

## 1995 No. 174

## FISHERIES

**The Fish Health (Amendment) Regulations  
(Northern Ireland) 1995**

Made . . . . . 21st April 1995

Coming into operation . . . . . 24th May 1995

The Department of Agriculture, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Fish Health (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 24th May 1995.

*Amendment of the Fish Health Regulations (Northern Ireland) 1993*

2. The Fish Health Regulations (Northern Ireland) 1993(c) shall be amended as provided in regulations 3 to 15.

3. In regulation 2(1) (Interpretation)—

(a) after the definition of “aquaculture products” there shall be inserted the following definition—

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

(b) for the definition of “the Directive” there shall be inserted the following definition—

“ “the Directive” means Council Directive 91/67/EEC of 28th January 1991 concerning the animal health conditions governing

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(a) S.I. 1972/1811

(b) 1972 c. 68

(c) S.R. 1993 No. 306

(d) O.J. No. L14, 22.1.93, p. 24

(e) O.J. No. L71, 24.3.93, p. 16

the placing on the market of aquaculture animals and products(a) which has been amended by and must be read with the provisions set out in Part I of Schedule 6;”;

- (c) after the definition of “the Directive” there shall be inserted the following definition—

“ “Directive 93/53/EEC” means Council Directive 93/53/EEC of 24th June 1993 introducing minimum Community measures for the control of certain fish diseases(b);”;

- (d) after the definition of “Form F” there shall be inserted the following definitions—

“ “Form G” means a movement document completed by the Official Service, certifying that the molluscs originate 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 molluscs have been submitted at the place of despatch to a check ensuring that they do 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 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 Northern Ireland, Great Britain, the Isle of Man and Guernsey(c);”;

- (e) for the definition of “movement document” there shall be substituted the following definition—

“ “movement document” means a document duly completed and—

- (i) in the case of Form A, Form B, Form C, Form D, Form E and Form F corresponding to the forms set out in the Directive;
- (ii) in the case of Form G, Form H and Form I complying with these Regulations;”.

4. In regulation 3 (Placing on the market of aquaculture animals and aquaculture products) after paragraph (2) there shall be inserted the following paragraph—

“(3) The provisions of this regulation are without prejudice to the provisions of Directive 93/53/EEC.”.

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(a) O.J. No. L46, 19.2.91, p. 1  
 (b) O.J. No. L175, 19.7.93, p. 23  
 (c) O.J. No. L16, 25.1.93, p. 53

5. In regulation 6 (Validity of movement documents) after paragraph 2(c) there shall be inserted the following sub-paragraph—

“(d) it has been incorrectly issued by an Official Service.”.

6. For regulation 7 (Introduction of live fish, eggs and gametes) there shall be substituted the following regulation—

“7.—(1) Subject to paragraph (2), a person shall not introduce into a zone specified in column (2) of Schedule 2 from elsewhere in the European Communities, or subsequently move within that zone, any live fish, eggs or gametes specified opposite thereto in column (3) unless they are accompanied by valid movement documents in the form specified opposite thereto in column (4) 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.

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

7. In regulation 8 (Introduction of dead fish) for the word “columnn” there shall be substituted the word “column”.

8. After regulation 9 (Introduction of live molluscs, eggs and gametes) there shall be inserted the following regulation—

“9A.—(1) Subject to paragraph (2), a person shall not 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 such conditions as the Department may determine.

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

9. For regulation 16 there shall be substituted the following regulation—

“*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) 1993*

16.—(1) The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995(a) (except Part III thereof), and the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993(b) (except Parts III and IV thereof) to the extent that those

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(a) S.R. 1995 No. 52

(b) S.R. 1993 No. 304

Regulations apply to aquaculture animals and aquaculture products, shall 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.”

10. In regulation 17(2) (Obstruction) for the words “paragraph (1)(c)” there shall be substituted “paragraph (1)(b)”.

11. For Schedule 1 (List of Diseases) there shall be substituted the Schedule set out in Schedule 1.

12. For Schedule 2 (Zones in Northern Ireland — Live Fish, Eggs and Gametes) there shall be substituted the Schedule set out in Schedule 2.

