
STATUTORY INSTRUMENTS

2011 No. 2292

**The Alien and Locally Absent Species in
Aquaculture (England and Wales) Regulations 2011**

PART 2

Movements

Permits

- 5.—(1) A permit—
- (a) must be in writing;
 - (b) must be identifiable by reference to a unique number;
 - (c) must specify the duration for which it is issued;
 - (d) must specify the species to which it applies;
 - (e) must specify the aquaculture facility into which the introduction or translocation may take place;
 - (f) may be made subject to such further conditions as the competent authority considers appropriate.
- (2) Any refusal to issue a permit must—
- (a) be notified to the applicant in writing;
 - (b) give reasons; and
 - (c) inform the applicant of the right of appeal under regulation 20.

Notifying movement of Annex IV species or locally absent species

- 6.—(1) This regulation applies in relation to the proposed movement of—
- (a) an Annex IV species; or
 - (b) a locally absent species from within [^{F1}Great Britain].
- (2) A person proposing to undertake a movement must notify that proposal to the competent authority in writing.
- (3) An application for, or to make changes to, an authorisation to operate an aquaculture production business under the Aquatic Animal Health (England and Wales) Regulations 2009 ^{M1} in respect of an Annex IV species or a locally absent species is a notification for the purposes of paragraph (2).
- (4) A person who makes a notification under paragraph (2) must not undertake the proposed movement except in accordance with a notice issued under regulation 7(2)(b) or (3)(b) or regulation 8(2).
- (5) This regulation does not apply to subsequent movements notified under paragraph (2) made by the same person to the same location.

Textual Amendments

- F1** Words in [reg. 6\(1\)\(b\)](#) substituted (31.12.2020) by S.I. 2019/452, reg. 3(2A) (as inserted by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1463), regs. 1(2)(a), **3(2)**)

Marginal Citations

- M1** [S.I. 2009/463](#) to which there are amendments not relevant to these Regulations..

Movement of Annex IV species

7.—(1) This regulation applies where the competent authority receives a notification under regulation 6(2) in relation to the proposed movement of an Annex IV species.

(2) The competent authority must serve written notice on the person proposing to undertake the introduction within 90 days of receiving notification—

- (a) prohibiting that movement;
- (b) permitting that movement, and any subsequent movement of the same species to the same location, subject to any conditions stated in the notice; or
- (c) requiring the person to submit an environmental risk assessment carried out under Article 9(1) of Council Regulation 708/2007.

(3) After considering any environmental risk assessment required under paragraph (2)(c), the competent authority must serve a written notice on the person who submitted it within 90 days of receiving it—

- (a) prohibiting the movement; or
- (b) permitting the movement, and any subsequent movement of the same species to the same location, subject to any conditions stated in the notice.

(4) A notice served under paragraph (2)(b) or (3)(b) must—

- (a) include a number that is unique to that notice;
- (b) specify the species to which it applies; and
- (c) specify the aquaculture facility into which the movement may take place.

(5) A notice served under paragraph (2)(a) or (b) or (3) must inform the person on whom the notice is served of the right of appeal under regulation 20.

Movement of locally absent species

8.—(1) This regulation applies where the competent authority receives a notification under regulation 6(2) in relation to the proposed movement of a locally absent species from within [F2Great Britain].

(2) The competent authority must serve written notice on the person proposing to undertake the movement within 90 days of receiving notification informing them whether for the purposes of Article 2(2) of Council Regulation 708/2007 there are grounds for foreseeing environmental threats due to the proposed translocation.

Textual Amendments

- F2** Words in [reg. 8\(1\)](#) substituted (31.12.2020) by S.I. 2019/452, reg. 3(2A) (as inserted by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1463), regs. 1(2)(a), **3(2)**)

Environmental risk assessment

9. An environmental risk assessment carried out under Article 9(1) of Council Regulation 708/2007 is produced at the applicant's own expense.

Contingency plan

10.—(1) A contingency plan drawn up under Article 17 of Council Regulation 708/2007 is produced at the applicant's own expense.

(2) A person who fails immediately to implement an approved contingency plan when a contingency event in that plan occurs commits an offence.

Monitoring

11.—(1) This regulation applies where monitoring is required under Article 18 or 22 of Council Regulation 708/2007.

(2) The applicant must submit to the competent authority for written approval a programme detailing how the monitoring will be carried out.

(3) The approved monitoring programme must be carried out, at the applicant's own expense—

(a) by the applicant; or

(b) where the competent authority determines that the applicant does not have the expertise, by a person nominated by the applicant and approved by the competent authority.

Changes to legislation:

There are currently no known outstanding effects for the The Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011, PART 2.