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STATUTORY INSTRUMENTS

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**1997 No. 1881**

**The Fish Health Regulations 1997**

**PART I**  
**INTRODUCTORY**

**Title, extent and commencement**

1. These Regulations may be cited as the Fish Health Regulations 1997, shall apply to Great Britain and shall come into force on 21st August 1997.

**Interpretation**

2.—(1) In these Regulations—

“approved farm” means a farm complying, as the case may be, with the requirements of Annex CI, II or III of Directive [91/67/EEC](#) and approved as such in accordance with Article 6 of that Directive;

“approved storage centre” means a storage centre or purification centre approved by the Minister as meeting the requirements set out in Schedule 5 Part II;

“approved water station” means a water station approved by the Minister as meeting the requirements set out in Schedule 5 Part I;

“approved zone” means a zone complying, as the case may be, with the provisions of Annex BI, II or III of Directive [91/67/EEC](#) and approved as such in accordance with Article 5 of that Directive;

“aquaculture animals” means live fish, crustaceans or molluscs coming from a farm, including those from the wild intended for a farm;

“aquaculture products” means products derived from aquaculture animals, whether intended for farming, such as eggs and gametes, or for human consumption;

“Commission Decision [93/55/EEC](#)” means Commission Decision of 21st December 1992 amending the guarantees of the introduction of molluscs into zones for which a programme for *Bonamia ostreae* and *Marteilia refringens* has been approved<sup>(1)</sup> as amended by Commission Decision [93/169/EEC](#) of 19th February 1993 amending Decision [93/55/EEC](#) concerning the guarantees for certain molluscs<sup>(2)</sup>;

“Commission Decision [96/490/EC](#)” means Commission Decision of 18th July 1996 on certain protective measures with regard to *Gyrodactylus salaris* in salmonids<sup>(3)</sup>;

“dead fish” includes any part of a dead fish;

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(1) OJNo. L14, 22.1.93, p.24.

(2) OJ No. L71, 24.3.93, p.16.

(3) OJ No. L202, 10.8.96, p.21.

“Directive [91/67/EEC](#)” means Council Directive of 28th January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products<sup>(4)</sup> which has been amended by and must be read in accordance with the provisions set out in Schedule 7;

“Directive [95/70/EC](#)” means Council Directive of 22nd December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs<sup>(5)</sup>;

“eggs” means fertilized ova, including eyed ova and any associated fluid, of fish, crustaceans or molluscs;

“European Inspector” means a Commission expert or Commission veterinary expert acting with regard to Directive [91/67/EEC](#) or Directive [95/70/EC](#);

“farm” means any establishment or, in general, any geographically defined installation in which aquaculture animals are reared or kept with a view to their being placed on the market;

“farmed” in relation to a fish, crustacean or mollusc means a fish, crustacean or mollusc at or from a farm;

“fish, crustaceans or molluscs” means any fish, crustacean or mollusc at any stage of development;

“Form A” means a movement document for live fish, eggs and gametes from an approved zone in the form set out in Directive [91/67/EEC](#) which is completed, in respect of live fish, eggs and gametes of the salmonid species, in accordance with the provisions of Commission Decision [96/490/EC](#);

“Form B” means a movement document for live fish, eggs or gametes from an approved farm in the form set out in Directive [91/67/EEC](#) which is completed, in respect of salmonid ova for breeding purposes, with a certification that the eggs have been disinfected in accordance with the requirements of Article 2 of Commission Decision [96/490/EC](#);

“Form C” means a movement document for molluscs from an approved coastal zone in the form set out in Directive [91/67/EEC](#);

“Form D” means a movement document for molluscs from an approved farm in the form set out in Directive [91/67/EEC](#);

“Form E” means a movement document for live farmed fish, molluscs and crustaceans, their eggs and gametes referred to in Article 14 paragraph 1 of Directive [91/67/EEC](#) in the form set out in Commission Decision [93/22/EEC](#)<sup>(6)</sup>;

“Form F” means a movement document for live wild fish, molluscs or crustaceans, their eggs or gametes referred to in Article 14 paragraph 2 of Directive [91/67/EEC](#) in the form set out in Commission Decision [93/22/EEC](#);

“Form G” means a movement document completed by the Official Service, certifying that the consignment of molluscs originates from an area where there has been no history of *bonamiosis* or *marteiliosis* in the previous two years confirmed by tests as provided for in Commission Decision [93/55/EEC](#);

“Form H” means a movement document completed by the Official Service, certifying that the consignment of molluscs has been submitted at the place of despatch to a check ensuring that it does not contain species other than *Crassostrea gigas*, as required by Commission Decision [93/55/EEC](#);

“Form I” means a movement document completed by the Official Service, certifying that the site of origin complies with the conditions of Commission Decision [93/44/EEC](#) of 21st

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(4) OJ No. L46, 19.2.91, p.1.