13. For Schedule 3 (Zones in Northern Ireland — Dead Fish) there shall be substituted the Schedule set out in Schedule 3.

14. For Schedule 4 (Zones in Northern Ireland — Live Molluscs, Eggs and Gametes) there shall be substituted the Schedule set out in Schedule 4.

15. In Schedule 6 (Meaning of “Directive 91/67/EEC”) in Part I—

(a) after the entry relating to Commission Decision 93/169/EEC there shall be inserted the following entries—

“Commission Decision 94/306/EC of 16th May 1994

O.J. No. L133, 28.5.94, p. 51

laying down  
the sampling plans and  
diagnostic methods for the  
detection and  
confirmation of certain  
mollusc diseases.

Commission Decision 94/450/EC of 24th June 1994

O.J. No. L187. 22.7.94, p. 8

amending Decision 93/74/EEC concerning the status of Denmark with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.

Commission Decision 94/865/EC of 20th December 1994

O.J. No. L352, 31.12.94, p. 75

amending Decision 93/44/EEC approving the programmes covering spring viraemia of carp submitted by the United Kingdom and defining the additional guarantees of certain fish

species for consignment to Great Britain, Northern Ireland, the Isle of Man and Guernsey.”

- (b) after the entry relating to Commission Decision 94/865/EC, inserted by this regulation, there shall be inserted the following heading and provision—

**“Directives Amending Council Directive 91/67/EEC**

*Directive*

*O.J. Reference*

Council Directive 93/54/EEC of 24th June 1993 amending Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products.”

O.J. No. L175, 19.7.93, p. 34

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 21st April 1995.

(L.S.)

*G. Lavery*

Assistant Secretary

“SCHEDULE 1                      Regulations 2(1), 11(1)  
and (4), 12 and 13(1) and (3)

**List of Diseases**

1. Infectious Salmon Anaemia
2. Infectious haematopoietic necrosis (referred to in these Regulations as “IHN”)
3. Viral haemorrhagic septicaemia (referred to in these Regulations as “VHS”)
4. *Bonamiosis*
5. *Marteiliosis*.”.

## SCHEDULE 2

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Regulation 12

Regulation 7(1)

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## Zones in Northern Ireland — Live Fish, Eggs and Gametes

<i>Item</i>	<i>Zone</i>	<i>Live fish, eggs and gametes(a)</i>	<i>Form of movement document</i>	<i>Diseases(b)</i>
(1)	(2)	(3)	(4)	(5)
1	Northern Ireland	Live farmed and wild fish of the species— <i>Salmonid</i> sp.	Form A	IHN and VHS
2	Northern Ireland	Eggs and gametes of farmed fish of the species— <i>Salmonid</i> sp.	Form A or Form B	IHN and VHS
3	Northern Ireland	Eggs and gametes of wild fish of the species— <i>Salmonid</i> sp.	Form A	IHN and VHS
4	Northern Ireland	Live farmed fish of the species— <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> <i>Scophthalmus maximus</i>	Form A	VHS
			Form E	IHN
5	Northern Ireland	Live wild fish of the species— <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> <i>Scophthalmus maximus</i>	Form A	VHS
			Form F	IHN

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Item (1)	Zone (2)	Live fish, eggs and gametes(a) (3)	Form of movement document (4)	Diseases(b) (5)
6	Northern Ireland	Eggs and gametes of farmed fish of the species— <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> <i>Scophthalmus maximus</i>	Form A or Form B	VHS
			Form E	IHN
7	Northern Ireland	Eggs and gametes of wild fish of the species— <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> <i>Scophthalmus maximus</i>	Form A	VHS
			Form F	IHN
8	Northern Ireland	Live farmed fish of the species— <i>Esox lucius</i> (fry only)	Form A or Form B	IHN
			Form E	VHS
9	Northern Ireland	Live wild fish of the species— <i>Esox lucius</i> (fry only)	Form A	IHN
			Form F	VHS
10	Northern Ireland	Live farmed fish, their eggs and gametes of the following species— <i>Cyprinus carpio</i> <i>Ctenopharyngodon idella</i> <i>Hypophthalmichthys nobilis</i> <i>Hypophthalmichthys molitrix</i>	Form E	IHN and VHS
			Form I	Spring viraemia of carp



