
STATUTORY INSTRUMENTS

1984 No. 455

**RIVER, ENGLAND AND
WALES RIVER, SCOTLAND**
SALMON AND FRESHWATER FISHERIES

The Diseases of Fish Regulations 1984

Made - - - - *29th March 1984*
Coming into Operation *1st April 1984*

The Minister of Agriculture, Fisheries and Food in relation to England, and any marine waters adjacent to England, the Secretary of State for Scotland in relation to Scotland (including the marine waters thereof) and the Secretary of State for Wales in relation to Wales, and any marine waters adjacent to Wales, in exercise of the powers conferred on them by section 9 of the Diseases of Fish Act 1937(1), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Title, commencement and interpretation

1.—(1) These regulations may be cited as the Diseases of Fish Regulations 1984, and shall come into operation on 1st April 1984.

(2) In these regulations “the Act” means the Diseases of Fish Act 1937.

(3) Any reference in these regulations to a numbered Schedule shall be construed as a reference to the Schedule to these regulations which bears the number so indicated.

Licences to import live fish or eggs of fish

2.—(1) A licence under section 1 of the Act(2) to import into Great Britain any live freshwater fish or live eggs of fish of the salmon family, or of freshwater fish, shall be in the form prescribed in Schedule 1 or as near thereto as circumstances shall admit.

(2) An application for such a licence shall be made in writing to the Minister in such form, and shall contain such information, as the Minister may from time to time require.

(1) section 9 was amended by paragraph 7 of the Schedule to the Diseases of Fish Act 1983 (c.30).
(2) Section 1(3) was amended by paragraph 1 of the Schedule to the Diseases of Fish Act 1983.

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Publication of designated area orders

3. Where the Minister has made an order under section 2 of the Act⁽³⁾ designating any waters or land as a designated area, notice of the making of the order shall be published once—

- (a) in the London Gazette in the case of a designated area in England or Wales, and
- (b) in the Edinburgh Gazette in the case of a designated area in Scotland;

and notice thereof shall be sent—

- (i) to the water authority or district board for the area within which the designated area is situated;
- (ii) to the occupier of any fish farm known to the Minister to exist within the designated area; and
- (iii) to any person known to the Minister to be carrying on the business of fish farming in any marine waters within the designated area.

Notices relating to waters suspected to be infected

4. A notice served by an inspector under section 4(1) or 4A(1) of the Act⁽⁴⁾ (preliminary precautions: inland waters or marine waters) shall be in whichever of the forms prescribed in Parts I and II of Schedule 2 is appropriate.

Manner in which fish, eggs of fish, foodstuff or articles seized or forfeited are to be dealt with

5.—(1) Any live fish or live eggs of fish which have been seized under the Act and in respect of which there has been a contravention of section 1 of the Act shall be destroyed or otherwise disposed of as the Minister shall direct.

(2) Any fish, eggs of fish, foodstuffs or articles forfeited under the Act shall be dealt with as the Minister shall direct.

Revocation

6. The Diseases of Fish Regulations 1937, the Diseases of Fish (Scotland) Regulations 1937 and the Diseases of Fish Regulations, 1937 (Amendment) Regulations 1950 are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th March 1984.

L.S.

Hugh R. Neilson
Assistant Secretary

(3) Section 2 was amended by section 2 of the Diseases of Fish Act 1983.

(4) Section 4 was amended by section 3 of the Diseases of Fish Act 1983; and section 4A was inserted by the said section 3.

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Given under the Seal of the Secretary of State for Scotland.

L.S.

22nd March 1984

I. G. F. Gray
Assistant Secretary
Department of Agriculture and Fisheries for
Scotland

Signed by authority of the Secretary of State for Wales.

29th March 1984

R. Hall Williams
Under Secretary
Welsh Office

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SCHEDULE 1

Regulation 2

FORM OF LICENCE TO IMPORT LIVE FISH OR EGGS OF FISH

Licence for importation of live freshwater fish or live eggs of fish of the salmon family or of freshwater fish

SCHEDULE 2

Regulation 4

NOTICES RELATING TO WATERS SUSPECTED TO BE INFECTED

PART I

NOTICE IN RESPECT OF INLAND WATERS

PART II

NOTICE IN RESPECT OF MARINE WATERS

EXPLANATORY NOTE

These regulations re-enact with amendments the Diseases of Fish Regulations 1937, as amended, and the Diseases of Fish (Scotland) Regulations 1937.

The regulations—

(a) prescribe the form of licences to import live freshwater fish or live eggs of fish of the salmon family or of freshwater fish and provide for the manner of applying for such licences (regulation 2 and Schedule 1);

(b) prescribe the manner in which orders under section 2 of the Diseases of Fish Act 1937, as amended, are to be published (regulation 3);

(c) prescribe the form of notices to be served by an inspector under sections 4(1) and 4A(1) of the Act when he has reasonable grounds for suspecting that waters are infected waters (regulation 4 and Schedule 2);

(d) prescribe the manner in which any fish, eggs of fish, foodstuff or articles seized or forfeited under the Act are to be dealt with (regulation 5).

The amendments (other than minor and drafting amendments) are as follows:—

(a) the text of the regulations has been modified where necessary so as to reflect the amendments made by the Diseases of Fish Act 1983 to the Diseases of Fish Act 1937;

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(b) the form of application for a licence is no longer set out in the regulations, but is left to the discretion of the Minister (regulation 2(1));

(c) the provision giving the Minister power to give directions as to the disposal of live fish of the salmon family seized by reason of a contravention of section 1(1) of the Diseases of Fish Act 1937 has been extended to apply in respect of any live fish or live eggs of fish so seized (regulation 5).