(5) OJ No. L332, 30.12.95, p.33.

(6) OJ No. L16, 25.1.93, p.8

December 1992 approving the programmes concerning spring viraemia of carp submitted by the United Kingdom, and defining the additional guarantees for certain fish species for consignment to Great Britain, Northern Ireland, the Isle of Man and Guernsey(7);

“gametes” means sperm or unfertilized ova and any associated fluid of fish, crustaceans or molluscs;

“Great Britain” includes the territorial waters of the United Kingdom adjacent to Great Britain;

“health inspection” means a visit by an Official Service or Services for the purpose of conducting health checks on a farm or zone;

“the Minister” means—

(a) in relation to England, and the territorial waters adjacent to England, the Minister of Agriculture, Fisheries and Food;

(b) in relation to Wales, and the territorial waters adjacent to Wales, the Secretary of State;

(c) in relation to Scotland (including the territorial waters thereof), the Secretary of State;

“movement document” means a document duly completed and—

(a) in the case of Form A, Form B, Form C and Form D corresponding to the forms set out in Directive 91/67/EEC;

(b) in the case of Form E and Form F corresponding to the forms set out in Commission Decision 93/22/EEC; and

(c) in the case of Form G, Form H and Form I complying with these Regulations;

“Official Service” means the veterinary service or any other service of equivalent level designated by the competent authority of a Member State or third country and responsible for carrying out the controls provided for in Directive 91/67/EEC;

“placing on the market” means holding or displaying for sale, offering for sale, selling, delivering, transferring or any other form of placing on the market in the Community, with the exception of retail sale and ‘place on the market’ shall be construed accordingly;

“premises” includes any place, farm, installation in which aquaculture animals are kept, vehicle, ship, vessel, boat, craft, hovercraft or aircraft;

“veterinary inspector” means a person appointed by the Minister for the purposes of these Regulations;

“wild” in relation to a fish, crustacean or mollusc means any fish, crustacean or mollusc which is not a farmed fish, crustacean or mollusc.

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation or a numbered Schedule shall be construed as a reference to the regulation or Schedule so numbered in these Regulations.

## PART II

### GENERAL

#### **Placing on the market of aquaculture animals and aquaculture products**

3.—(1) No person shall place on the market—

(a) aquaculture animals unless they meet the requirements set out in paragraph (2) below;

- (b) aquaculture products for breeding purposes unless they originate from aquaculture animals which meet the requirements set out in paragraph (2) below; or
  - (c) aquaculture products for human consumption unless they originate from aquaculture animals which meet the requirements set out in sub-paragraph (2)(a) below.
- (2) The requirements for aquaculture animals referred to in paragraph (1) above are—
- (a) where placing on the market involves the loading of aquaculture animals, they shall not show clinical signs of disease on the day of loading;
  - (b) they shall not be intended for destruction or slaughter under a scheme for the eradication of a disease referred to in Annex A of Directive 91/67/EEC;
  - (c) they shall not come from a farm which is subject to a prohibition which has been imposed for aquaculture animal health reasons; and
  - (d) they shall not have been in contact with aquaculture animals from a farm which is subject to a prohibition which has been imposed for aquaculture animal health reasons.
- (3) The provisions of this regulation are without prejudice to the provisions of regulations 4, 5, 9 and 10 of the Diseases of Fish (Control) Regulations 1994<sup>(8)</sup>.

#### **Transportation of aquaculture animals**

4.—(1) No person shall transport aquaculture animals unless the requirements set out in paragraph (2) below are met.

