
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 9

The Aquatic Animal Health and Alien Species in Aquaculture (EU Exit) (Scotland) (Amendment) Regulations 2019

Amendment of the Aquatic Animal Health (Scotland) Regulations 2009

2.—(1) The Aquatic Animal Health (Scotland) Regulations 2009⁽¹⁾ are amended as follows.

(2) In regulation 3(1) (interpretation), in the definition of “listed disease” for “Part II of Annex IV of [Directive 2006/88/EC](#)” substitute “Annex 1A of Regulation ([EC](#)) No. 1251/2008”.

(3) After regulation 13(6) (public record of aquaculture production businesses and processing establishments) insert—

“(7) For the purposes of paragraph (2), Part I of Annex II to [Directive 2006/88/EC](#) is to be read as if—

- (a) in point 1, the reference to “Article 6” were to “regulation 13(1)(a) of the Aquatic Animal Health (Scotland) Regulations 2009”,
- (b) in point 1(f) the reference to “Part II of Annex IV” were to “Annex 1A of Regulation ([EC](#)) No. 1251/2008”,
- (c) in point 1(g)—
 - (i) the reference to “a Member State, zone or compartment” were to “Scotland, or any zone or compartment within Scotland”,
 - (ii) the reference to “Annex IV” were to “Annex 1A of Regulation ([EC](#)) No. 1251/2008”, and
- (d) in point 2, the reference to “the second subparagraph of Article 4(1)” were to “regulation 5(2) of the Aquatic Animal Health (Scotland) Regulations 2009”.

(8) For the purposes of paragraph (3), Part II of Annex II of [Directive 2006/88/EC](#) is to be read as if the reference to “Article 6” were to “regulation 13(1)(b) of the Aquatic Animal Health (Scotland) Regulations 2009”.

(4) In regulation 18 (additional certification provisions)—

- (a) in paragraph (1)—
 - (i) for “Part II of Annex IV to [Directive 2006/88/EC](#)” substitute “Annex 1A of Regulation ([EC](#)) No. 1251/2008”, and
 - (ii) for “that Directive” substitute “[Directive 2006/88/EC](#)”,
- (b) in paragraph (4)(a)—
 - (i) for “Part II of Annex IV to [Directive 2006/88/EC](#)” substitute “Annex 1A of Regulation ([EC](#)) No. 1251/2008”, and
 - (ii) for “that Part”, in both places where it appears, substitute “that Annex”,
- (c) in paragraph (5)(b)(i)—

(1) [S.S.I. 2009/85](#) as amended by [S.S.I. 2011/259](#). There are other amending instruments but none is relevant.

- (i) for “Part II of Annex IV to [Directive 2006/88/EC](#)” substitute “Annex 1A of Regulation (EC) No. 1251/2008”, and
 - (ii) for “that Part” substitute “that Annex”,
- (d) after paragraph (6) insert—
- “**(7)** For the purposes of paragraph (1) and paragraphs 1(c)(iii) and 4(d) of schedule 1E of these Regulations, Part A of Annex III of [Directive 2006/88/EC](#) is to be read as if, in relation to Category 1 disease free health status—
- (a) the reference to Article 49 were a reference to Article 49 read as if—
 - (i) in paragraph 1—
 - (aa) the reference to “A Member State” were to “Scotland”,
 - (bb) the reference to “Part II of Annex IV” were to “Annex 1A of Regulation (EC) No. 1251/2008”,
 - (cc) the words “in accordance with the procedure referred to in Article 62(2)” were omitted,
 - (dd) the references to “the Member State” were to “Scotland”, and
 - (ee) the reference to “Part I of Annex V” were to “Part I of Annex V read in accordance with regulation 18(8) of the Aquatic Animal Health (Scotland) Regulations 2009”,
 - (ii) in paragraph 2—
 - (aa) the references to “neighbouring Member States” were references to “neighbouring constituent UK territories (as defined by Regulation (EC) No. 1251/2008) in relation to Scotland”,
 - (bb) for the words “the Member State shall establish appropriate buffer zones in its territory” there were substituted “the competent authority shall establish appropriate buffer zones in the territory for which it is responsible”, and
 - (cc) the reference to “the disease-free Member State” were to “Scotland”, and
 - (iii) paragraph 3 were omitted, and
 - (b) the reference to “Article 50” were a reference to “Article 50 read in accordance with regulation 18(9) of the Aquatic Animal Health (Scotland) Regulations 2009”.
- (8)** For the purposes of paragraphs (7)(a)(i)(ee) and (10)(b), Part I of Annex V is to be read as if—
- (a) in Part I.1—
 - (i) in point 1.1, the words “On historical grounds” to “After this date,” were omitted,
 - (ii) in point 1.2, the reference to “the Member State” were to “Scotland”, and
 - (b) in Part I.2—
 - (i) in the text before point 2(a)—
 - (aa) the reference to “A Member State” were omitted, and
 - (bb) after “clinical expression,” insert “Scotland”,
 - (ii) in point 2, the reference to “the Member State”, in both places where it appears, were a reference to “Scotland”, and

- (iii) in point 2(b), the reference to “methods adopted pursuant to Article 49(3)” were a reference to “the methods established by Decision 2015/1554”.
- (9) For the purposes of paragraph (7)(b), and regulation 45(3), Article 50 is to be read as if—
 - (a) in the text before paragraph 1(a)—
 - (i) the reference to “A Member State” were to “The competent authority”,
 - (ii) the reference to “its territory” were to “Scotland”, and
 - (iii) the reference to “Part II of Annex IV” were to “Annex 1A of Regulation (EC) No. 1251/2008”,
 - (b) in paragraph 1(c), the reference to “Part II of Annex V” were to “Part II of Annex V read in accordance with regulation 18(10) of the Aquatic Animal Health (Scotland) Regulations 2009”, and
 - (c) paragraphs 2, 3 and 4 were omitted.
- (10) For the purposes of paragraph (9)(b), Part II of Annex V is to be read as if—
 - (a) points 1.2, 1.3 and 2.2 were omitted,
 - (b) in points 1.4, 2.3 and 3.5, the reference to “Part I.2” were to “Part I.2 read in accordance with regulation 18(8) of the Aquatic Animal Health (Scotland) Regulations 2009”,
 - (c) point 3.7 were omitted, and
 - (d) in point 4.2(b), the reference to “Part II of Annex IV” were to “Annex 1A of Regulation (EC) No. 1251/2008”.
- (5) After regulation 24(3) (initial designation) insert—
 - “(4) References in paragraph (2) to Articles 29 and 57 of [Directive 2006/88/EC](#) are to be read in accordance with Part 1 of schedule 1E, and for that purpose—
 - (a) references in Article 29 to Article 26 or 28, and
 - (b) references in Article 57 to Part III of Annex VI,are to be read in accordance with Part 2 of schedule 1E.”.
- (6) In regulation 35 (entry and inspection of land and premises), for paragraph (2) substitute—
 - “(2) An inspector may be accompanied by such persons, equipment and vehicles as the inspector considers necessary.”.
- (7) After regulation 45(2) (public register of disease-free zones and compartments) insert—
 - “(3) For the purposes of paragraph (1), Article 50 of [Directive 2006/88/EC](#) is to be read in accordance with regulation 18(9).”.
- (8) In regulation 46 (disclosure of information)—
 - (a) in paragraph (1), omit “ or [Directive 2006/88/EC](#)”, and
 - (b) in paragraph (2), omit “, or for the purposes of [Directive 2006/88/EC](#)”.
- (9) After schedule 1D, insert schedule 1E as set out in the schedule.