

Scottish Statutory Instrument 2001 No. 409

The Fish Health Amendment (Scotland) Regulations 2001

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SCOTTISH STATUTORY INSTRUMENTS

2001 No. 409

RIVER

SALMON AND FRESHWATER FISHERIES

SEA FISHERIES

SHELLFISH

The Fish Health Amendment (Scotland) Regulations 2001

<i>Made</i>	<i>8th November 2001</i>
<i>Laid before the Scottish Parliament</i>	<i>8th November 2001</i>
<i>Coming into force</i>	<i>29th November 2001</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972[1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement and extent

1. - (1) These Regulations may be cited as the Fish Health Amendment (Scotland) Regulations 2001 and come into force on 29th November 2001.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations, "the principal Regulations" means the Fish Health Regulations 1997[2].

Amendment of the principal Regulations

3. In regulation 2 (interpretation) of the principal Regulations-

(a) for the definition of "the Minister" there is substituted-

" "the Minister" means the Scottish Ministers";

(b) after the definition of "premises" there is inserted-

" "Scotland" has the same meaning as in section 126(1) of the Scotland Act 1998[3];"

4. For regulation 3(2)(a) (placing on the market of aquaculture animals and aquaculture products) of the principal Regulations there is substituted-

" (a) they must show no clinical signs of disease on the day of loading;"

5. For regulation 11 (export to other parts of the European Community of aquaculture animals and aquaculture products from Great Britain) of the principal Regulations there is substituted-

" Export to other parts of the European Community of aquaculture animals and aquaculture products from Scotland

11. - (1) No person shall export from Scotland to another part of the European Community any aquaculture animal or aquaculture product which does not meet, or is not dispatched in accordance with, the relevant requirements.

(2) For the purposes of this regulation "relevant requirements" means-

(a) the provisions of Articles 7 to 11 inclusive, 14 and 16 of Directive 91/67/EEC; and

(b) any additional guarantees required under Articles 12 and 13 of that Directive.

(3) This regulation does not apply to the movement from Scotland to another part of Great Britain of any aquaculture animal or aquaculture product."

6. For regulation 12(3) (notification of disease) of the principal Regulations there is substituted-

" (3) A veterinary inspector shall have powers to take such samples of or from

fish or molluscs as may be necessary to establish whether a disease listed in Schedule 1 is present among fish or molluscs where-

(a) notification has been given under paragraph (1) above; or

(b) where the inspector otherwise has reasonable cause for suspecting the presence amongst fish or molluscs of a disease listed in Schedule 1."

7. Regulation 13 (powers-diseases of fish) of the principal Regulations is omitted.

8. In regulation 15 (powers of veterinary inspector) of the principal Regulations-

(a) there is substituted for paragraph (1)-

" (1) A veterinary inspector shall have the powers set out in this regulation.";

(b) in paragraph (2) the words "ascertaining whether there is or has been on the premises any contravention of" are omitted; and

(c) after paragraph (4) there is inserted-

" (4A) Subject to paragraph (4B) below, a veterinary inspector shall have power to undertake from time to time investigations to establish the incidence in Scotland or any part of Scotland of any disease listed in Schedule 1 or any agent associated with such disease and for that purpose may undertake such inspections and take such samples as may be necessary.

(4B) A veterinary inspector may undertake an investigation mentioned in paragraph (4A) only with the consent of the Scottish Ministers and subject to such directions (which may be general or specific) as they may consider appropriate."

9. For Schedules 2, 3 and 7 to the principal Regulations there is substituted the Schedules set out in Schedules 1, 2 and 3 respectively to these Regulations.