Item (1)	Zone (2)	Live fish, eggs and gametes(a) (3)	Form of movement document (4)	Diseases(b) (5)
11	Northern Ireland	Live wild fish, their eggs and gametes of the following species— <i>Cyprinus carpio</i> <i>Ctenopharyngodon idella</i> <i>Hypophthalmichthys nobilis</i> <i>Hypophthalmichthys molitrix</i>	Form F	IHN and VHS
			Form I	Spring viraemia of carp
12	Northern Ireland	Live farmed fish, their eggs and gametes other than— (1) fish of the following species— <i>Salmonid</i> sp. <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> (including fry) <i>Scophthalmus maximus</i> <i>Cyprinus carpio</i> <i>Ctenopharyngodon idella</i> <i>Hypophthalmichthys nobilis</i> <i>Hypophthalmichthys molitrix</i> their eggs and gametes (2) ornamental tropical fish kept permanently in aquaria.	Form E	IHN and VHS

Item (1)	Zone (2)	Live fish, eggs and gametes(a) (3)	Form of movement document (4)	Diseases(b) (5)
13	Northern Ireland	Live wild fish, their eggs and gametes other than— (1) fish of the following species— <i>Salmonid</i> sp. <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> (including fry) <i>Scophthalmus maximus</i> <i>Cyprinus carpio</i> <i>Ctenopharyngodon idella</i> <i>Hypophthalmichthys nobilis</i> <i>Hypophthalmichthys molitrix</i> their eggs and gametes (2) ornamental tropical fish kept permanently in aquaria.	Form F	IHN and VHS

(a) The common names of the fish referred to in this Schedule are as follows:

Name	Common Name
<i>Salmonid</i> sp.	Salmonids
<i>Thymallus thymallus</i>	Grayling
<i>Coregonus</i> sp.	Whitefishes
<i>Esox lucius</i>	Pike
<i>Cyprinus carpio</i>	Common carp and all variants such as mirror carp, leather carp, koi carp and hygoi carp
<i>Ctenopharyngodon idella</i>	Grass carp
<i>Hypophthalmichthys nobilis</i>	Bighead carp
<i>Hypophthalmichthys molitrix</i>	Silver carp
<i>Scophthalmus maximus</i>	Turbot

(b) The full names of the diseases IHN and VHS referred to in column 5 are set out in Schedule 1.'.

## Zones in Northern Ireland — Dead Fish

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Item (1)	Zone (2)	Dead fish(a) (3)	Conditions(b) (4)
1	Northern Ireland	Dead fish of the species— <i>Salmonid</i> sp. <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> <i>Scophthalmus maximus</i>	The fish was slaughtered and eviscerated prior to despatch.
2	Northern Ireland	Dead uneviscerated fish of the species— <i>Salmonid</i> sp.	The fish is from an approved zone or an approved farm free of IHN and VHS and was slaughtered prior to despatch.
3	Northern Ireland	Dead uneviscerated fish of the species— <i>Esox lucius</i> (fry only)	The fish is from an approved zone or an approved farm free of IHN and was slaughtered prior to despatch.
4	Northern Ireland	Dead uneviscerated fish of the species— <i>Thymallus thymallus</i> <i>Coregonus</i> sp. <i>Esox lucius</i> <i>Scophthalmus maximus</i>	The fish is from an approved zone or an approved farm free of VHS and was slaughtered prior to despatch.

(a) The common names of the fish referred to in this Schedule are as follows:

Name	Common Name
<i>Salmonid</i> sp.	Salmonids
<i>Thymallus thymallus</i>	Grayling
<i>Coregonus</i> sp.	Whitefishes
<i>Esox lucius</i>	Pike
<i>Scophthalmus maximus</i>	Turbot

(b) The full names of the diseases IHN and VHS referred to in column 4 are set out in Schedule 1."