- (2) The requirements referred to in paragraph (1) above are—
- (a) the duration of the journey shall be as short as reasonably possible;
  - (b) the means of transport shall have been cleaned and disinfected prior to despatch;
  - (c) if the aquaculture animals are transported overland in water, they shall be transported in such a manner that the water cannot escape from the vehicle during transport;
  - (d) all reasonable steps shall be taken to safeguard the health of the aquaculture animals, including, if appropriate, changing the water in which they are transported; and
  - (e) water used in the transport of the aquaculture animals shall only be changed at an approved water station.

#### **Identification of aquaculture animals and aquaculture products**

5.—(1) No person shall despatch aquaculture animals or aquaculture products unless information is provided in accordance with paragraph (2) below which—

- (a) identifies the consignment;
- (b) enables the farm of origin or the place of origin of the consignment to be traced; and
- (c) enables the contents of the consignment to be linked to the movement document relating to the consignment, where a movement document is required by these Regulations.

(2) The information referred to in paragraph (1) above shall be provided on the container for the consignment, on a label fixed to the container or on the movement document.

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(8) S.I.1994/1447.

## PART III

### MOVEMENT WITHIN THE EUROPEAN COMMUNITY

#### **Validity of movement documents**

- 6.—(1) A movement document is not valid unless—
- (a) it is drawn up at the place of origin of the aquaculture animals or aquaculture products to which it relates by the Official Service of the Member State in which the place of origin is situated;
  - (b) it is in the official language or languages of the place of destination of the aquaculture animals or aquaculture products to which it relates;
  - (c) it is drawn up on a single sheet of paper; and
  - (d) it is made out for a single consignee.
- (2) A movement document is not valid when—
- (a) it is drawn up more than 48 hours before the aquaculture animals or aquaculture products to which it relates are loaded for despatch;
  - (b) the movement to which it relates has not been completed within 10 days of issue;
  - (c) it is used in relation to aquaculture animals and aquaculture products other than those in respect of which it was issued; or
  - (d) it has been incorrectly issued by an Official Service.
- (3) For the purposes of this regulation the expression “place of origin” shall have the same meaning as it has in Article 11 of Directive [91/67/EEC](#).

#### **Introduction of live fish, eggs and gametes**

- 7.—(1) Any reference in this regulation to a numbered column shall be construed as a reference to the column so numbered in Schedule 2.
- (2) Subject to paragraph (3) below, no person shall introduce into a zone specified in column (2) from elsewhere in the European Community, or subsequently move within that zone, any live fish, eggs or gametes specified in column (3) opposite the reference to such zone unless they are accompanied by valid movement documents in the form specified in column (4) opposite the reference to such zone and such live fish, eggs or gametes confirming that—
- (a) they come from an area free from the disease specified in column (5) opposite the reference to such movement document; or
  - (b) where a movement document does not require that they come from an area free from such disease, they fulfil the conditions set out in that movement document.
- (3) The provisions of this regulation shall not apply to tropical fish kept permanently in aquaria.

#### **Introduction of dead fish**

- 8.—(1) Any reference in this regulation to a numbered column shall be construed as a reference to the column so numbered in Schedule 3.
- (2) No person shall introduce into a zone specified in column (2) from elsewhere in the European Community dead fish specified in column (3) opposite the reference to such zone unless they comply with the conditions specified in column (4) opposite the reference to such zone and such dead fish.

### **Introduction of live molluscs, eggs and gametes**

9.—(1) Any reference in this regulation to a numbered column shall be construed as a reference to the column so numbered in Schedule 4.

(2) Subject to paragraph (5) below, no person shall introduce into a zone specified in column (2) from elsewhere in the European Community, or subsequently move within that zone, any live molluscs, eggs or gametes specified in column (3) opposite the reference to such zone with the intention of relaying them unless they are accompanied by valid movement documents in the form specified in column (4) opposite the reference to such zone and such live molluscs, eggs or gametes, confirming that—

- (a) they come from an area free from the disease specified in column (5) opposite the reference to such movement document; or
- (b) where a movement document does not require that they come from an area free from such disease, they fulfil the conditions set out in that movement document.

(3) Subject to paragraph (5) below, no person shall relay in a zone specified in column (2) any live molluscs, eggs or gametes specified in column (3) opposite the reference to such zone from outside that zone unless they are accompanied by valid movement documents in the form specified in column (4) opposite the reference to such zone and such live molluscs, eggs or gametes, confirming that—

- (a) they come from an area free from the disease specified in column (5) opposite the reference to such movement document; or
- (b) where a movement document does not require that they come from an area free from such disease, they fulfil the conditions set out in that movement document.