RHONA BRANKIN

Authorised to sign by the Scottish Ministers

St Andrew's House, Edinburgh

8th November 2001

Schedule 1

Regulation 9

" SCHEDULE 2

Regulation 7

GREAT BRITAIN APPROVED ZONE LIVE FISH, EGGS AND GAMETES

<i>Item</i>	<i>Zone</i>	<i>Live fish, eggs and gametes[4]</i>	<i>Form of movement document</i>	<i>Diseases[5]</i>
(1)	(2)	(3)	(4)	(5)
1	Great Britain	Live farmed and wild fish and gametes of farmed and wild fish of the species- Salmonid sp.	Form A	IHN, VHS and GS
2	Great Britain	Eggs of farmed fish of the species- Salmonid sp.	Form A Form B	IHN, VHS and GS IHN, VHS and GS
3	Great Britain	Eggs of wild fish of the species- Salmonid sp.	Form A	IHN, VHS and GS
4	Great Britain	Live farmed fish of the species- <i>Thymallus thymallus</i> <i>Coregonus Sp.</i> <i>Scophthalmus maximus</i>	Form A Form E	VHS IHN
5	Great Britain	Live wild fish of the species- <i>Thymallus thymallus</i> <i>Coregonus Sp.</i> <i>Scophthalmus maximus</i>	Form A Form F	VHS IHN
6	Great Britain	Eggs and gametes of farmed fish of the species- <i>Thymallus thymallus</i> <i>Coregonus Sp.</i> <i>Scophthalmus maximus</i>	Form A or Form B Form E	VHS IHN
7	Great Britain	Eggs and gametes of wild fish of the species-	Form A	VHS

		<p><i>Thymallus thymallus</i></p> <p><i>Coregonus Sp.</i></p> <p><i>Scophthalmus maximus</i></p>	Form F	IHN
8	Great Britain	<p>Live farmed fish of the species-</p> <p><i>Esox lucius</i></p>	<p>Form A</p> <p>Form E</p> <p>Form I</p>	<p>VHS</p> <p>IHN</p> <p>SVC</p>
9	Great Britain	<p>Live wild fish of the species-</p> <p><i>Esox lucius</i></p>	<p>Form A</p> <p>Form F</p> <p>Form I</p>	<p>VHS</p> <p>IHN</p> <p>SVC</p>
10	Great Britain	<p>Eggs and gametes of farmed fish of the species-</p> <p><i>Esox lucius</i></p>	<p>Form A or Form B</p> <p>Form E</p> <p>Form I</p>	<p>VHS</p> <p>IHN</p> <p>SVC</p>
11	Great Britain	<p>Eggs and gametes of wild fish of the species-</p> <p><i>Esox lucius</i></p>	<p>Form A</p> <p>Form F</p> <p>Form I</p>	<p>VHS</p> <p>IHN</p> <p>SVC</p>
12	Great Britain	<p>Live farmed and wild fish of the species-</p> <p><i>Esox lucius</i> (fry only)</p>	<p>Form A</p> <p>Form I</p>	<p>IHN and VHS</p> <p>SVC</p>
13	Great Britain	<p>Live farmed fish, their eggs and gametes of the following species-</p> <p><i>Carassius auratus</i></p> <p><i>Carassius carassius</i></p> <p><i>Cyprinus carpio</i></p> <p><i>Ctenopharyngodon idella</i></p> <p><i>Hypophthalmichthys molitrix</i></p> <p><i>Hypophthalmichthys nobilis</i></p> <p><i>Leuciscus idus</i></p> <p><i>Rutilus rutilus</i></p>	<p>Form E</p> <p>Form I</p>	<p>IHN and VHS</p> <p>SVC</p>

		<i>Scardinius erythrophthalmus</i> <i>Siluris glanis</i> <i>Tinca tinca</i>		
14	Great Britain	Live wild fish, their eggs and gametes of the following species- <i>Carassius auratus</i> <i>Carassius carassius</i> <i>Cyprinus carpio</i> <i>Ctenopharyngodon idella</i> <i>Hypophthalmichthys molitrix</i> <i>Hypophthalmichthys nobilis</i> <i>Leuciscus idus</i> <i>Rutilus rutilus</i> <i>Scardinius erythrophthalmus</i> <i>Siluris glanis</i> <i>Tinca tinca</i>	Form F Form I	IHN and VHS SVC
15	Great Britain	Live farmed fish, their eggs and gametes other than- (1) fish of the following species- Salmonid sp. <i>Thymallus thymallus</i> <i>Coregonus Sp.</i> <i>Esox lucius</i> (including fry) <i>Scophthalmus maximus</i> <i>Carassius auratus</i> <i>Carassius carassius</i> <i>Cyprinus carpio</i> <i>Ctenopharyngodon idella</i> <i>Hypophthalmichthys molitrix</i> <i>Hypophthalmichthys nobilis</i>	Form F	IHN and VHS

