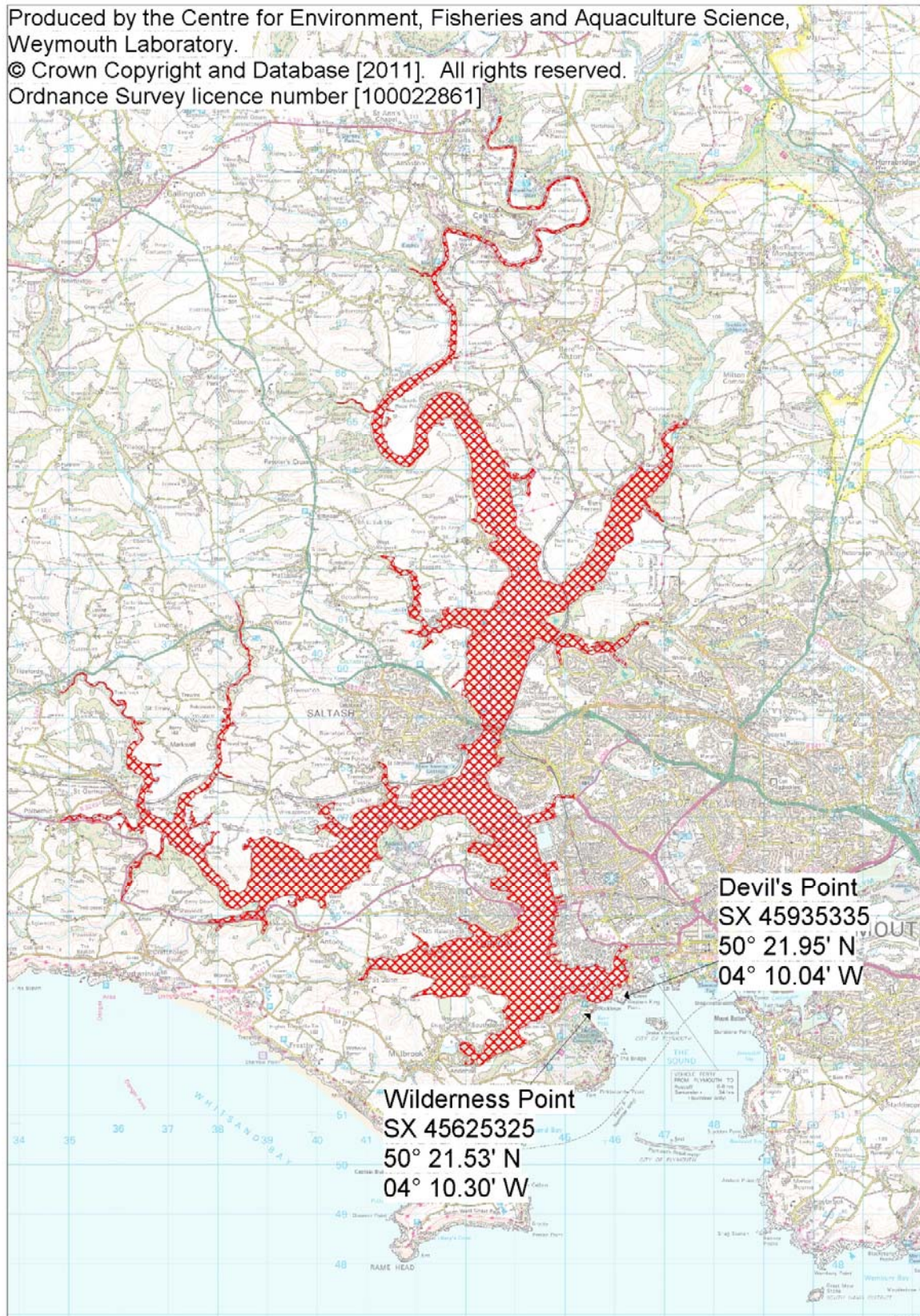


Produced by the Centre for Environment, Fisheries and Aquaculture Science,
Weymouth Laboratory.

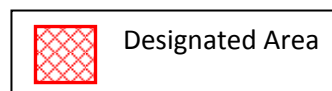
© Crown Copyright and Database [2011]. All rights reserved.
Ordnance Survey licence number [100022861]



CD 06 / 2011 - Confirmed Designation – *Martellia refringens* Molluscan Shellfish Control Area

River Tamar - Cornwall and Devon

Based on the Ordnance Survey Map 1:50000



NOTICE OF CONFIRMED DESIGNATION

The Aquatic Animal Health (England and Wales) Regulations 2009

This statutory notice is issued by the Fish Health Inspectorate (FHI) of the Centre for Environment, Fisheries and Aquaculture Science (Cefas), acting as the competent authority for the purposes of the above Regulations. This notice is served on you as a person who the FHI considers is likely to be materially affected by the confirmed designation.

1. Confirmed designation

The FHI makes a confirmed designation in respect of the area described in the attached schedule (the confirmed designation area) as the presence of the listed disease *Marteilia refringens* has been confirmed in aquatic animals in the designated area. The designation of the area is appropriate to prevent or limit the spread of disease.

