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STATUTORY INSTRUMENTS

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**1994 No. 1448**

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

**The Fish Health (Amendment) Regulations 1994**

<i>Made</i>	- - - -	<i>26th May 1994</i>
<i>Laid before Parliament</i>		<i>10th June 1994</i>
<i>Coming into force</i>	- -	<i>1st July 1994</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Title, extent and commencement**

1.—(1) These Regulations which implement Council Directive [93/54/EEC](#)<sup>(3)</sup> may be cited as the Fish Health (Amendment) Regulations 1994, and shall come into force on 1st July 1994.

(2) In these Regulations “the principal Regulations” means the Fish Health Regulations 1992<sup>(4)</sup>.

**Amendment of regulation 2 of the principal Regulations**

2. Regulation 2 (Interpretation) shall be amended as follows—

(a) for the definition of “Directive [91/67/EEC](#)” there shall be substituted—

““Directive [91/67/EEC](#)” means Council Directive of 28th January 1991 concerning the animal health conditions governing the placing on the market of aquaculture

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(1) S.I. [1972/1811](#).

(2) [1972 c. 68](#).

(3) OJ No. L 175, 19.7.93, p. 34.

(4) S.I. [1992/3300](#), as amended by S.I. [1993/2255](#).

animals and products<sup>(5)</sup> which has been amended by and must be read in accordance with the provisions set out in Schedule 7, Part I”;

- (b) after the definition of “Directive 91/67/EEC” there shall be inserted the following definition—

““Directive 93/53/EEC” means Council Directive of 24th June 1993 introducing minimum Community measures for the control of certain fish diseases<sup>(6)</sup>”.

### **Amendment of regulation 3 of the principal Regulations**

3. Regulation 3 (placing on the market of aquaculture animals and aquaculture products) shall be amended by adding after paragraph (2)—

“(3) The provisions of this regulation are without prejudice to the provisions of regulations 4, 5, 9 and 10 of the Diseases of Fish (Control) Regulations 1994<sup>(7)</sup>”.

### **Amendment of regulation 7 of the principal Regulations**

4. Regulation 7 (introduction of live fish, eggs and gametes) shall be amended by adding after paragraph (2)—

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

### **Regulation 9A**

5. After regulation 9 (introduction of live molluscs, eggs and gametes) of the principal Regulations the following shall be added—

“9A.—(1) No person shall 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 appropriate conditions to be determined by the Minister.

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

### **Amendment of regulation 16 of the principal Regulations**

6. In paragraph (1) of regulation 16 for the words “The Animals and Animal Products (Import and Export) Regulations 1992” there shall be substituted—

“The Animals and Animal Products (Import and Export) Regulations 1993<sup>(8)</sup>”.

### **Substitution of Schedule 1 to the principal Regulations**

7. For Schedule 1 there shall be substituted the Schedule set out in Schedule 1 to these Regulations.

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(5) OJ No. L 46, 19.2.91, p. 1.

(6) OJ No. L 175, 19.7.93, p. 23.

(7) S.I. 1992/1447.

(8) S.I. 1993/3247.

### **Substitution of Schedule 2 to the principal Regulations**

8. For Schedule 2 there shall be substituted the Schedule set out in Schedule 2 to these Regulations.

### **Substitution of Schedule 3 to the principal Regulations**

9. For Schedule 3 there shall be substituted the Schedule set out in Schedule 3 to these Regulations.

### **Amendment of Schedule 7 to the principal Regulations**

10. In Part I of Schedule 7 there shall be inserted the following new heading and provision after the entry relating to “Commission Decision [93/169/EEC](#)”—

“DIRECTIVES AMENDING COUNCIL DIRECTIVE [91/67/EEC](#)

Directive	OJ Reference
Council Directive <a href="#">93/54/EEC</a> of June 1993 amending Directive <a href="#">91/67/EEC</a> concerning the animal health conditions governing the placing on the market of aquaculture animals and products.	OJ No. L 175, 19.7.93, p. 34.”

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

26th May 1994.

*Gillian Shephard*  
Minister of Agriculture, Fisheries and Food

24th May 1994

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 7

“SCHEDULE 1

Regulations 11, 12 and 13

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

Regulation 8

“SCHEDULE 2

Regulation 7

ZONES IN GREAT BRITAIN — LIVE FISH, EGGS AND GAMETES

Item	Zone	Live fish, eggs and gametes <sup>(a)</sup>	Form of movement document	Diseases <sup>(b)</sup>
(1)	(2)	(3)	(4)	(5)
1	Great Britain	Live farmed and wild fish of the species—  <i>Salmonid sp.</i>	Form A	IHN and VHS
2	Great Britain	Eggs and gametes of farmed fish of the species—  <i>Salmonid sp.</i>	Form A or Form B	IHN and VHS

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

<i>Name</i>	<i>Common Name</i>
<i>Salmonid sp.</i>	Salmonids
<i>Thymallus thymallus</i>	Grayling
<i>Coregonus sp.</i>	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) Where the full names of the diseases are not set out in column 5 they are set out in Schedule 1.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

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

Name	Common Name
<i>Salmonid sp.</i>	Salmonids
<i>Thymallus thymallus</i>	Grayling
<i>Coregonus sp.</i>	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) Where the full names of the diseases are not set out in column 5 they are set out in Schedule 1.