		<p><i>Leuciscus idus</i></p> <p><i>Rutilus rutilus</i></p> <p><i>Scardinius erythrophthalmus</i></p> <p><i>Siluris glanis</i></p> <p><i>Tinca tinca</i></p> <p>their eggs and gametes</p> <p>(2) ornamental tropical fish kept permanently in aquaria</p>		
16	Great Britain	<p>Live wild fish, their eggs and gametes other than-</p> <p>(1) fish of the following species-</p> <p>Salmonid sp.</p> <p><i>Thymallus thymallus</i></p> <p><i>Coregonus sp.</i></p> <p><i>Esox lucius</i> (including fry)</p> <p><i>Scophthalmus maximus</i></p> <p><i>Carassius auratus</i></p> <p><i>Carassius carassius</i></p> <p><i>Cyprinus carpio</i></p> <p><i>Ctenopharyngodon idella</i></p> <p><i>Hypophthalmichthys molitrix</i></p> <p><i>Hypophthalmichthys nobilis</i></p> <p><i>Leuciscus idus</i></p> <p><i>Rutilus rutilus</i></p> <p><i>Scardinius erythrophthalmus</i></p> <p><i>Siluris glanis</i></p> <p><i>Tinca tinca</i></p> <p>their eggs and gametes</p> <p>(2) ornamental tropical fish kept permanently in aquaria</p>	Form E	IHN and VHS"

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Schedule 2

Regulation 9

" SCHEDULE 3

Regulation 8

GREAT BRITAIN APPROVED ZONE DEAD FISH

<i>Item</i>	<i>Zone</i>	<i>Dead fish[6]</i>	<i>Conditions[7]</i>
(1)	(2)	(3)	(4)
1	Great Britain	Dead fish of the species- Salmonid Sp. <i>Thymallus thymallus</i> <i>Coregonus p.</i> <i>Esox lucius</i> <i>Scophthalmus maximus</i>	The fish was slaughtered and eviscerated prior to despatch
2	Great Britain	Dead uneviscerated fish of the species- Salmonid Sp.	The fish is from an approved zone or an approved farm free of IHN and VHS and was slaughtered prior to despatch
3	Great Britain	Dead uneviscerated fish of the species- <i>Esox lucius</i> (fry only)	The fish is from an approved zone or an approved farm free of IHN and VHS and was slaughtered prior to despatch
4	Great Britain	Dead uneviscerated	The fish is from an approved zone or an approved farm free of VHS and was slaughtered prior to

	fish of the species-	despatch"
	<i>Thymallus thymallus</i>	
	<i>Coregonus sp.</i>	
	<i>Esox lucius</i> (other than fry)	
	<i>Scophthalmus maximus</i>	

Schedule 3

Regulation 9

" SCHEDULE 7

Regulation 2

MEANING OF "DIRECTIVE 91/67 EEC"

DECISIONS MADE UNDER COUNCIL DIRECTIVE 91/67/EEC

<i>Decision</i>	<i>O.J. Reference</i>
Commission Decision 92/528/EEC of 9th November 1992 approving the programmes concerning bonamiosis and marteiliosis submitted by the United Kingdom	O.J. No. L 332, 18.11.92, p.25
Commission Decision 93/22/EEC of 11th December 1992 laying down the model of the movement documents referred to in Article 14 of Council Directive 91/67/EEC.	O.J. No. L 16, 25.1.93, p.8.
Commission Decision 93/39/EEC of 18th December 1992 concerning the status of Guernsey with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L 16, 25.1.93, p.46.
Commission Decision 93/40/EEC of 18th December 1992 concerning the status of the Isle of Man with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L 16, 25.1.93, p.47.

