
STATUTORY INSTRUMENTS

2019 No. 817

**The Aquatic Animal Health and Plant Health
(Legislative Functions) (EU Exit) Regulations 2019**

PART 2

Functions relating to aquatic animal health

Power to amend Annex 1A to Commission Regulation (EC) No 1251/2008

6.—(1) The appropriate authority may by regulations amend Annex 1A to add, vary or remove an exotic or non-exotic disease where the amendment is necessary or appropriate in the light of—

- (a) the relevant criteria specified in paragraphs (3) and (4); and
- (b) any assessment carried out which is relevant to the determination of whether a disease is an exotic or non-exotic disease for the purposes of Annex 1A.

(2) Any assessment which is relied upon for the purposes of paragraph (1) must have been approved by the Secretary of State and the other responsible authorities.

(3) The criteria applicable in relation to an exotic disease are that—

- (a) the disease is not established in [^{F1}Great Britain];
- (b) its pathogen is not known to be present in [^{F2}Great Britain]; and
- (c) if introduced into [^{F3}Great Britain]—
 - (i) the disease may have a significant adverse economic impact on aquaculture ^{F4}..., due to—
 - (aa) the likely production losses in the aquaculture sector as a result of the introduction; or
 - (bb) the likely loss of opportunities to export aquaculture animals or products to third countries as a result of the introduction; or
 - (ii) the disease may have a detrimental harmful impact on wild aquatic animal populations of species.

(4) The criteria in relation to a non-exotic disease are that—

- (a) at least two regions which, either individually or taken together, cover territory that is located in more than one constituent [^{F5}GB] territory, are free of the disease;
- (b) the disease—
 - (i) may have a significant adverse economic impact on aquaculture if introduced into those regions due to—
 - (aa) the production losses in the aquaculture sector as result of the introduction and the annual costs associated with the disease and its control, which are likely to exceed, in the case of each region, 5% of the value of the production of susceptible aquaculture animal species produced in the region; or

- (bb) the loss of opportunities to export aquaculture animals or products to third countries as a result of the introduction; or
- (ii) the disease has shown, where it occurs in [^{F6}Great Britain], to have a detrimental harmful impact on wild aquatic animal populations of species;
- (c) the disease is difficult to control and contain at farm level or mollusc farming area level without stringent control measures and restrictions on trade;
- (d) zones or compartments that are free from the disease can be established and maintained in those regions in a manner that is cost-effective;
- (e) there is a risk that the disease would establish itself in those regions if aquaculture animals were placed on the market; and
- (f) reliable and simple tests are available to detect the presence of the disease in aquaculture animals susceptible to the disease.

[^{F7}(5) In this regulation—

“Annex 1A” means Annex 1A to [Commission Regulation \(EC\) No 1251/2008](#)^{M1};

“constituent GB territory” means England, Wales or Scotland, as the case may be.]

Textual Amendments

- F1** Words in reg. 6(3)(a) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(a)(i)**
- F2** Words in reg. 6(3)(b) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(a)(i)**
- F3** Words in reg. 6(3)(c) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(a)(ii)(aa)**
- F4** Words in reg. 6(3)(c)(i) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(a)(ii)(bb)**
- F5** Word in reg. 6(4)(a) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(b)(i)**
- F6** Words in reg. 6(4)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(b)(ii)**
- F7** Reg. 6(5) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(c)**

Changes to legislation: There are currently no known outstanding effects for the The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019, Section 6. (See end of Document for details)

Commencement Information

II Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M1 Annex 1A was inserted by regulation 2(19) of [S.I. 2019/451](#).

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There are currently no known outstanding effects for the The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019, Section 6.