiological unit in which the increased mortality has occurred; and
- (b) the placing on the market or release of the animal is under, and in accordance with the conditions of, a licence granted by the Department.

(5) It is an offence for a person to place on the market any ornamental aquatic animal if the person doing so knows or suspects, or ought to know or suspect, that it would pose a risk of spreading disease to any aquatic animal.

(6) It is an offence for a person to release any ornamental aquatic animal kept in a closed ornamental facility into an open ornamental facility, farm, mollusc farming area, relaying area, put and take fishery or into the wild, except under, and in accordance with the conditions of, a licence granted by the Department.

(7) It is an offence for a person to place on the market for farming or restocking any aquaculture animal intended for destruction or slaughter in accordance with disease control measures under Part 4 or under any equivalent provision in regulations extending to any other part of the United Kingdom.

(8) Where any live aquaculture animal of a species susceptible to a disease listed in [^{F1}Annex II to Regulation 2016/429], or which is a vector for that disease, is placed on the market for further processing, it is an offence for a person to temporarily store the animal unless it—

- (a) is stored at the place of processing; and
- (b) either—
 - (i) comes from [^{F2}Northern Ireland, zone or compartment or] a Member State, zone or compartment [^{F3}recognised as] free of that disease in accordance with [^{F4}Article 36 or 37 of Regulation 2016/429]; or
 - (ii) is temporarily kept in a dispatch centre, purification centre or similar establishment equipped with an effluent treatment system which inactivates the pathogens which cause that disease or which reduces the risk of transmitting diseases to natural waters to an acceptable level.

(9) Where any live mollusc or crustacean of a species susceptible to a disease listed in [^{F5}Annex II to Regulation 2016/429] is placed on the market for human consumption without further processing, it is an offence for a person to temporarily relay the mollusc or crustacean in any waters or introduce it into a dispatch centre, purification centre or similar establishment unless the mollusc or crustacean—

- (a) comes from [^{F6}Northern Ireland, zone or compartment or] a Member State, zone or compartment [^{F7}recognised as] free of that disease in accordance with [^{F8}Article 36 or 37 of Regulation 2016/429]; or
- (b) is temporarily kept in a dispatch centre, purification centre or similar establishment equipped with an effluent treatment system which inactivates the pathogens which cause that disease or which reduces the risk of transmitting diseases to natural waters to an acceptable level.

(10) It is an offence for a person to contravene any of the following provisions of Regulation 1251/2008—

- (a) Article 9 (introduction of aquaculture animals after inspection);
- (b) Article 15(1), (2) or (3) (requirements for the release of aquaculture animals and products thereof and for transport water).

(11) In this regulation —

- [^{F9}(a) an aquaculture animal, mollusc or crustacean is of a species susceptible to a disease listed in Annex II to Regulation 2016/429 if it is of a species listed in the third column of the table in the Annex to Regulation 2018/1882 opposite the disease listed in the first column of that table;
- (b) an aquaculture animal is a vector for a disease if—
 - (i) it is of a species listed in the fourth column of the table in the Annex to Regulation 2018/1882 opposite the disease listed in the first column of that table; and
 - (ii) where conditions relevant to that species are set out in the third column of the table in Annex I of Regulation 2020/990, opposite the disease listed in the first column, the animal fulfils such conditions.]
- (c) ‘restocking’ includes release into the wild or into a put and take fishery.

Textual Amendments

- F1** Words in [reg. 19\(8\)](#) substituted (30.10.2023) by [The Aquatic Animal Health \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/163\)](#), regs. 1(1), **6(a)(i)**
- F2** Words in [reg. 19\(8\)\(b\)\(i\)](#) inserted (31.12.2020) by [The Animals \(Health, Identification, Trade and Veterinary Medicines\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/353\)](#), regs. 1(3), **5(2)**
- F3** Words in [reg. 19\(8\)\(b\)\(i\)](#) substituted (30.10.2023) by [The Aquatic Animal Health \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/163\)](#), regs. 1(1), **6(a)(ii)(aa)**
- F4** Words in [reg. 19\(8\)\(b\)\(i\)](#) substituted (30.10.2023) by [The Aquatic Animal Health \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/163\)](#), regs. 1(1), **6(a)(ii)(bb)**
- F5** Words in [reg. 19\(9\)](#) substituted (30.10.2023) by [The Aquatic Animal Health \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/163\)](#), regs. 1(1), **6(b)(i)**
- F6** Words in [reg. 19\(9\)\(a\)](#) inserted (31.12.2020) by [The Animals \(Health, Identification, Trade and Veterinary Medicines\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/353\)](#), regs. 1(3), **5(2)**
- F7** Words in [reg. 19\(9\)\(a\)](#) substituted (30.10.2023) by [The Aquatic Animal Health \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/163\)](#), regs. 1(1), **6(b)(ii)(aa)**
- F8** Words in [reg. 19\(9\)\(a\)](#) substituted (30.10.2023) by [The Aquatic Animal Health \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/163\)](#), regs. 1(1), **6(b)(ii)(bb)**
- F9** [Reg. 19\(11\)\(a\)\(b\)](#) substituted (30.10.2023) by [The Aquatic Animal Health \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/163\)](#), regs. 1(1), **6(c)**

Commencement Information

- I1** [Reg. 19](#) 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, Section 19.