Commission Decision 93/44/EEC of 21st December 1992 approving the programmes concerning spring viraemia of carp submitted by the United Kingdom, and defining the additional guarantees for certain fish species for consignment to Great Britain, Northern Ireland, the Isle of Man and Guernsey.	O.J. No. L 16, 25.1.93, p.53.
Commission Decision 93/55/EEC of 21st December 1992 amending the guarantees for the introduction of molluscs into zones for which a programme for <i>Bonamia ostreae</i> and <i>Marteilia refringens</i> has been approved.	O.J. No. L 14, 22.1.93, p.24.
Commission Decision 93/56/EEC of 21st December 1992 approving the programme concerning bonamiosis and marteiliosis submitted by Ireland.	O.J. No. L 14, 22.1.93, p.25.
Commission Decision 93/57/EEC of 21st December 1992 approving the programme concerning bonamiosis and marteiliosis submitted by the United Kingdom for Jersey.	O.J. No. L 14, 22.1.93, p.26.
Commission Decision 93/58/EEC of 21st December 1992 approving the programme concerning bonamiosis and marteiliosis submitted by the United Kingdom for Guernsey.	O.J. No. L 14, 22.1.93, p.27.
Commission Decision 93/59/EEC of 21st December 1992 approving the programme concerning bonamiosis and marteiliosis submitted by the United Kingdom for the Isle of Man.	O.J. No. L 14, 22.1.93, p.28.
Commission Decision 93/73/EEC of 21st December 1992 concerning the status of Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L 27, 4.2.93, p.34.
Commission Decision 93/74/EEC of 21st December 1992 concerning the status of Denmark with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L 27, 4.2.93, p.35.
Commission Decision 93/169/EEC of 19th February 1993 amending Decision 93/55/EEC concerning the guarantees for certain molluscs.	O.J. No. L 71, 24.3.93, p.16.
Commission Decision 94/306/EC of 16th May 1994 laying down the sampling plans and diagnostic methods for the detection and confirmation of certain mollusc diseases.	O.J. No. L 133, 28.5.94, p.51.
Commission Decision 94/450/EC of 24th June 1994 amending Decision 93/74/EEC concerning the status of Denmark with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L 187, 22.7.94, p.8.
Commission Decision 94/722/EC of 25th October 1994 approving the programme concerning bonamiosis and marteiliosis submitted by France.	O.J. No. L 228, 9.11.94, p.47.
Commission Decision 94/817/EC of 15th December 1994 amending Decision 92/538/EEC concerning the status of Great Britain and	O.J. No. L 337,

