
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 310

Fish Health Regulations (Northern Ireland) 1998

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; or
- (c) has any other reason for suspecting the presence amongst fish or molluscs of a disease listed in Schedule 1;

shall notify the Department of that fact 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) Where a veterinary inspector has given an instruction to any person under paragraph (2) to dispose of an infected item, or an item which is suspected of being infected, that person shall comply with that instruction.

(4) 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.

(5) For the purposes of this regulation—

“item” means a fish or mollusc or the carcase or part of the carcase of a fish or mollusc; 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 in any fish of a disease listed in Schedule 1 is positive, the Department may, by notice in writing served on the person appearing to have charge of those fish or any facilities or equipment which have or may have been in contact therewith—

- (a) require the slaughter of all fish in farms where infected fish are present;
- (b) require the destruction of all infected fish or contaminated fish; and

- (c) require the disinfection of such of those facilities and equipment as may be specified in the notice.

Powers — diseases of molluscs

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

(2) A notice served on any person under paragraph (1) shall remain in force until withdrawn by a further notice in writing served by a veterinary inspector on the same person.

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

- (a) require the destruction of all infected or contaminated molluscs; and
- (b) require the disinfection of such of those facilities and equipment as may be specified in the notice.

Powers of veterinary inspector

15.—(1) 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 premises for the purposes of ascertaining whether there is or has been on those premises any contravention of these Regulations.

(2) 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.

(3) 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 the Directive or Directive 95/70/EC.

(4) 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 or any instruction given under Regulation 12(2) then, without prejudice to any proceedings consequent upon such failure, a veterinary inspector may enter on any premises to which such notice or instruction 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 instruction, as the case may be, or to remedy the consequences of contravention thereof, and all reasonable costs of

taking such steps shall be recoverable by the Department from the person on whom the notice was served or to whom the instruction was given as the case may be.

Extension of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995 and the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998

17.—(1) The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995⁽¹⁾ (except Part III thereof) and the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998⁽²⁾ (except Parts IV and V thereof) to the extent that those Regulations apply to aquaculture animals and aquaculture products, still have effect as if the relevant areas were a Member State.

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

Obstruction

18.—(1) A person shall not:—

- (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) shall be construed as requiring any person to answer any question 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 the Directive and Directive 95/70/EC are applied in a uniform way.

(1) S.R. 1995 No. 52 as amended by S.R. 1997 No. 87
(2) S.R. 1998 No. 45