
STATUTORY INSTRUMENTS

2009 No. 463

**The Aquatic Animal Health (England
and Wales) Regulations 2009**

PART 1

General

Title and commencement

1.—(1) These Regulations may be cited as the Aquatic Animal Health (England and Wales) 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;
- (c) for all other purposes, on 27th March 2009.

Extent and application

2.—(1) These Regulations extend to England and Wales.

(2) These Regulations do not apply to—

- (a) any ornamental aquatic animal reared in a non-commercial aquarium;
- (b) any aquatic animal caught for the purpose of production of fishmeal, fish feed, fish oil or any similar product;
- (c) 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).

Interpretation

3.—(1) In these Regulations—

“the competent authority” means, in relation to England, the Secretary of State, and, in relation to Wales, the Welsh Ministers;

“Decision [2004/453/EC](#)” means Commission Decision [2004/453/EC](#) on implementing Council Directive [91/67/EEC](#) as regards measures against certain diseases in aquaculture animals;

“Directive [2006/88/EC](#)” 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;

“England” includes the sea adjacent to England to a distance of 12 nautical miles from the baselines from which the breadth of the territorial sea is measured;

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

“listed disease” means—

- (a) a disease listed in the second column of Part II of Annex IV to 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, processing establishment, non-commercial installation or 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](#)(1) 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 Scotland or Northern Ireland which has equivalent effect to that Part;

“Regulation (EC) No.1251/2008” means Commission Regulation (EC) No.1251/2008 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;

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

“Wales” has the meaning given in section 158 of the Government of Wales Act 2006.

(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) References to Decision [2004/453/EC](#), Directive [2006/88/EC](#) and Regulation (EC) No.1251/2008 are references to those instruments as amended from time to time.

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

(1) OJ No L 139, 30.4.2004, p55.