
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—

[^{F1}“Commission Decision 2009/177/EC” means Commission Decision [2009/177/EC](#) implementing Council Directive [2006/88/EC](#) as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments;]

[^{F2}“the competent authority” has the meaning given in regulation 3A;]

[^{F3}“Decision 2015/1554” means Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of [Directive 2006/88/EC](#) as regards requirements for surveillance and diagnostic methods;]

^{F4}
...

^{F5}
...

“Directive [2006/88/EC](#)” means Council Directive [2006/88/EC](#)^{M1} 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 [^{F6}, but subject to regulations 3(4), 13(7) and (8), 18(7) and 24(4)];

“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 [^{F7}Annex 1A to Regulation (EC) No. 1251/2008];
or

(b) a disease listed in ^{F8}... 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;

[^{F9}“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 and which may, when granted an authorisation under regulation 7, slaughter aquaculture animals for disease control purposes in accordance with Article 33 of Chapter V of Directive 2006/88/EC; which aquaculture animals—

(a) are the subject of a notice; or

(b) come from an area, farm or mollusc farming area which is the subject of a notice, under Part 4 of these Regulations, or of any provision in any Regulations made in relation to England, Wales or Northern Ireland which has equivalent effect to that Part; and]

[^{F10}“Regulation (EC) No 853/2004” means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p.55), as amended from time to time;]

“Regulation (EC) No. 1251/2008” means Commission Regulation (EC) No. 1251/2008^{M2} 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 [^{F11}(list of diseases ^{F12}...)] has effect.

[^{F13}(4) In the definition of “processing establishment” in paragraph (1), the reference to Article 33 of Chapter V of Directive 2006/88/EC is to be read in accordance with paragraph 1A of schedule 1E of these Regulations.]

Textual Amendments

- F1** Words in [reg. 3\(1\)](#) inserted (31.12.2020) by [The Aquaculture and Fisheries \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/393\)](#), regs. 1(3), **3(2)(a)(i)**
- F2** Words in [reg. 3\(1\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Aquaculture and Fisheries \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/393\)](#), regs. 1(2), **2(2)(a)**
- F3** Words in [reg. 3\(1\)](#) inserted (31.12.2020) by [The Aquaculture and Fisheries \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/393\)](#), regs. 1(3), **3(2)(a)(ii)**
- F4** Words in [reg. 3\(1\)](#) omitted (27.5.2011) by virtue of [The Aquatic Animal Health \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/259\)](#), regs. 1, **2(2)**
- F5** Words in [reg. 3\(1\)](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Aquaculture and Fisheries \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/393\)](#), regs. 1(2), **2(2)(b)**
- F6** Words in [reg. 3\(1\)](#) inserted (2.2.2023) by [The Agriculture \(Retained EU Law and Data\) \(Scotland\) Act 2020 \(Consequential Modifications\) and Agricultural Products, Aquatic Animal Health and Genetically Modified Organisms \(EU Exit\) \(Amendment\) Regulations 2022 \(S.S.I. 2022/361\)](#), regs. 1, **16(2)**
- F7** Words in [reg. 3\(1\)](#) substituted (31.12.2020) by [The Aquaculture and Fisheries \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/393\)](#), regs. 1(3), **3(2)(a)(iii)**
- F8** Words in [reg. 3\(1\)](#) omitted (15.8.2022) by virtue of [The Aquatic Animal Health \(Amendment\) Regulations 2022 \(S.I. 2022/835\)](#), regs. 1(2), **8(2)(a)**
- F9** Words in [reg. 3\(1\)](#) substituted (2.12.2011) by [The Aquatic Animal Health \(Miscellaneous Modifications\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/427\)](#), regs. 1(1), **2(2)(a)**
- F10** Words in [reg. 3\(1\)](#) inserted (2.12.2011) by [The Aquatic Animal Health \(Miscellaneous Modifications\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/427\)](#), regs. 1(1), **2(2)(b)**
- F11** Words in [reg. 3\(3\)](#) substituted (31.12.2020) by [The Aquaculture and Fisheries \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/393\)](#), regs. 1(3), **3(2)(b)**
- F12** Words in [reg. 3\(3\)](#) omitted (15.8.2022) by virtue of [The Aquatic Animal Health \(Amendment\) Regulations 2022 \(S.I. 2022/835\)](#), regs. 1(2), **8(2)(b)**
- F13** [Reg. 3\(4\)](#) inserted (2.2.2023) by [The Agriculture \(Retained EU Law and Data\) \(Scotland\) Act 2020 \(Consequential Modifications\) and Agricultural Products, Aquatic Animal Health and Genetically Modified Organisms \(EU Exit\) \(Amendment\) Regulations 2022 \(S.S.I. 2022/361\)](#), regs. 1, **16(3)**

Marginal Citations

- M1** O.J. No. L 328, 24.11.2006, p.14.
- M2** O.J. No. L 337, 16.12.2008, p.41.

[^{F14}The competent authority

- 3A.** The Scottish Ministers are the competent authority for the purposes of—
- these Regulations;
 - Regulation (EC) No. 1251/2008;
 - Commission [Decision 2008/896/EC](#) on guidelines for the purpose of the risk-based animal health surveillance schemes provided for in Council [Directive 2006/88/EC](#);
 - Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of [Directive 2006/88/EC](#) as regards requirements for surveillance and diagnostic methods.]

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)

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Textual Amendments

F14 Reg. 3A inserted (31.12.2020 immediately before IP completion day) by [The Aquaculture and Fisheries \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/393\)](#), regs. 1(2), **2(3)**

[^{F15}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.]

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Textual Amendments

F15 Reg. 3B inserted (15.8.2022) by [The Aquatic Animal Health \(Amendment\) Regulations 2022 \(S.I. 2022/835\)](#), regs. 1(2), **8(3)**

Changes to legislation:

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