

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2009 No. 85**

**The Aquatic Animal Health (Scotland) Regulations 2009**

**PART 1**

**GENERAL**

**Citation, commencement and extent**

1.—(1) These Regulations, which implement Directive [2006/88/EC](#), may be cited as the Aquatic Animal Health (Scotland) Regulations 2009.

(2) These Regulations come into force—

- (a) for the purposes of regulation 5(1), on 1st May 2009;
- (b) for the purposes of regulation 12(1), on 1st August 2009; and
- (c) for all other purposes, on 27th March 2009.

(3) These Regulations extend to Scotland only.

**Application**

2.— These Regulations do not apply to—

- (a) any ornamental aquatic animal reared in a non-commercial aquarium;
- (b) any wild aquatic animal harvested or caught for direct entry into the food chain other than one which is to be treated as an aquaculture animal under regulation 18(3);
- (c) any aquatic animal caught for the purpose of production of fishmeal, fish feed, fish oil or any similar product.

**Interpretation**

3.—(1) In these Regulations—

“the competent authority” means the Scottish Ministers;

“Decision [2004/453/EC](#)” means Commission Decision [2004/453/EC](#)<sup>M1</sup> on implementing Council Directive [91/67/EEC](#) as regards measures against certain diseases in aquaculture animals, as amended from time to time;

“Decision [946/2008/EC](#)” means Commission Decision [2008/946/EC](#)<sup>M2</sup> on implementing Council Directive [2006/88/EC](#) as regards requirements for quarantine of aquaculture animals;

“Directive [2006/88/EC](#)” means Council Directive [2006/88/EC](#)<sup>M3</sup> on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals, as amended from time to time;

“inspector” means any person authorised by the competent authority to be an inspector for the purposes of these Regulations;

“listed disease” means—

*Status: Point in time view as at 05/03/2009.*

*Changes to legislation: There are currently no known outstanding effects for the The Aquatic Animal Health (Scotland) Regulations 2009, PART 1. (See end of Document for details)*

- (a) a disease listed in the second column of Part II of Annex IV of Directive [2006/88/EC](#); or  
 (b) a disease listed in the first column of Schedule 1 to these Regulations;

“non-commercial installation” means any aquaculture production business in which aquatic animals are kept with no intention of placing them on the market;

“operator”, in relation to an aquaculture production business, a specialist transport business, a processing establishment, a non-commercial installation or a put and take fishery, means any person who is responsible for the management of that business, establishment, installation or fishery;

“processing establishment” means any food business which is approved for processing aquaculture animals for food purposes in accordance with Article 4 of Regulation (EC) No. [853/2004](#)<sup>M4</sup> laying down specific hygiene rules for food of animal origin, and which processes aquaculture animals under Part 4 of these Regulations or any provision in any Regulations made in relation to England, Wales or Northern Ireland which has equivalent effect to that Part;

“Regulation (EC) No. 1251/2008” means Commission Regulation (EC) No. [1251/2008](#)<sup>M5</sup> on implementing Directive [2006/88/EC](#) as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species, as amended from time to time;

“Scotland” includes so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland; and

“specialist transport business” means a business or undertaking which wholly or mainly transports live aquaculture animals in means of transport specially designed or adapted for that purpose.

(2) Any expression used in these Regulations which is also used in Directive [2006/88/EC](#) (except for the definitions of “operator” and “processing establishment” in paragraph (1) and “wild aquatic animal” in regulation 18(5)) has the meaning it bears in that Directive.

(3) Schedule 1 (list of diseases) has effect.

#### **Marginal Citations**

- M1** O.J. No. L 156, 30.4.2004, p.5, corrected by O.J. No. L 202, 7.6.2004, p.4 which substitutes new text for the whole of Commission Decision 2004/453/EC.  
**M2** O.J. No. L 337, 16.12.2008, p.94.  
**M3** O.J. No. L 328, 24.11.2006, p.14.  
**M4** O.J. No. L 139, 30.4.2004, p.55.  
**M5** O.J. No. L 337, 16.12.2008, p.41.

**Status:**

Point in time view as at 05/03/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the The Aquatic Animal Health (Scotland) Regulations 2009, PART 1.