(4) Subject to paragraph (5) below, no person shall relay any live molluscs, eggs or gametes from an area referred to in Schedule 6—

- (a) in another area referred to in Schedule 6; or
- (b) outside the areas referred to in Schedule 6;

unless they have been authorised to do so in writing by the Minister.

(5) Paragraphs (2), (3) and (4) above shall not apply to the relaying of live molluscs, eggs or gametes when they are re-laid in an approved storage centre.

(6) For the purposes of this regulation—

“coastal zone” means any waters lying below the high water mark of the ordinary spring tides and any land adjacent to such waters;

“relaying” in relation to molluscs means the deposit or immersion of molluscs in a coastal zone and “relaid” and “relay” shall be construed accordingly.

### **Quarantine requirements for introductions of wild fish, molluscs and crustaceans for breeding purposes**

10.—(1) No person shall introduce into an approved zone or an approved farm any wild fish, molluscs, crustaceans, their eggs or gametes, which have been caught in the deep sea and which are to be used for breeding purposes unless those fish, molluscs, crustaceans, eggs or gametes are first placed in quarantine in suitable facilities and in appropriate conditions to be determined by the Minister.

(2) The provisions of this regulation shall not apply to tropical fish kept permanently in aquaria.

## **Export to other parts of the European Community of aquaculture animals and aquaculture products from Great Britain**

**11.**—(1) No person shall export from Great Britain to another part of the European Community any aquaculture animal or aquaculture product which does not meet, or is not despatched in accordance with, the requirements of the relevant provisions of Directive [91/67/EEC](#) (including any option permitted by that Directive which has been exercised in relation to its destination) or which is not accompanied by any documents required under Directive [91/67/EEC](#).

(2) For the purposes of this regulation the relevant provisions of Directive [91/67/EEC](#) are Articles 3, 4, 7 to 11 inclusive, 14 and 16.

## **PART IV**

### **DISEASE AND POWERS**

#### **Notification of disease**

**12.**—(1) Any person who—

- (a) knows of any observed abnormal mortality amongst bivalve molluscs in farms, farming areas, harvested natural beds, or purification centres or storage tanks which discharge water into the sea;
- (b) knows of any symptom amongst fish or molluscs which might constitute grounds for suspecting the presence of a disease listed in Schedule 1;
- (c) has any reason for suspecting the presence amongst fish or molluscs of a disease listed in Schedule 1;

shall notify the Minister as quickly as possible.

(2) Any person who has in his possession or under his charge an infected item, or an item which he suspects is an infected item, shall detain it until—

- (a) it has been examined by a veterinary inspector; or
- (b) a veterinary inspector has instructed him to dispose of it.

(3) A veterinary inspector shall have powers to take such samples of or from fish or molluscs as may be necessary to establish whether a disease listed in Schedule 1 is present amongst fish or molluscs.

(4) For the purposes of this regulation—

“infected item” means a fish or mollusc or the carcase or part of the carcase of the same which is infected with a disease listed in Schedule 1; and

“observed abnormal mortality” shall have the meaning it is given in Article 2 of Directive [95/70/EC](#).

#### **Powers—diseases of fish**

**13.** If the result of a test for the presence of a disease of fish listed in Schedule 1 is positive, the Minister may, by notice in writing served on the person appearing to have charge of any fish, facilities or equipment—

- (a) require the slaughter of all fish in infected farms;
- (b) require the destruction of all infected or contaminated fish; and
- (c) require the disinfection of facilities and equipment.

### **Powers—diseases of molluscs**

14.—(1) If a veterinary inspector has reasonable grounds for suspecting amongst molluscs the presence of a disease listed in Schedule 1 he may—

- (a) by notice in writing served on the person appearing to have charge of any molluscs kept on such premises as are specified in the notice, prohibit the movement of any molluscs on to or off such premises, except under the written authority of the Minister; or
- (b) by notice in writing served on any person appearing to him to be appropriate, prohibit the taking of any molluscs from any area as is specified in the notice except under the written authority of the Minister.

(2) A notice served under paragraph (1) above shall remain in force until withdrawn by a further notice in writing served by a veterinary inspector on the person on whom the initial notice was served.