Northern Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	24.12.94, p.88.
Commission Decision 94/862/EC of 20th December 1994 approving the programme concerning infectious haematopoietic necrosis and viral haemorrhagic septicaemia submitted by Spain for the region of Asturias.	O.J. No. L 352, 31.12.94, p.72.
Commission Decision 94/863/EC of 20th December 1994 approving the programme concerning infectious haematopoietic necrosis and viral haemorrhagic septicaemia in certain geographical zones, submitted by France.	O.J. No. L 352, 31.12.94, p.73.
Commission Decision 94/865/EC of 20th December 1994 amending Decision 93/44/EEC approving the programmes concerning spring viraemia of carp submitted by the United Kingdom, and defining the additional guarantees of certain fish species for consignment to Great Britain, Northern Ireland, the Isle of Man and Guernsey.	O.J. No. L 352, 31.12.94, p.75.
Commission Decision 95/124/EC of 3rd April 1995 establishing the list of approved fish farms in Germany.	O.J. No. L 84, 14.4.95, p.6.
Commission Decision 95/125/EC of 4th April 1995 on the status of France as regards infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L 84, 14.4.95, p.8.
Commission Decision 95/336/EC of 25th July 1995 establishing the list of approved fish farms in Denmark and repealing Decision 94/864/EC.	O.J. No. L 195, 18.8.95, p.26.
Commission Decision 95/352/EC of 25th July 1995 laying down the animal health conditions and certification requirements for the importation from third countries of <i>Crassostrea gigas</i> for relaying in Community Waters.	O.J. No. L 204, 30.8.95, p.13.
Commission Decision 95/470/EC of 25th October 1995 establishing the list of approved fish farms in Belgium.	O.J. No. L 269, 11.11.95, p.28.
Commission Decision 95/473/EC of 27th October 1995 establishing the list of approved fish farms in France.	O.J. No. L 269, 11.11.95, p.31.
Commission Decision 95/479/EC of 7th November 1995 approving the programme on infectious haematopoietic necrosis and viral haemorrhagic septicaemia submitted by Finland.	O.J. No. L 275, 18.11.95, p.23.
Commission Decision 95/481/EC of 8th November 1995 amending Decision 95/125/EC on the status of France as regards infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L 275, 18.11.95, p.26.
Commission Decision 96/94/EC of 12th January 1996 authorising Sweden to maintain its national measures as regards infectious	O.J. No. L 21,

pancreatic necrosis and bacterial kidney disease in application of Article 12(4) of Council Directive 91/67/EEC.	27.1.96, p.73.
Commission Decision 96/22/EC of 8th March 1996 approving the programme concerning viral haemorrhagic septicaemia for certain geographical zones presented by Denmark.	O.J. No. L 74, 22.3.96, p.42.
Commission Decision 96/218/EC of 8th March 1996 amending for the second time Decision 93/74/EEC concerning the status of Denmark with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L 72, 21.3.96, p.39.
Commission Decision 96/233/EC of 14th March 1996 establishing the list of approved fish farms in Denmark.	O.J. No. L 77, 27.3.96, p.33.
Commission Decision 96/289/EC of 16th April 1996 amending Decision 95/473/EC establishing the list of approved fish farms in France.	O.J. No. L 109, 3.5.96, p.23
Commission Decision 97/227/EC of 3rd March 1997 amending Decision 95/473/EC establishing the list of approved fish farms in France.	O.J. No. L 91, 5.4.97, p.33.
Commission Decision 97/228/EC of 3rd March 1997 amending Decision 95/473/EC establishing the list of approved fish farms in Germany.	O.J. No. L 91, 5.4.97, p.35.
Commission Decision 97/234/EC of 3rd March 1997 amending Decision 96/233/EC establishing the list of approved fish farms in Denmark.	O.J. No. L 94, 9.4.97, p.15.
Commission Decision 97/804/EEC of 21st November 1997 amending Decision 93/73/EEC concerning the status of Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No. L 329, 9.11.97, p.70.
Commission Decision 98/357/EC of 18th May 1998 establishing a list of approved fish farms in Italy.	O.J. No. L 162, 5.6.98, p.42.
Commission Decision 98/359/EC of 15th May 1998 approving a programme for infectious haematopoietic necrosis and viral haemorrhagic septicaemia submitted by Italy for autonomous province of Trento.	O.J. No. L 163, 6.6.98, p.43.
Commission Decision 98/361/EC of 18th May 1998 establishing the list of approved zones with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia, in Spain.	O.J. No. L 163, 6.6.98, p.46.
Commission Decision 98/395/EC of 29th May 1998 establishing the list of approved zones, with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia, in Italy.	O.J. No. L 176, 20.6.98, p.30.
Commission Decision 99/489/EC of 5th July 1999 amending for the third time Decision 93/74/EEC concerning the status of Denmark with	O.J. No. L 190,

regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	23.7.99, p.41.
Commission Decision 99/512/EC of 8th July 1999 amending Decision 96/233/EC establishing the list of approved fish farms in Denmark.	O.J. No. L 195, 28.7.99, p.37.
Commission Decision 99/513/EC of 9th July 1999 amending Decision 98/361/EC establishing the list of approved zones, with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia in Spain.	O.J. No. L 195, 28.7.99, p.39.
Commission Decision 99/521/EC amending Decision 95/124/EC establishing the list of approved fish farms in Germany.	O.J. No. L 199, 30.7.99, p.73.
Commission Decision 99/550/EC of 20th July 1999 amending Decision 95/125/EC on the status of France as regards infectious haematopoietic necrosis and viral haemorrhagic septicaemia.	O.J. No L 209, 7.8.99, p.39.
Commission Decision 99/556/EC of 20th July 1999 amending Decision 95/473/EC establishing the list of approved fish farms in France.	O.J. No. L 211, 11.8.99, p.50.
Commission Decision 99/567/EC of 27th July 1999 laying down the model of the health certificate referred to in Article 16(1) of Council Directive 91/67/EEC.	O.J. L 216, 14.8.99, p.13.
Commission Decision 2000/171/EC of 16th February 2000 establishing the list of approved fish farms in Austria.	O.J. No. L 55, 29.2.2000, p.70.
Commission Decision 2000/172/EC of 16th February 2000 amending Decision 95/473/EC establishing the list of approved fish farms in France.	O.J. No. L 55, 29.2.2000, p.71.
Commission Decision 2000/173/EC of 16th February 2000 amending Decision 95/124/EC establishing the list of approved fish farms in Germany.	O.J. No. L 55, 29.2.2000, p.74.
Commission Decision 2000/174/EC of 16th February 2000 approving the programme concerning infectious haematopoietic necrosis and viral haemorrhagic septicaemia submitted by France for the farm "Sources de la Fabrique".	O.J. No. L 55, 29.2.2000, p.77.
Commission Decision 2000/187/EC of 17th February 2000 amending Decision 98/361/EC establishing the list of approved zones, with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia in Spain.	O.J. No. L 59, 4.3.2000, p.14.
Commission Decision 2000/188/EC of 17th February 2000 concerning the status of Great Britain and Northern Ireland with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia	O.J. No. L 59, 4.3.2000,

and repealing Decisions 92/538/EEC and 97/185/EC.	p.17.
Commission Decision 2000/302/EC of 7th April 2000 amending Decision 95/124/EC establishing the list of approved fish farms in Germany.	O.J. No. L 100, 20.4.2000, p.51.
Commission Decision 2000/310/EC of 7th April 2000 approving the programme concerning infectious haematopoietic necrosis and viral haemorrhagic septicaemia submitted by Italy for fish farms in the Udine province.	O.J. No. L 104, 29.4.2000, p.76.
Commission Decision 2000/311/EC of 7th April 2000 amending Decision 98/361/EC establishing the list of approved zones, with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia in Spain.	O.J. No. L 104, 29.4.2000, p.77.
Commission Decision 2000/312/EC of 7th April 2000 approving the programme concerning infectious haematopoietic necrosis and viral haemorrhagic septicaemia by Germany.	O.J. No. L 104, 29.4.2000, p.80.
Commission Decision 2001/183/EC of 22nd February 2001 laying down the sampling plans and diagnostic methods for the detection and confirmation of certain fish diseases and repealing Decision 1992/532/EEC.	O.J. No. L 067, 9.3.2001 p.65.

DIRECTIVES AMENDING COUNCIL DIRECTIVE 91/67/EEC

<i>Directive</i>	<i>O.J. Reference</i>	
Council Directive 93/54/EEC of 24th June 1993 amending Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products.	O.J. No. L 175, 19.7.93, p.34.	
Council Directive 95/22/EC of 22nd June 1995 amending Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products.	O.J. No. L 243, 11.10.95, p.1.	
Council Directive 97/79/EC of 18th December 1997 amending Directives 71/118/EEC, 72/462/EEC, 85/73/EEC, 91/67/EEC, 91/492/EEC, 91/493/EEC, 92/45/EEC and 92/118/EEC as regards the organisation of veterinary checks on products entering the Community from third countries.	O.J. No. L 24, 30.1.98, p.31.	
Council Directive 98/45/EC of 24th June 1998 amending Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products.	O.J. No. L 189, 3.7.98, p.12.	

