
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 129

**The Aquatic Animal Health
Regulations (Northern Ireland) 2009**

PART 1

INTRODUCTION

Citation and commencement

1.—(1) These Regulations may be cited as the Aquatic Animal Health Regulations (Northern Ireland) 2009 and, subject to paragraph (2), shall come into operation on 27th March 2009.

(2) Regulations 6(1) and 13(1) shall come into operation on 1st August 2009.

Commencement Information

II Reg. 1 in operation at 27.3.2009, see [reg. 1\(1\)](#)

Interpretation

2.—(1) Subject to paragraph (7) and regulation 47(1), the Interpretation Act (Northern Ireland) 1954(1) applies to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

“aquaculture product” means a product derived from aquaculture animals;

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“authorisation” means an authorisation granted by the Department under regulation 7;

“confirmed designation” means a designation made by the Department under regulation 31;

“confirmed designation area” means the area in respect of which a confirmed designation has been made;

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“the Department” means the Department of Agriculture and Rural Development;

“Directive 2006/88” 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(2)^{F3} as last amended by Commission Implementing [Directive 2014/22/EU](#);

“document” includes any thing in which information is recorded in any form;

(1) [1954 c.33 \(N.I.\)](#)

(2) O.J. No. L 328, 24.11.2006, p.14, as corrected by Corrigenda, O.J. No. L 140, 1.6.2007, p.59 and O.J. No. L 239, 12.9.2007, p.70 as amended by Commission Directive [2008/53/EC](#), O.J. No. L 117, 1.5.2008, p.27

“electronic communication” has the meaning given in section 4(1) of the Electronic Communications Act (Northern Ireland) 2001⁽³⁾;

“general licence” means a licence granted under these Regulations which applies to all persons or movements, or any class of persons or movements specified therein;

“initial designation” means a designation made by the Department under regulation 27;

“initial designation area” means the area in respect of which an initial designation has been made;

“inland fishery” and “salmon fishery” have the meanings given in section 206(1) of the Fisheries Act (Northern Ireland) 1966⁽⁴⁾;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Department;

“listed disease” means—

(a) [^{F4}a disease listed in Annex II to Regulation 2016/429; or]

(b) a disease listed in the first column of Schedule 1;

“Londonderry Area” and “Newry Area” have the meanings given in section 2(1) of the Foyle Fisheries Act (Northern Ireland) 1952⁽⁵⁾;

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

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

“notice” means notice in writing;

“premises” includes any land or place and, in particular, includes—

(a) any vehicle, vessel or other means of transport;

(b) any installation, container or receptacle;

“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 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin ⁽⁶⁾, and which processes aquaculture animals for disease control purposes under Part 4 or under any equivalent provision in regulations extending to any other part of the United Kingdom;

“quarantine facility” has the meaning given in Article 2(1) of Commission Decision 2008/946/EC implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals ⁽⁷⁾;

“Regulation 1251/2008” means Commission Regulation (EC) No 1251/2008 implementing Council 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⁽⁸⁾, as amended from time to time;

[^{F5}“Regulation 2016/429” means Regulation (EU) 2016/429 of the European Parliament and of the Council on transmissible animal diseases and amending and repealing certain acts in the area of animal health;

(3) 2001 c.9 (N.I.). Section 4(1) was amended by paragraph 170 of Schedule 17 to the Communications Act 2003 c.21

(4) 1966 c.17 (N.I.)

(5) 1952 c.5 (N.I.)

(6) O.J. No. L 139, 30.4.2004, p.55

(7) O.J. No. L 337, 16.12.2008, p.94

(8) O.J. No. L 337, 16.12.2008, p.41

“Regulation 2018/1882” means Commission Implementing Regulation (EU) 2018/1882 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases;

“Regulation 2020/990” means Commission Delegated Regulation (EU) 2020/990 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health and certification requirements for movements within the Union of aquatic animals and products of animal origin from aquatic animals;]

“specific licence” means a licence granted under these Regulations which only applies to the applicant therefor;

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[^{F7}(3) Any expression used in these Regulations which is also used in Regulation 2016/429 has the same meaning as it bears in that Regulation.]