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

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

Name	Common Name
<i>Salmonid sp.</i>	Salmonids
<i>Thymallus thymallus</i>	Grayling
<i>Coregonus sp.</i>	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) Where the full names of the diseases are not set out in column 5 they are set out in Schedule 1.

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Item	Zone	Live fish, eggs and gametes <sup>(a)</sup>	Form of movement document	Diseases <sup>(b)</sup>
(1)	(2)	(3)	(4)	(5)
Form A	VHS			
Form F	IHN			
8	Great Britain	Live farmed fish of the species— <i>Esox lucius</i> (fry only)	Form A or Form B Form E	IHN VHS
9	Great Britain	Live wild fish of the species— <i>Esox lucius</i> (fry only)	Form A Form F	IHN VHS
10	Great Britain	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 Form I	IHN and VHS Spring viraemia of carp

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

Name	Common Name
<i>Salmonid sp.</i>	Salmonids
<i>Thymallus thymallus</i>	Grayling
<i>Coregonus sp.</i>	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) Where the full names of the diseases are not set out in column 5 they are set out in Schedule 1.

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Item	Zone	Live fish, eggs and gametes <sup>(a)</sup>	Form of movement document	Diseases <sup>(b)</sup>
(1)	(2)	(3)	(4)	(5)
11	Great Britain	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  Form I	IHN and VHS  Spring viraemia of carp
12	Great Britain	Live farmed fish, their eggs and gametes other than— fish of the following species— <i>Salmonid sp.</i> <i>Thymallus thymallus</i> <i>Coregonus sp.</i> <i>Esox lucius</i>	Form E	IHN and VHS

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

Name	Common Name
<i>Salmonid sp.</i>	Salmonids
<i>Thymallus thymallus</i>	Grayling
<i>Coregonus sp.</i>	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) Where the full names of the diseases are not set out in column 5 they are set out in Schedule 1.



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Item	Zone	Live fish, eggs and gametes <sup>(a)</sup>	Form of movement document	Diseases <sup>(b)</sup>
(1)	(2)	(3)	(4)	(5)
		(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 ornamental tropical fish kept permanently in aquaria.		
13	Great Britain	Live wild fish, their eggs and gametes other than— fish of the following species— <i>Salmonid sp.</i> <i>Thymallus thymallus</i> <i>thymallus</i>	Form F	IHN and VHS <sup>7</sup>

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

Name	Common Name
<i>Salmonid sp.</i>	Salmonids
<i>Thymallus thymallus</i>	Grayling
<i>Coregonus sp.</i>	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) Where the full names of the diseases are not set out in column 5 they are set out in Schedule 1.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Item	Zone	Live fish, eggs and gametes <sup>(a)</sup>	Form of movement document	Diseases <sup>(b)</sup>
(1)	(2)	(3)	(4)	(5)
				<p><i>Coregonus</i>  <i>sp.</i>  <i>Esox</i>  <i>lucius</i>                      (including fry)  <i>Scophthalmus</i>  <i>maximus</i>  <i>Cyprinus</i>  <i>carpio</i>  <i>Ctenopharyngodon</i>  <i>idella</i>  <i>Hypophthalmichthys</i>  <i>nobilis</i>  <i>Hypophthalmichthys</i>  <i>molitrix</i>                      their eggs and gametes                      ornamental tropical fish kept permanently in aquaria.</p>

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

Name	Common Name
<i>Salmonid sp.</i>	Salmonids
<i>Thymallus thymallus</i>	Grayling
<i>Coregonus sp.</i>	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) Where the full names of the diseases are not set out in column 5 they are set out in Schedule 1.

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## SCHEDULE 3

Regulation 9

## “SCHEDULE 3

Regulation 8

## ZONES IN GREAT BRITAIN — DEAD FISH

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

(b) The full names of the diseases in column 4 are set out in Schedule 1.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Item (1)	Zone (2)	Dead fish <sup>(a)</sup> (3)	Conditions <sup>(b)</sup> (4)
		<i>Esox lucius</i>	
		<i>Scophthalmus maximus</i>	

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

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

(b) The full names of the diseases in column 4 are set out in Schedule 1.

## EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations amend the Fish Health Regulations 1992 (“the principal Regulations”) so as to implement Council Directive [93/54/EEC](#) (OJ No. L 175, 19.7.93, p. 34).

The Regulations:

- (a) amend regulation 3 of the principal Regulations so that its provisions are without prejudice to certain provisions of the Diseases of Fish (Control) Regulations 1994 (regulation 3);
- (b) provide for the amendment of regulation 7 of the principal Regulations so that the provisions shall not apply to tropical fish kept permanently in aquaria (regulation 4);
- (c) insert a new regulation 9A in the principal Regulations which provides for quarantine of certain fish, molluscs and crustaceans from the wild (regulation 5);
- (d) provide for the substitution of Schedule 1 to the principal Regulations (regulation 7);
- (e) provide for the substitution of Schedule 2 to the principal Regulations (regulation 8);
- (f) provide for the substitution of Schedule 3 to the principal Regulations (regulation 9);
- (g) provide for the amendment of Schedule 7 to the principal Regulations (regulation 10);
- (h) revise the definition of “Directive [91/67/EEC](#)” (regulation 2(a));
- (i) insert a definition of “Directive [93/53/EEC](#)” (regulation 2(b));
- (j) update the reference in regulation 16(1) of the principal Regulations to the Animals and Animal Products (Import and Export) Regulations 1992 (regulation 6).