

## The Aquatic Animal Health (Scotland) Regulations 2009

### **The Aquatic Animal Health (Scotland) Regulations 2009 Confirmed Designation Notice (No 007) 2013**

Made 04/07/13

Coming into force 04/07/13 17:00 hours

The Scottish Ministers, having confirmed that a listed disease is present in aquatic animals in Scotland, in exercise of the powers conferred by regulations 28(1) and 29 of the Aquatic Animal Health (Scotland) Regulations 2009, hereby make the following confirmed designation notice.

#### Citation, commencement and interpretation

1. –(1) This confirmed designation notice may be cited as the Aquatic Animal Health (Scotland) Regulations 2009 Confirmed Designation Notice (No 007) 2013 and comes into force on 04/07/13.

(2) In this Notice-

“the 2009 Regulations” means the Aquatic Animal Health (Scotland) Regulations 2009;

“confirmed designation area” means the area designated by paragraph 2 below.

#### Confirmed designation area

2. For the purpose of preventing or limiting the spread of Bacteria Kidney Disease, being a listed disease within the meaning of the 2009 Regulations, the Scottish Ministers designate the area described in the Schedule to this confirmed designation notice as an area that is the subject of a confirmed designation within the meaning of regulation 28 of the 2009 Regulations.

#### Circumstances in which a person commits an offence under regulation 28(2) of the 2009 Regulations

3. A person commits an offence under regulation 28(2) of the 2009 Regulations if, without the prior written consent of the Scottish Ministers, that person –

(a) moves any aquatic animal into, out of or within the confirmed designation area;

(b) disposes of any dead aquatic animal which comes from that area.

Restrictions imposed under regulation 29(2) of the 2009 Regulations

4. (a) Subject to sub-paragraph (b) below, and in terms of regulation 29(2) of the 2009 Regulations, the Scottish Ministers hereby require that any foodstuff for aquatic animals must not be moved out of the confirmed designation area or any part of that area.

(b) Sub-paragraph (a) does not apply to foodstuff for aquatic animals that is required to be moved at the direction of an inspector by virtue of a written notice under regulation 30(3) of the 2009 Regulations.

Consents given by the Scottish Ministers under regulation 28(2) of the 2009 Regulations

5. The Scottish Ministers hereby authorise Dawnfresh Farming Limited and any employee or agent thereof to move any aquatic animal within the confirmed designation area.



A member of the staff of the Scottish Ministers

**Confirmed designation area for the purposes of regulation 28 of the Aquatic Animal Health (Scotland) Regulations 2009.**

The area of inland waters located at Braevallich Farm, contained within a circle of radius 500 metres, centred on grid reference NM955080 (Ordnance Survey Landranger 1:50,000 series), containing the freshwater cages of the fish farm known as Braevallich Farm

**EXPLANATORY NOTE**

(This Note is not part of the Confirmed Designation Notice.)

This confirmed designation notice designates the area described in the Schedule as a confirmed designation area for the purposes of regulation 28 of the Aquatic Animal Health (Scotland) Regulations 2009 (“the Regulations”).

In terms of regulation 28(2) of the Regulations a person commits an offence if, without the prior written consent of the Scottish Ministers, that person –

- a) moves any aquatic animal into, out of or within the confirmed designation area; or
- b) disposes of any dead aquatic animal which comes from that area.

In terms of paragraph 5 of the Notice, the movement of any aquatic animal within the confirmed designation area is permitted

The Notice also requires (except as authorised by an inspector in exercise of the powers available under regulation 30(3) of the Regulations), that no foodstuff for aquatic animals may be moved out of the confirmed designation area or any part of that area. It is an offence under regulation 29(4) of the Regulations not to comply with such a requirement.

A person who is guilty of an offence under the Regulations is liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction or indictment, to a fine.