DECISIONS MADE UNDER COUNCIL DIRECTIVE 90/425 REGARDING

Gyrodactylus salaris

<i>Decision</i>	<i>O.J. Reference</i>
Commission Decision 96/490/EC of 18th July 1996 on certain protective measures with regard to <i>Gyrodactylus salaris</i> in salmonids.	O.J. No. L 202, 10.8.96, p.21.
Commission Decision 98/24/EC of 15th December 1997 amending Decision 96/490/EC on certain protective measures with regard to <i>Gyrodactylus salaris</i> in salmonids.	O.J. No. L 8, 14.1.98, p.26."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Fish Health Regulations 1997 ("the principal Regulations").

The Regulations form part of the law of Scotland only.

The Regulations-

- (a) amend the definition of "the Minister" and insert a definition of "Scotland" in the principal Regulations to take account of devolution (regulation 3);**
- (b) make drafting changes to regulations 3 (placing on the market of aquaculture animals and aquaculture products) and 11 (export to other parts of the European Community of aquaculture animals and aquaculture products from Great Britain) of the principal Regulations (regulations 4 and 5);**
- (c) make drafting changes to clarify the scope of the powers conferred on a veterinary inspector by the principal Regulations and revoke the powers in relation to diseased fish (regulation 6, 7 and 8);**
- (d) amend Schedules 2, 3 and 7 to reflect the restoration of the Great Britain Approved Zone brought about by Commission Decision 2000/188/EC of 17 February 2000 and amendments made to Directive 91/67/EEC and otherwise to update the list of Commission Decisions to be read in connection with that Directive (regulation 9 and Schedules 1, 2 and 3 to the Regulations).**

Notes:

[1] 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46) Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972 insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.back

[2] S.I. 1997/1881.back

[3] 1998 c.46. Scotland includes so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland as determined by the Scottish Adjacent Waters Boundaries Order 2001 (S.I. 1999/1126)back

[4] The common names of the fish referred to in this Schedule are as follows: Name: Salmonid sp., Common Name: Salmonids, Name: *Thymallus thymallus*, Common Name: Grayling, Name: *Coregonus sp.*, Common Name: Whitefishes, Name: *Esox lucius*, Common Name: Pike, Name: *Scophthalmus maximus*, Common Name: Turbot, Name: *Carassius auratus*, Common Name: Gold fish and all variants, Name: *Carassius carassius*, Common Name: Crucian Carp, Name: *Cyprinus carpio*, Common Name: Common carp and all variants such as mirror carp, leather carp, koi carp and hygoi carp, Name: *Ctenopharyngodon idella*, Common Name: Grass carp, Name: *Hypophthalmichthys molitrix*, Common Name: Silver carp, Name: *Hypophthalmichthys nobilis*, Common Name: Bighead carp, Name: *Leuciscus idus*, Common Name: Orfe, Name: *Rutilus rutilus*, Common Name: Roach, Name: *Scardinius erythrophthalmus*, Common Name: Rudd, Name: *Siluris glanis*, Common Name: Wels Catfish, Name: *Tinca tinca*, Common Name: Tench.back

[5] The full names of the diseases in column 5 are set out in Schedule 1 except for-(i) GS which is Gyrodactylus salaris an external parasite of salmonids which can cause the disease Gyrodactylosis; and (ii) SVC which is Spring Viraemia of Carp.back

[6] The common names of the fish referred to in this Schedule are as follows: Name: Salmonid sp., Common Name: Salmonids, Name: *Thymallus thymallus*, Common Name: Grayling, Name: *Coregonus sp.*, Common Name: White fishes, Name: *Esox lucius*, Common Name: Pike, Name: *Scophthalmus maximu*, Common Name: Turbot.back

[7] The full names of the diseases in column 4 are set out in Schedule 1.back

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