2. Effect of the designation

No person may, without the previous consent in writing of the FHI:

- a) **Move any aquatic animal including, eggs and gametes, into, out of or within a confirmed designation area.** Except that the FHI consents to the following:

This condition applies to molluscan shellfish only, movements of other aquatic animals such as fish and crustacea are permitted.

- b) **Dispose of any dead aquatic animal, including eggs and gametes, which come from that area.** Except that the FHI consents to the following:

Disposal of dead aquatic animals, including eggs and gametes, by an approved method for disposal of Category 2 animal-by-product waste in compliance with local Environmental Health department requirements.

Regulation 28(2) and 29(4) of the above Regulations makes it an offence for any person to act in breach of these conditions. The penalty on conviction is a fine which may be unlimited.

3. Additional directions in relation to the designation

This direction requires you to take the following steps:

- 1) You must apply to the FHI for permission if you wish to move molluscan shellfish into, out of or within the area, including into a depuration plant, and follow any conditions that may be attached to the movement
- 2) You must notify the FHI immediately of any increased or unexpected mortality observed in shellfish stocks

Regulation 30(6) of the above Regulations makes it an offence not to comply with the requirements imposed on you by this direction.

4. Duration of this confirmed designation

This confirmed designation remains in force until it is withdrawn by the FHI. The FHI shall withdraw the confirmed designation when it is satisfied that the listed disease or emerging disease is not present in the confirmed designation area.

Initial designation number ID 16/ 2011 is withdrawn and replaced by this notice.

Designation number CD AREA 1 for the control of *Bonamia ostreae* is unaffected by this notice and remains in force.

Signed on behalf of the Secretary of State and the Welsh Ministers

Print

Mr Michael Gubbins

Date made

23rd August 2011

Stamp

Date coming into force

24th August 2011



Designation Number

CD 06/ 2011

Extracts taken from the Aquatic Animal Health (England and Wales) Regulations 2009

28. Confirmed designation

- 1) Where the competent authority has confirmed that a listed disease or an emerging disease is present in aquatic animals in England or Wales, it must designate such area as it considers appropriate to prevent or limit the spread of that disease.
- 2) A person commits an offence if, without the prior written consent of the competent authority, that person—
 - a) moves any aquatic animal into, out of or within a confirmed designation area; or
 - b) disposes of any dead aquatic animal which comes from that area.

29. Contents and publication of a confirmed designation

- 1) A confirmed designation must—
 - a) be in the form of a written notice;
 - b) describe the confirmed designation area;
 - c) describe the circumstances in which a person commits an offence under regulation 28(2);
 - d) specify any consent given by the competent authority under regulation 28(2).
- 2) A confirmed designation may specify that—
 - a) any equipment, material or substance liable to transmit disease must not be moved into, out of or within the confirmed designation area or any part of that area;
 - b) any means of transport liable to transmit disease must not be moved into, out of or within that area or any part of that area.
- 3) The competent authority must—
 - a) publish a confirmed designation in such manner as it considers appropriate;
 - b) serve a copy of a confirmed designation on any person it considers likely to be materially affected by the making of the designation.
- 4) It is an offence not to comply with any restriction imposed under paragraph (2).

30. Actions by an inspector in respect of a confirmed designation

- 1) This regulation applies where the competent authority has made a confirmed designation.
- 2) An inspector may—
 - a) take samples of any aquatic animal or water in the confirmed designation area;
 - b) slaughter, destroy or dispose of any such animal.
- 3) An inspector may by written notice direct any person to—
 - a) take steps to secure the slaughter, destruction or disposal of any aquatic animal in the confirmed designation area;
 - b) operate a disinfection facility at the entrance to, and exit from, any farm or mollusc farming area in that area;
 - c) disinfect any means of transport in that area;
 - d) take any other steps which the inspector considers necessary to eradicate the disease or to prevent or limit the spread of the disease to other aquatic animals.
- 4) An inspector may by written notice prohibit any person from entering any farm or mollusc farming area within the confirmed designation area.
- 5) Where an inspector considers that a requirement under paragraph (3) has not been complied with, the inspector may—
 - a) enter any place within the confirmed designation area;
 - b) take or cause to be taken such steps as the inspector considers necessary to—
 - I. ensure compliance with the requirement; or
 - II. remedy the consequences of the failure to carry it out;
 - c) recover any expenses reasonably incurred in so doing from any person who has failed to comply with the requirement.
- 6) It is an offence not to comply with a requirement imposed under paragraph (3) or (4).

31. Withdrawal of confirmed designation

- 1) The competent authority must withdraw a confirmed designation when it is satisfied that the listed disease or the emerging disease is not present in the confirmed designation area.

40. Penalties

- 1) A person who is guilty of an offence under these Regulations is liable—
 - a) on summary conviction, to a fine not exceeding the statutory maximum;
 - b) on conviction on indictment, to a fine.

Contact Details

The Fish Health Inspectorate
Centre for Environment, Fisheries & Aquaculture Science
Barrack Road
The Nothe
Weymouth
Dorset
DT4 8UB

Tele: +44 (0) 1305 206670
Fax: +44 (0) 1305 206602
Email: fhi@cefas.co.uk
Web: www.efishbusiness.co.uk

Web Copy