
STATUTORY INSTRUMENTS

2022 No. 835

The Aquatic Animal Health (Amendment) Regulations 2022

PART 2

Amendments to domestic legislation

Aquatic Animal Health (England and Wales) Regulations 2009

7.—(1) The Aquatic Animal Health (England and Wales) Regulations 2009(1) are amended as follows.

(2) In regulation 3(1), in the definition of “listed disease”, in paragraph (b) omit “the first column of”.

(3) After regulation 3A, insert—

“List of susceptible species and geographic areas declared disease-free

3B.—(1) The appropriate authority may from time to time specify in a document a list of species susceptible to any diseases listed in Schedule 1 together with the geographic areas declared free from any such disease.

(2) “The appropriate authority” for the purposes of paragraph (1) means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers,

but the appropriate authority is the Secretary of State if consent is given by the Welsh Ministers in respect of the exercise of the function conferred by paragraph (1) in relation to Wales.”.

(4) In regulation 18—

(a) in paragraph (4), for sub-paragraphs (a) and (b) substitute—

“(a) an animal is susceptible to a disease listed in the second column of Annex 1A to Regulation (EC) No 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;

(b) an animal is a vector for a disease listed in the second column of Annex 1A to Regulation (EC) No 1251/2008 if it is of a species listed as a vector for that disease in a document published under Article 3(1) of Regulation No 1251/2008 and it fulfils the conditions set out in that document.”.

(b) in paragraph (5)—

(i) for sub-paragraph (b) substitute—

“(b) an animal is of a species susceptible to a listed disease if the species is listed as susceptible to that disease—

- (i) in a document published under Article 3a(1) of Regulation (EC) No 1251/2008; or
 - (ii) in a document published under regulation 3B(1) .”;
- (ii) for sub-paragraph (c) substitute—
- “(c) an animal is a vector for a listed disease if it 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.”.
- (5) In regulation 21B(3), for “is of a species appearing in Column 2” to the end substitute “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.”.
- (6) In regulation 21C, after paragraph (2), insert—
- “(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.”.
- (7) In Schedule 1, in the table omit the second and third columns (susceptible species and geographical demarcation of the area which is disease-free).

Aquatic Animal Health (Scotland) Regulations 2009

- 8.—(1) The Aquatic Animal Health (Scotland) Regulations 2009(2) are amended as follows.
- (2) In regulation 3—
- (a) in paragraph (1), in the definition of “listed disease”, in paragraph (b) omit “the first column of”;
 - (b) in paragraph (3), omit “and geographical demarcation of areas declared disease free”.
- (3) After regulation 3A, insert—

“List of susceptible species and geographic areas declared disease free

3B. The Scottish Ministers may from time to time specify in a document a list of species susceptible to the diseases listed in Schedule 1 together with the geographic areas declared free from those diseases.”.

- (4) In regulation 18—
- (a) in paragraph (4), for sub-paragraphs (a) and (b) substitute—
 - “(a) an animal is susceptible to a disease listed in the second column of Annex 1A to Regulation (EC) No 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;
 - (b) an animal is a vector for a disease listed in the second column of Annex 1A to Regulation (EC) No 1251/2008 if it is of a species listed as a vector for that disease in a document published under Article 3(1) of Regulation No 1251/2008 and fulfils the conditions set out in that document.”;
 - (b) in paragraph (5), for sub-paragraphs (b) and (c) substitute—
 - “(b) an animal is susceptible to a listed disease if it is of a species listed as susceptible to that disease—

- (i) in a document published under Article 3a(1) of Regulation (EC) No 1251/2008; or
 - (ii) in a document published under regulation 3B.
 - (c) an animal is a vector for a listed disease if it 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.”.
- (5) In regulation 21B(3), for “is of a species appearing in Column 2” to the end substitute “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.”.
- (6) In regulation 21C, after paragraph (2), insert—
- “(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.”.
- (7) In the table in Schedule 1—
- (a) in the heading, omit “and geographical demarcation of areas declared disease free”;
 - (b) omit the second and third columns (susceptible species and geographical demarcation of the area which is disease free).

Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019

- 9.** In regulation 7(3) of the Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019(3), omit “or which is only listed in Annex 3 as regards part of its territory,”.