
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 129

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

PART 1

INTRODUCTION

Interpretation

2.—(1) Subject to paragraph (7) and regulation 47(1), the Interpretation Act (Northern Ireland) 1954(1) applies to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

“aquaculture product” means a product derived from aquaculture animals;

“aquatic animal” includes eggs and gametes;

“authorisation” means an authorisation granted by the Department under regulation 7;

“confirmed designation” means a designation made by the Department under regulation 31;

“confirmed designation area” means the area in respect of which a confirmed designation has been made;

“Decision 2004/453” means Commission Decision [2004/453/EC](#) implementing Council Directive [91/67/EEC](#) as regards measures against certain diseases in aquaculture animals(2), as amended from time to time;

“the Department” means the Department of Agriculture and Rural Development;

“Directive 2006/88” means Council Directive [2006/88/EC](#) on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals(3);

“document” includes any thing in which information is recorded in any form;

“electronic communication” has the meaning given in section 4(1) of the Electronic Communications Act (Northern Ireland) 2001(4);

“general licence” means a licence granted under these Regulations which applies to all persons or movements, or any class of persons or movements specified therein;

“initial designation” means a designation made by the Department under regulation 27;

“initial designation area” means the area in respect of which an initial designation has been made;

(1) [1954 c.33 \(N.I.\)](#)

(2) O.J. No. L 202, 7.6.2004, p.4, as amended by Commission Decision [2006/272/EC](#), O.J. No. L 99, 7.4.2006, p.31

(3) O.J. No. L 328, 24.11.2006, p.14, as corrected by Corrigenda, O.J. No. L 140, 1.6.2007, p.59 and O.J. No. L 239, 12.9.2007, p.70 as amended by Commission Directive [2008/53/EC](#), O.J. No. L 117, 1.5.2008, p.27

(4) [2001 c.9 \(N.I.\)](#). Section 4(1) was amended by paragraph 170 of Schedule 17 to the Communications Act [2003 c.21](#)

Status: Point in time view as at 22/04/2011. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Aquatic Animal Health Regulations (Northern Ireland) 2009, Section 2. (See end of Document for details)

“inland fishery” and “salmon fishery” have the meanings given in section 206(1) of the Fisheries Act (Northern Ireland) 1966⁽⁵⁾;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Department;

“listed disease” means—

- (a) a disease listed in the second column of Part II of Annex IV to Directive 2006/88; or
- (b) a disease listed in the first column of Schedule 1;

“Londonderry Area” and “Newry Area” have the meanings given in section 2(1) of the Foyle Fisheries Act (Northern Ireland) 1952⁽⁶⁾;

“non-commercial installation” means any aquaculture production business in which aquatic animals are kept with no intention of placing them on the market;

“Northern Ireland” includes so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Northern Ireland;

“notice” means notice in writing;

“premises” includes any land or place and, in particular, includes—

- (a) any vehicle, vessel or other means of transport;
- (b) any installation, container or receptacle;

“processing establishment” means any food business which is approved for processing aquaculture animals for food purposes in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin (7), and which processes aquaculture animals for disease control purposes under Part 4 or under any equivalent provision in regulations extending to any other part of the United Kingdom;

“quarantine facility” has the meaning given in Article 2(1) of Commission Decision 2008/946/EC implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals (8);

“Regulation 1251/2008” means Commission Regulation (EC) No 1251/2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species⁽⁹⁾, as amended from time to time;

“specific licence” means a licence granted under these Regulations which only applies to the applicant therefor;

“transporter” means any person who transports or proposes to transport aquaculture animals.

(3) Any expression used in these Regulations which is also used in Directive 2006/88 or Regulation 1251/2008 has the same meaning as it bears in that Directive or that Regulation.

(4) References in these Regulations to Directive 2006/88, Regulation 1251/2008 and Decision 2004/453 are references to those instruments as amended at the date of these Regulations.

(5) References in these Regulations to Part I and Part II of Annex II, Part A of Annex III and Part II of Annex IV to Directive 2006/88 are references to those Parts as amended from time to time.

(6) References in these Regulations to a species of aquatic animal includes references to a hybrid of that species.

(5) 1966 c.17 (N.I.)

(6) 1952 c.5 (N.I.)

(7) O.J. No. L 139, 30.4.2004, p.55

(8) O.J. No. L 337, 16.12.2008, p.94

(9) O.J. No. L 337, 16.12.2008, p.41

(7) Section 24(1) of the Interpretation Act (Northern Ireland) 1954 (service of documents) has effect in relation to the service of any document required or authorised by virtue of these Regulations to be served on any person with the omission of the word “registering”.

(8) Any notice required under these Regulations to be served by the Department or an inspector on any person may be served on that person by means of an electronic communication if—

- (a) the person has consented to the use of that form of communication and has provided an electronic address for that purpose;
- (b) the consent has not been withdrawn; and
- (c) the notice is sent to the address provided,

and where an electronic communication is used for the purpose of serving a notice, then, unless the contrary is proved, the notice shall be deemed to have been served on the day and at the time recorded by the transmitting apparatus as being the day and time of satisfactory completion of the transmission.

Commencement Information

II Reg. 2 in operation at 27.3.2009, see [reg. 1\(1\)](#)

Status:

Point in time view as at 22/04/2011. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Aquatic Animal Health Regulations (Northern Ireland) 2009, Section 2.