
STATUTORY INSTRUMENTS

1997 No. 1881

The Fish Health Regulations 1997

PART I

INTRODUCTORY

Title, extent and commencement

1. These Regulations may be cited as the Fish Health Regulations 1997, shall apply to Great Britain and shall come into force on 21st August 1997.

Interpretation

2.—(1) In these Regulations—

“approved farm” means a farm complying, as the case may be, with the requirements of Annex CI, II or III of Directive [91/67/EEC](#) and approved as such in accordance with Article 6 of that Directive;

“approved storage centre” means a storage centre or purification centre approved by the Minister as meeting the requirements set out in Schedule 5 Part II;

“approved water station” means a water station approved by the Minister as meeting the requirements set out in Schedule 5 Part I;

“approved zone” means a zone complying, as the case may be, with the provisions of Annex BI, II or III of Directive [91/67/EEC](#) and approved as such in accordance with Article 5 of that Directive;

“aquaculture animals” means live fish, crustaceans or molluscs coming from a farm, including those from the wild intended for a farm;

“aquaculture products” means products derived from aquaculture animals, whether intended for farming, such as eggs and gametes, or for human consumption;

“Commission Decision [93/55/EEC](#)” means Commission Decision of 21st December 1992 amending the guarantees of the introduction of molluscs into zones for which a programme for *Bonamia ostreae* and *Marteilia refringens* has been approved⁽¹⁾ as amended by Commission Decision [93/169/EEC](#) of 19th February 1993 amending Decision [93/55/EEC](#) concerning the guarantees for certain molluscs⁽²⁾;

“Commission Decision [96/490/EC](#)” means Commission Decision of 18th July 1996 on certain protective measures with regard to *Gyrodactylus salaris* in salmonids⁽³⁾;

“dead fish” includes any part of a dead fish;

(1) OJNo. L14, 22.1.93, p.24.

(2) OJ No. L71, 24.3.93, p.16.

(3) OJ No. L202, 10.8.96, p.21.

“Directive [91/67/EEC](#)” means Council Directive of 28th January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽⁴⁾ which has been amended by and must be read in accordance with the provisions set out in Schedule 7;

“Directive [95/70/EC](#)” means Council Directive of 22nd December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs⁽⁵⁾;

“eggs” means fertilized ova, including eyed ova and any associated fluid, of fish, crustaceans or molluscs;

“European Inspector” means a Commission expert or Commission veterinary expert acting with regard to Directive [91/67/EEC](#) or Directive [95/70/EC](#);

“farm” means any establishment or, in general, any geographically defined installation in which aquaculture animals are reared or kept with a view to their being placed on the market;

“farmed” in relation to a fish, crustacean or mollusc means a fish, crustacean or mollusc at or from a farm;

“fish, crustaceans or molluscs” means any fish, crustacean or mollusc at any stage of development;

“Form A” means a movement document for live fish, eggs and gametes from an approved zone in the form set out in Directive [91/67/EEC](#) which is completed, in respect of live fish, eggs and gametes of the salmonid species, in accordance with the provisions of Commission Decision [96/490/EC](#);

“Form B” means a movement document for live fish, eggs or gametes from an approved farm in the form set out in Directive [91/67/EEC](#) which is completed, in respect of salmonid ova for breeding purposes, with a certification that the eggs have been disinfected in accordance with the requirements of Article 2 of Commission Decision [96/490/EC](#);

“Form C” means a movement document for molluscs from an approved coastal zone in the form set out in Directive [91/67/EEC](#);

“Form D” means a movement document for molluscs from an approved farm in the form set out in Directive [91/67/EEC](#);

“Form E” means a movement document for live farmed fish, molluscs and crustaceans, their eggs and gametes referred to in Article 14 paragraph 1 of Directive [91/67/EEC](#) in the form set out in Commission Decision [93/22/EEC](#)⁽⁶⁾;

“Form F” means a movement document for live wild fish, molluscs or crustaceans, their eggs or gametes referred to in Article 14 paragraph 2 of Directive [91/67/EEC](#) in the form set out in Commission Decision [93/22/EEC](#);

“Form G” means a movement document completed by the Official Service, certifying that the consignment of molluscs originates 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 consignment of molluscs has been submitted at the place of despatch to a check ensuring that it does 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

(4) OJ No. L46, 19.2.91, p.1.

(5) OJ No. L332, 30.12.95, p.33.

(6) OJ No. L16, 25.1.93, p.8

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 Great Britain, Northern Ireland, the Isle of Man and Guernsey(7);

“gametes” means sperm or unfertilized ova and any associated fluid of fish, crustaceans or molluscs;

“Great Britain” includes the territorial waters of the United Kingdom adjacent to Great Britain;

“health inspection” means a visit by an Official Service or Services for the purpose of conducting health checks on a farm or zone;

“the Minister” means—

(a) in relation to England, and the territorial waters adjacent to England, the Minister of Agriculture, Fisheries and Food;

(b) in relation to Wales, and the territorial waters adjacent to Wales, the Secretary of State;

(c) in relation to Scotland (including the territorial waters thereof), the Secretary of State;

“movement document” means a document duly completed and—

(a) in the case of Form A, Form B, Form C and Form D corresponding to the forms set out in Directive 91/67/EEC;

(b) in the case of Form E and Form F corresponding to the forms set out in Commission Decision 93/22/EEC; and

(c) in the case of Form G, Form H and Form I complying with these Regulations;

“Official Service” means the veterinary service or any other service of equivalent level designated by the competent authority of a Member State or third country and responsible for carrying out the controls provided for in Directive 91/67/EEC;

“placing on the market” means holding or displaying for sale, offering for sale, selling, delivering, transferring or any other form of placing on the market in the Community, with the exception of retail sale and ‘place on the market’ shall be construed accordingly;

“premises” includes any place, farm, installation in which aquaculture animals are kept, vehicle, ship, vessel, boat, craft, hovercraft or aircraft;

“veterinary inspector” means a person appointed by the Minister for the purposes of these Regulations;

“wild” in relation to a fish, crustacean or mollusc means any fish, crustacean or mollusc which is not a farmed fish, crustacean or mollusc.

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation or a numbered Schedule shall be construed as a reference to the regulation or Schedule so numbered in these Regulations.