

SCOTTISH STATUTORY INSTRUMENTS

2009 No. 85

The Aquatic Animal Health (Scotland) Regulations 2009

[^{F1}PART 3A

QUARANTINE

Textual Amendments

- F1** Pt. 3A inserted and immediately substituted (31.12.2020) by [The Aquaculture and Fisheries \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/393\)](#), regs. 1(2)(3), **2(4)**, **3(5)**

Interpretation of Part 3A

21A.—(1) In this Part—

“Commission [Decision 2008/946/EC](#)” means Commission [Decision 2008/946/EC](#) implementing Council [Directive 2006/88/EC](#) as regards requirements for quarantine of aquaculture animals;

“constituent GB territory” means England, Wales or Scotland as the case may be;

“the EU Directive” means Council [Directive 2006/88/EC](#) on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals as it has effect in European Union law, as amended from time to time.

(2) References in this Part to a part of Scotland, or to a constituent GB territory or a zone or compartment thereof, being “declared free” of one or more diseases means declared free in accordance with Section 2 of Commission [Decision 2009/177/EC](#).

Vector species

21B.—(1) An aquaculture animal intended for farming or restocking may only be introduced into a part of Scotland which has been declared free of a disease for which that animal is a vector if it—

(a) originates from—

- (i) a constituent GB territory, or a zone or compartment thereof, declared free of that disease;
- (ii) Northern Ireland, or a zone or a compartment thereof, declared free of that disease in accordance with Article 49 or Article 50 of the EU Directive; or
- (iii) the Channel Islands, the Isle of Man or a third country, where the competent authority has consented to its introduction; or

(b) has been, or will be, held in quarantine facilities in accordance with the requirements of Commission [Decision 2008/946/EC](#).

(2) For the purposes of paragraph (1)(a)(iii), consent may only be given if the competent authority is satisfied that the aquaculture animal concerned is free of the relevant disease.

(3) In this regulation, an aquaculture animal is a vector for a disease if it ^{F2}is of a species listed as a vector for that disease in a document published under Article 3(1) of Regulation (EC) No 1251/2008 and fulfils the conditions set out in that document.]

Textual Amendments

F2 Words in reg. 21B(3) substituted (15.8.2022) by [The Aquatic Animal Health \(Amendment\) Regulations 2022 \(S.I. 2022/835\)](#), regs. 1(2), **8(5)**

Wild aquatic animals

21C.—(1) Wild aquatic animals of species susceptible to one or more of the diseases listed in Annex 1A to Regulation (EC) No. 1251/2008 which are intended for release into a farm or mollusc farming area in a part of Scotland which has been declared free of any of those diseases must—

- (a) originate from—
 - (i) a constituent GB territory, or a zone or compartment thereof, declared free of that disease;
 - (ii) Northern Ireland, or a zone or a compartment thereof, declared free of that disease in accordance with Article 49 or Article 50 of the EU Directive; or
 - (iii) the Channel Islands, the Isle of Man or a third country, where the competent authority has consented to its introduction; or
- (b) be, or have been, held in quarantine facilities in accordance with the requirements of Commission [Decision 2008/946/EC](#).

(2) For the purposes of paragraph (1)(a)(iii), consent may only be given if the competent authority is satisfied that the aquaculture animal concerned is free of the relevant disease.

^{F3}(3) In this regulation an animal is susceptible to a disease listed in Annex 1A to Regulation 1251/2008 if it is of a species listed as susceptible to that disease in a document published under Article 3a(1) of Regulation (EC) No 1251/2008.]]

Textual Amendments

F3 Reg. 21C(3) inserted (15.8.2022) by [The Aquatic Animal Health \(Amendment\) Regulations 2022 \(S.I. 2022/835\)](#), regs. 1(2), **8(6)**

Changes to legislation:

There are currently no known outstanding effects for the The Aquatic Animal Health (Scotland) Regulations 2009, PART 3A.