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 STATUTORY INSTRUMENTS
 

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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 (a), 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 (b) 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.

*Publication of designated area orders*

3. Where the Minister has made an order under section 2 of the Act (c) 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;

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(a) 1937 c.33; section 9 was amended by paragraph 7 of the Schedule to the Diseases of Fish Act 1983 (c.30).

(b) Section 1(3) was amended by paragraph 1 of the Schedule to the Diseases of Fish Act 1983.

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

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 (a) (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(b), the Diseases of Fish (Scotland) Regulations 1937(c) and the Diseases of Fish Regulations, 1937 (Amendment) Regulations 1950(d) are hereby revoked.

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



*Hugh R. Neilson,*  
Assistant Secretary.



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

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

22nd March 1984.

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- (a) Section 4 was amended by section 3 of the Diseases of Fish Act 1983; and section 4A was inserted by the said section 3.  
(b) S.R. & O. 1937/1224.  
(c) S.R. & O. 1937/1176.  
(d) S.I. 1950/123.

Signed by authority of the  
Secretary of State for Wales.

*R. Hall Williams,*  
Under Secretary,  
Welsh Office.

29th March 1984.

Regulation 2

SCHEDULE 1

FORM OF LICENCE TO IMPORT LIVE FISH OR EGGS OF FISH

THE DISEASES OF FISH ACT 1937

Licence No.

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

[The Minister of Agriculture, Fisheries and Food (“the Minister”)] [The Secretary of State], in exercise of the powers conferred on him by section 1 of the Diseases of Fish Act 1937 (c.33), as amended by the Diseases of Fish Act 1983 (c.30), hereby authorises

.....

of .....  
to have consigned to him the live freshwater fish or live eggs of fish of the salmon family or of freshwater fish (particulars of which are set out in this licence) imported into [England] [Wales] [Scotland], subject to the following conditions:

1. This licence shall be valid for ..... calendar months from ....., unless previously suspended or revoked.
2. This licence must be produced to the proper office of HM Customs and Excise at the time of making the Customs entry in respect of each consignment.
3. The number and weight of the fish and eggs to be imported under this licence shall not exceed any maximum specified in this licence.

*(Other conditions imposed in pursuance of section 1(3)(a) of the Diseases of Fish Act 1937)*

Signature ..... Date .....

On behalf of the [Minister of Agriculture, Fisheries and Food] [Secretary of State for Scotland] [Secretary of State for Wales]

Particulars of fish and eggs of fish which may be imported under this licence

Note: Any breach of the conditions of this licence renders it liable to suspension or revocation.

SCHEDULE 2

Regulation 4

NOTICES RELATING TO WATERS SUSPECTED TO BE INFECTED

PART I

NOTICE IN RESPECT OF INLAND WATERS

THE DISEASES OF FISH ACT 1937

To: .....

Address: .....

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I ..... being a person authorised to act as an inspector under the Diseases of Fish Act 1937 (c.33), as amended by the Diseases of Fish Act 1983 (c.30) hereby give you, as the occupier of the fish farm known as....., notice under section 4(1) of the Act that I have reasonable grounds for suspecting that the inland waters which are the waters of the above fish farm are infected waters.

Signed ..... (Date) .....

Official Designation .....

Official Address .....

.....

Note: Where a notice has been served under section 4(1) of the Diseases of Fish Act 1937 upon the occupier of a fish farm—

- (a) no live fish and no live eggs of fish shall, without the permission of the Minister or Secretary of State, be taken into or out of the fish farm; and
(b) no foodstuff for fish shall, without the permission of the Minister or Secretary of State, be taken out of the fish farm,

until after the expiration of 30\* days from the service of the notice, unless before the expiration of that period the occupier receives from the Minister or Secretary of State a written intimation that such permission is no longer required.

\*If a further notice is served under section 4(3) of the Act upon the occupier, the above prohibition has effect as if for "30 days" there were substituted "60 days".

PART II

NOTICE IN RESPECT OF MARINE WATERS  
THE DISEASES OF FISH ACT 1937

To: .....

Address: .....

.....

I ..... being a person authorised to act as an inspector under the Diseases of Fish Act 1937 (c.33), as amended by the Diseases of Fish Act 1983 (c.30), hereby give you, as the owner, or person in possession, of a cage which is situated in the marine waters described in this notice and is used by you for the purposes of a business of fish farming carried on by you, notice under section 4A(1) of the Act that I have reasonable grounds for suspecting that those waters are infected waters.

*Description of marine waters suspected to be infected waters*

Signed ..... Date .....

Official Designation .....

Official Address .....

.....

*Note:* Where a notice has been served under section 4A(1) of the Diseases of Fish Act 1937 upon the occupier of a fish farm—

- (a) no live fish and no live eggs of fish shall, without the permission of the Minister or Secretary of State, be taken into or out of any cage which is situated in the waters described in the notice and is used by the person served with the notice for the purposes of a business of fish farming carried on by him; and
- (b) no foodstuff for fish shall, without the permission of the Minister or Secretary of State, be taken out of any such cage,

until after the expiration of 30\* days from the service of the notice, unless before the expiration of that period the person served with the notice receives from the Minister or Secretary of State a written intimation that such permission is no longer required.

\*If a further notice is served under section 4A(3) of the Act upon the occupier, the above prohibition has effect as if for “30 days” there were substituted “60 days”.

## EXPLANATORY NOTE

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

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;
- (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).

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