

NOTICE OF CONFIRMED DESIGNATION

EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016

This statutory notice is issued by the Natural Environment (NE), acting on behalf of the Minister for the Environment for the purposes of the above Regulations. This notice is served on you as a person who the NE considers is likely to be materially affected by the confirmed designation.

1. Confirmed designation

The NE makes a confirmed designation in respect of the coastal area of Jersey (the confirmed designation area), **which includes all farmed and wild shellfish populations from the Mean High Water Mark**, as the presence of the listed disease *Bonamia ostreae* has been confirmed in **native oysters (*Ostrea edulis*)**. 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 NE:

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

This confirmed designation notice and the control measures outlined within applies to **Native oyster (*Ostrea edulis*), Common edible cockle (*Cerastoderma edule*), Wedge shell (*Donax trunculus*), Sand gaper (*Mya arenaria*), Hard clam (*Mercenaria mercenaria*), Japanese hard clam (*Meretrix lusoria*), Palourde (*Ruditapes decussatus*), Manila clam (*Ruditapes philippinarum*), European aurora venus clam (*Venerupis aurea*), Pullet carpet shell (*Venerupis pullastra*), Warty venus (*Venus verrucosa*) and Great Atlantic scallop (*Pecten maximus*) only, with the following movements consented:**

- 1) Movements of the species listed above are permitted within the confirmed designation area for relaying or farming providing they are not exhibiting signs of disease or subject to a mortality event
- 2) Movements of the species listed above are permitted **to purification centres within or discharging into** this confirmed designation, and only where these sites apply agreed biosecurity measures, authorised in advance by the Natural Environment. **Suppliers must ensure that the receiving sites have the correct authorisation from the NE prior to shipment**
- 3) Subject to hygiene regulations the species listed above may be taken from the **area for direct human consumption, and must not be re-immersed.**

- b) **Dispose of any dead aquatic animal, including eggs and gametes, which come from that area.** Except that the NE 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 Growth, Housing and Environmental department requirements.

Regulation 25(2) and 26(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 and liable to imprisonment for a term of 6 months.

3. Additional directions in relation to the designation

This direction requires you to take the following steps:

- 1) All requests for consents required under this Confirmed Designation Notice must be submitted to the NE with a minimum of 5 working days' notice.
- 2) You must apply to NE for permission if you wish to move any of the species listed in section 2a) **into or out of the area, including into a purification centre (depuration plant), other than as consented in 2a) of this notice**
- 3) You must notify the NE of any increased or unexpected mortality observed in shellfish stocks

Regulation 27(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 NE. The NE shall withdraw the confirmed designation when it is satisfied that the listed disease or emerging disease is not present in the confirmed designation area. **This confirmed designation replaces CD/01/2020.**

Signed on behalf of the Minister for the Environment

Print

ASHLEY PINEL

Date made

06/03/2020

Stamp

Date coming into force

06/03/2020



Designation Number

CD 02/2020

Extracts taken from the EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016

25 Confirmed designation

- (1) If the Minister has confirmed that a notifiable disease or an emerging disease is present in aquatic animals in Jersey, the Minister must designate the area that he or she considers appropriate to prevent or limit the spread of that disease.
- (2) A person commits an offence and is liable to imprisonment for a term of 6 months and to a fine if, without the prior consent of the Minister, that person –
- (a) moves an aquatic animal into, out of or within a confirmed designation area; or
 - (b) disposes of a dead aquatic animal that comes from that area.
- (3) The Minister may give consent for the purpose of paragraph (2) –
- (a) to a particular person, in writing; or
 - (b) generally, to all persons or to a description of persons, by notice published by the Minister in a manner appearing to the Minister likely to bring it to the attention of those persons.

26 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; and
 - (c) describe the circumstances in which a person commits an offence under Regulation 25(2).
- (2) A confirmed designation may specify either or both of the following restrictions –
- (a) that 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) that 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 Minister must –
- (a) publish a confirmed designation in such manner as the Minister considers appropriate; and
 - (b) serve a copy of a confirmed designation on any person the Minister considers likely to be materially affected by the making of the designation.
- (4) A person who contravenes a restriction imposed under paragraph (2) is guilty of an offence and liable to imprisonment for a term of 6 months and to a fine.

27 Actions by an inspector in respect of a confirmed designation

- (1) This Regulation applies if the Minister has made a confirmed designation.
- (2) An inspector may –
- (a) take samples of any aquatic animal or water in the confirmed designation area; or
 - (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; or
 - (d) take any other steps that 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) If 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; and
 - (c) recover any expenses reasonably incurred in so doing from any person who has failed to comply with the requirement.
- (6) A person who, without reasonable excuse, contravenes a requirement imposed under paragraph (3) or (4) is guilty of an offence and liable to imprisonment for a term of 6 months and to a fine.

28 Amendment, suspension and withdrawal of confirmed designation

- (1) The Minister may, by further written notice published and served in accordance with Regulation 26(3), amend, suspend or withdraw a confirmed designation.
- (2) The Minister must withdraw a confirmed designation when the Minister is satisfied that the notifiable disease or the emerging disease is not present in the confirmed designation area.

Contact details

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