(3) If the result of a test for the presence of a disease of molluscs listed in Schedule 1 is positive, the Minister may, by notice in writing served on the person appearing to have charge of any molluscs, facilities or equipment—

- (a) require the destruction of all infected or contaminated molluscs; and
- (b) require the disinfection of facilities and equipment.

### **Powers of veterinary inspector**

15.—(1) Subject to regulation 10 of the Animals and Animal Products (Import and Export) Regulations 1995<sup>(9)</sup> and regulation 13 of the Products of Animal Origin (Import and Export) Regulations 1996<sup>(10)</sup> a veterinary inspector shall have the powers set out in this regulation.

(2) A veterinary inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(3) A veterinary inspector shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

- (a) carry out inspections of any premises;
- (b) take samples of or from aquaculture animals or aquaculture products;
- (c) examine relevant documentary or computer material.

(4) A veterinary inspector shall have powers to make such inspections and take such samples as may be necessary to carry out the health inspections, sampling plans and diagnostic methods established by Directive [91/67/EEC](#) or Directive [95/70/EC](#).

(5) A veterinary inspector entering any premises under these Regulations may take with him such persons, equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under these Regulations.

### **Failure to comply with a notice**

16. If any person fails to comply with the requirements of a notice served under these Regulations then, without prejudice to any proceedings consequent upon such failure, a veterinary inspector may enter on any premises to which such notice relates and take or cause to be taken such steps as appear to the veterinary inspector to be necessary either to ensure compliance with the requirements of the notice or to remedy the consequences of the failure to carry them out, and all reasonable costs of

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<sup>(9)</sup> S.I. [1995/2428](#); the only relevant amending instrument is S.I. [1996/1111](#).

<sup>(10)</sup> S.I. [1996/3124](#).



taking such steps shall be recoverable by the Minister from the person on whom the notice was served.

### **Extension of the Animals and Animal Products (Import and Export) Regulations 1995 and the Products of Animal Origin (Import and Export) Regulations 1996**

17.—(1) The Animals and Animal Products (Import and Export) Regulations 1995 and the Products of Animal Origin (Import and Export) Regulations 1996, to the extent that those regulations apply to aquaculture animals and aquaculture products, shall have effect as if the relevant areas were another Member State.

(2) For the purposes of this regulation “the relevant areas” means Northern Ireland, the Isle of Man and any of the Channel Islands.

### **Obstruction**

18.—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer or give any information if to do so might incriminate him.

### **Powers—European Inspectors**

19. A European Inspector may accompany any person who is enforcing these Regulations for the purpose of establishing whether Directive 91/67/EEC and Directive 95/70/EC are applied in a uniform way.

## **PART V**

### **OFFENCES AND PENALTIES**

#### **Offences by directors etc.**

20.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in such capacity,

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any

neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

### **Offences**

**21.**—(1) Any person who contravenes, or fails to comply with, a provision of these Regulations or a provision or requirement of a notice served in accordance with the provisions of these Regulations, shall be guilty of an offence.

(2) Any person who, for the purposes of procuring the issue of a movement document—

- (a) makes a statement which he knows to be false in a material particular;
- (b) recklessly make a statement which is false in a material particular; or
- (c) intentionally fails to disclose any material particular,

shall be guilty of an offence.

### **Penalties**

**22.**—(1) A person who is guilty of an offence by reason of his failure to comply with provisions of regulation 12(1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) A person guilty of any other offence under these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Amendment of the Registration of Fish Farming and Shellfish Farming Businesses Order 1985**

**23.** Part II of Schedule 3 to the Registration of Fish Farming and Shellfish Farming Businesses Order 1985(**11**) shall be amended by adding after paragraph 2—

“**3.** Observed abnormal mortality, as defined in Article 2 of Council Directive [95/70/EC](#) of 22nd December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs.”.

### **Revocation**

**24.** The Fish Health Regulations 1992(**12**), the Fish Health (Amendment) Regulations 1993(**13**), the Fish Health (Amendment) Regulations 1994(**14**) and the Fish Health (Amendment) Regulations 1995(**15**) are hereby revoked.

30th July 1997

*Elliot Morley*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

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(11) S.I. [1985/1319](#), amended by S.I. [1994/1447](#).

(12) S.I. [1992/3300](#).

(13) S.I. [1993/2255](#).

(14) S.I. [1994/1448](#).

(15) S.I. [1995/886](#).

29th July 1997

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office