## Zones in Northern Ireland — Live Molluscs, Eggs and Gametes

Item (1)	Zone (2)	Live molluscs, eggs and gametes(a) (3)	Form of movement document (4)	Diseases (5)
1	Northern Ireland	Live farmed molluscs of the species <i>Ostrea edulis</i> , their eggs and gametes	Form C, Form D or Form G	<i>Bonamiosis</i> <i>Marteiliosis</i>
2	Northern Ireland	Live wild molluscs of the species <i>Ostrea edulis</i> , their eggs and gametes	Form C or Form G	<i>Bonamiosis</i> <i>Marteiliosis</i>
3	Northern Ireland	Live farmed molluscs of the species <i>Crassostrea gigas</i> , their eggs and gametes	Form E or Form G	<i>Bonamiosis</i> <i>Marteiliosis</i>
			Form H	
4	Northern Ireland	Live wild molluscs of the species <i>Crassostrea gigas</i> , their eggs and gametes	Form F or Form G	<i>Bonamiosis</i> <i>Marteiliosis</i>
			Form H	
5	Northern Ireland	Live farmed molluscs, their eggs and gametes of species other than the species— <i>Ostrea edulis</i> <i>Crassostrea gigas</i>	Form E or Form G	<i>Bonamiosis</i> <i>Marteiliosis</i>
6	Northern Ireland	Live wild molluscs, their eggs and gametes of species other than the species— <i>Ostrea edulis</i> <i>Crassostrea gigas</i>	Form F or Form G	<i>Bonamiosis</i> <i>Marteiliosis</i>

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(a) The common name of *Ostrea edulis* is flat oyster.  
The common name of *Crassostrea gigas* is pacific oyster.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Fish Health Regulations (Northern Ireland) 1993 ("the 1993 Regulations") so as to implement in respect of Northern Ireland Commission Decision 93/44/EEC, Commission Decision 93/55/EEC, Commission Decision 93/169/EEC and Council Directive 93/54/EEC (O.J. No. L175, 19.7.93, p. 34) concerning the animal health conditions governing the placing on the market of aquaculture animals and products.

The Regulations make the following principal changes in that they—

- (a) provide for movement documents certifying certain matters in relation to molluscs (Forms G and H) (regulations 3(d) and 14);
- (b) require an additional movement document for species of carp (Form I) (regulations 3(d) and 12);
- (c) amend regulation 3 of the 1993 Regulations so that restrictions on the placing on the market of aquaculture animals and aquaculture products are without prejudice to the provisions of Council Directive 93/53/EEC (O.J. No. L175, 19.7.93, p. 23) introducing minimum Community measures for the control of certain fish diseases (regulation 4);
- (d) amend regulation 6 of the 1993 Regulations so that a movement document which has been incorrectly issued by an Official Service shall not be a valid movement document (regulation 5);
- (e) amend regulation 7 of the 1993 Regulations so that the restrictions on the introduction into, or movement within, Northern Ireland of live fish, eggs or gametes do not apply to tropical fish kept permanently in aquaria (regulation 6);
- (f) insert a new regulation 9A into the 1993 Regulations to prohibit the introduction of certain fish, molluscs and crustaceans from the wild unless they are first placed in quarantine (regulation 8);
- (g) replace Schedule 1 to the 1993 Regulations so as to add the disease Infectious Salmon Anaemia to the list of notifiable diseases (regulation 11 and Schedule 1);
- (h) replace Schedule 2 to the 1993 Regulations in relation to the introduction into, or movement within, Northern Ireland of certain live fish, eggs or gametes. Carp and turbot or their eggs or gametes are added to the list of species which must be accompanied by a valid movement document (regulation 12 and Schedule 2);
- (i) replace Schedule 3 to the 1993 Regulations in relation to the introduction of certain dead fish into Northern Ireland. Turbot is added to the list of species for which specified conditions must be complied with (regulation 13 and Schedule 3);
- (j) replace Schedule 4 to the 1993 Regulations in relation to the introduction into, or movement within, Northern Ireland of certain live molluscs, eggs and gametes. Pacific oysters or their eggs or

gametes are added to the list of species which must be accompanied by a valid movement document (regulation 14 and Schedule 4).

The Regulations also make some drafting amendments to the 1993 Regulations (regulations 7 and 10).

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**1995 No. 175**

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.