

The Aquatic Animal Health (Scotland) Regulations 2009

The Aquatic Animal Health (Scotland) Regulations 2009 Confirmed Designation Notice (No 002) 2020

Made 11 February 2020

Coming into force 11 February 2020 at 12.00 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 002) 2020 and comes into force on 11 February 2020 at 12.00 hours.

(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 *Bonamia ostreae*, 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.

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

5. The Scottish Ministers hereby authorise;

- a) the movement of aquatic animals into, out of or within the confirmed designation area other than; Australian mud oyster (*Ostrea angasi*), Chilean flat oyster (*Ostrea chilensis*), Olympia flat oyster (*Ostrea conchaphila*), Asiatic oyster (*Ostrea denselammellosa*), European flat oyster (*Ostrea edulis*), Argentinian oyster (*Ostrea puelchana*), Common edible cockle (*Cerastoderma edule*), Wedge shell (*Donax trunculus*), Sand gaper (*Mya arenaria*), Northern quahog (*Mercenaria mercenaria*), Japanese hard clam (*Meretrix lusoria*), Grooved carpet shell (*Ruditapes decussatus*), Japanese carpet shell (*Ruditapes philippinarum*), European aurora venus clam (*Venerupis aurea*), Pullet carpet shell (*Venerupis pullastra*), Warty venus (*Venus verrucosa*) and Great Atlantic scallop (*Pecten maximus*), into, out of or within the designated area.
- b) disposes of any dead aquatic animal which comes from that area other than; Australian mud oyster (*Ostrea angasi*), Chilean flat oyster (*Ostrea chilensis*), Olympia flat oyster (*Ostrea conchaphila*), Asiatic oyster (*Ostrea denselammellosa*), European flat oyster (*Ostrea edulis*), Argentinian oyster (*Ostrea puelchana*), Common edible cockle (*Cerastoderma edule*), Wedge shell (*Donax trunculus*), Sand gaper (*Mya arenaria*), Northern quahog (*Mercenaria mercenaria*), Japanese hard clam (*Meretrix lusoria*), Grooved carpet shell (*Ruditapes decussatus*), Japanese carpet shell (*Ruditapes philippinarum*), European aurora venus clam (*Venerupis aurea*), Pullet carpet shell (*Venerupis pullastra*), Warty venus (*Venus verrucosa*) and Great Atlantic scallop (*Pecten maximus*).
- c) the movement of aquatic animals for direct human consumption without re-immersion in; the natural environment, a purification centre or deposition tanks, subject to hygiene regulations.

Withdrawal of Confirmed Designation Notice

6. In exercise of the powers conferred by regulation 27(b) of the 2009 Regulations, the Scottish Ministers hereby withdraw the Aquatic Animal Health (Scotland) Regulations 2009 Confirmed Designation Notice (No 001) 2019 which came into force on 3rd December 2019.



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 marine waters south east of the island of Lismore, contained within a circle of radius 7258 meters from NM873391 (Ordnance Survey Landranger 1:50,000 series) and including the areas of tidal waters of Loch Etive and Loch Crearan to the mean high water mark.

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”), and withdraws the Aquatic Animal Health (Scotland) Regulations 2009 Confirmed Designation Notice (No 001) 2019.

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 aquatic animals other than; Australian mud oyster (*Ostrea angasi*), Chilean flat oyster (*Ostrea chilensis*), Olympia flat oyster (*Ostrea conchaphila*), Asiatic oyster (*Ostrea denselammellosa*), European flat oyster (*Ostrea edulis*), Argentinian oyster (*Ostrea puelchana*), Common edible cockle (*Cerastoderma edule*), Wedge shell (*Donax trunculus*), Sand gaper (*Mya arenaria*), Northern quahog (*Mercenaria mercenaria*), Japanese hard clam (*Meretrix lusoria*), Grooved carpet shell (*Ruditapes decussatus*), Japanese carpet shell (*Ruditapes philippinarum*), European aurora venus clam (*Venerupis aurea*), Pullet carpet shell (*Venerupis pullastra*), Warty venus (*Venus verrucosa*) and Great Atlantic scallop (*Pecten maximus*), into, out of or within the designated area and the movement of aquatic animals for direct human consumption without reimmersion in the aquatic environment is permitted.

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.

