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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 129**

**The Aquatic Animal Health  
Regulations (Northern Ireland) 2009**

**PART 7**

**MISCELLANEOUS**

**Prohibition on vaccination against listed disease**

**50.** It is an offence for a person to vaccinate an aquatic animal against a listed disease except under, and in accordance with the conditions of, a licence granted by the Department.

**Declaration of disease-free zones and compartments**

**51.** The Department may declare a zone or a compartment in Northern Ireland to be free of a non-exotic disease listed in Part II of Annex IV to Directive 2006/88 in accordance with Article 50 of that Directive.

**Public register of disease-free zones and compartments**

**52.—(1)** The Department shall establish and maintain a register of zones and compartments in Northern Ireland declared disease-free under Article 50 of Directive 2006/88.

(2) The Department shall make the register available for inspection by the public free of charge at all reasonable times at such place as may be determined by the Department.

**Disapplication of control measures**

**53.** Measures prohibiting or restricting the movement of any person or any thing imposed under Part 4 do not apply to an inspector acting in the execution of these Regulations.

**Records**

**54.—(1)** Any person who is required to keep a record under these Regulations shall retain it for at least four years from the date the record is made (unless otherwise required under these Regulations).

(2) It is an offence for a person to fail to comply with paragraph (1).

**Production of licences**

**55.—(1)** Any person moving any aquatic animal under, and in accordance with the conditions of, a specific licence granted by the Department under these Regulations shall—

- (a) keep the licence or a copy of it with that person at all times during the licensed movement;
- (b) on demand by an inspector, produce the licence or copy and allow a copy or extract to be taken.

(2) Any person moving any aquatic animal under, and in accordance with the conditions of, a general licence granted by the Department under these Regulations shall—

- (a) carry, at all times during the movement, a consignment note that contains details of—
    - (i) what is being transported, including the quantity,
    - (ii) the date of the movement,
    - (iii) the name of the consignor,
    - (iv) the address of the premises from which the movement started,
    - (v) the name of the consignee,
    - (vi) the address of the premises of destination;
  - (b) on demand by an inspector, produce the consignment note and allow a copy or extract to be taken.
- (3) It is an offence for a person to fail to comply with paragraph (1) or (2).

### **Disclosure of information**

**56.**—(1) The Department, the Foyle, Carlingford and Irish Lights Commission, the Fisheries Conservancy Board for Northern Ireland, the Agri-food and Biosciences Institute, the Department of Culture, Arts and Leisure, the Department of the Environment, any district council and the Food Standards Agency may disclose information to each other for the purposes of Directive 2006/88 or these Regulations.

(2) The Department may disclose information received by it in the execution or enforcement of these Regulations to the equivalent competent authority in any other part of the United Kingdom for the purposes of Directive 2006/88, these Regulations or the equivalent regulations in England, Scotland or Wales.

### **Application to the Crown**

**57.**—(1) Subject to the provisions of this regulation, these Regulations bind the Crown.

(2) No contravention by the Crown of any provision of these Regulations shall make the Crown criminally liable; but the High Court may, on the application of any person appearing to the Court to have an interest, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) Notwithstanding anything in paragraph (2), these Regulations shall apply to a person in the public service of the Crown as they apply to any other person.

(4) In this regulation any reference to the Crown includes a reference to the Crown in right of Her Majesty's Government in Northern Ireland.

### **Transitional provision**

**58.** Regulation 6(1) shall not apply to any person who—

- (a) on 27<sup>th</sup> March 2009 holds, and continues to hold, a fish culture licence granted by the Department under section 11 of the Fisheries Act (Northern Ireland) 1966 authorising that person to operate a fish farm; and
- (b) makes an application to the Department for an authorisation in respect of that fish farm before 30th June 2009,

until the date the application is determined by the Department under regulation 7 or, if earlier, the date the application is withdrawn.

## **Repeals and revocations**

**59.** Schedule 2 (repeals and revocations) has effect.