^{F8}(4)

^{F8}(5)

(6) References in these Regulations to a species of aquatic animal includes references to a hybrid of that species.

(7) Section 24(1) of the Interpretation Act (Northern Ireland) 1954 (service of documents) has effect in relation to the service of any document required or authorised by virtue of these Regulations to be served on any person with the omission of the word “registering”.

(8) Any notice required under these Regulations to be served by the Department or an inspector on any person may be served on that person by means of an electronic communication if—

- (a) the person has consented to the use of that form of communication and has provided an electronic address for that purpose;
- (b) the consent has not been withdrawn; and
- (c) the notice is sent to the address provided,

and where an electronic communication is used for the purpose of serving a notice, then, unless the contrary is proved, the notice shall be deemed to have been served on the day and at the time recorded by the transmitting apparatus as being the day and time of satisfactory completion of the transmission.

Textual Amendments

- F1 Words in reg. 2(2) omitted (30.10.2023) by virtue of The Aquatic Animal Health (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/163), regs. 1(1), **3(1)(a)**
- F2 Words in reg. 2(2) omitted (30.10.2023) by virtue of The Aquatic Animal Health (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/163), regs. 1(1), **3(1)(b)**
- F3 Words in reg. 2(2) inserted (24.12.2018) by The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/200), reg. 1(1), **Sch. 4 para. 5(1)(a)(ii)**
- F4 Words in reg. 2(2) substituted (30.10.2023) by The Aquatic Animal Health (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/163), regs. 1(1), **3(1)(c)**
- F5 Words in reg. 2(2) inserted (30.10.2023) by The Aquatic Animal Health (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/163), regs. 1(1), **3(1)(d)**
- F6 Words in reg. 2(2) omitted (30.10.2023) by virtue of The Aquatic Animal Health (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/163), regs. 1(1), **3(1)(e)**
- F7 Reg. 2(3) substituted (30.10.2023) by The Aquatic Animal Health (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/163), regs. 1(1), **3(2)**

F8 Reg. 2(4)(5) omitted (24.12.2018) by virtue of The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/200), reg. 1(1), **Sch. 4 para. 5(1)(b)**

Commencement Information

I2 Reg. 2 in operation at 27.3.2009, see **reg. 1(1)**

Application

- 3.** 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 the purpose of direct entry into the food chain other than one which is to be treated as an aquaculture animal under regulation 21(3);
 - (c) any aquatic animal caught for the purpose of the production of fishmeal, fish feed, fish oil or any similar product.

Commencement Information

I3 Reg. 3 in operation at 27.3.2009, see **reg. 1(1)**

Licences

- 4.—(1)** A licence granted under these Regulations—
- (a) shall be in writing;
 - (b) may be made subject to such conditions as the Department considers appropriate, having regard to the risk of the spread of disease; and
 - (c) may be either a general licence or a specific licence.
- (2) A general licence shall be granted by the publication of it in such manner and to such extent as appears to the Department to be sufficient to bring it to the notice of those persons likely to be affected by it.
- (3) The Department may amend, suspend or revoke any licence granted under these Regulations—
- (a) in the case of a general licence, by a notice published so far as practicable, in the same manner and to the same extent as the licence; and
 - (b) in the case of a specific licence, by a notice served on the person to whom the licence was granted.
- (4) The Department may amend, suspend or revoke a general licence in so far as it applies to any particular person by notice served on that person.
- (5) It is an offence for a person to contravene, or fail to comply with, a condition of a licence.

Commencement Information

I4 Reg. 4 in operation at 27.3.2009, see **reg. 1(1)**

[^{F9}Aquatic animal health professional

- 4A.** An aquatic animal health professional may—

- (a) undertake activities assigned to veterinarians under Regulation 2016/429 in relation to aquatic animals; and
- (b) be appointed to be an inspector for the purpose of these Regulations.]

Textual Amendments

- F9** [Reg. 4A](#) and cross heading inserted (30.10.2023) by [The Aquatic Animal Health \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/163\)](#), regs. 1(1), 4

Changes to legislation:

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