



# Poultry Improvement Act (Northern Ireland) 1968

## 1968 CHAPTER 12

### POULTRY IMPROVEMENT SCHEMES

#### 1 Poultry improvement schemes.

<sup>F1</sup> Without prejudice to the powers exercisable by the Ministry of Agriculture (in this Act referred to as “the Ministry”) under any other enactment, the Ministry may make schemes (in this Act referred to as “poultry improvement schemes”) for the purposes of—

- (a) assisting the development of the poultry industry;
- (b) improving the profitability of poultry production and the quality of poultry products;
- (c) promoting the breeding and distribution of stocks of healthy poultry of good quality;
- (d) assisting the adaptation of poultry production to economic and technical change.

#### Annotations:

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### REGULATION OF THE HATCHING AND REARING OF POULTRY

#### 2 Restriction on operation of hatcheries, etc., without licence.

- (1) Subject to the succeeding provisions of this section, a person shall not in the course of any business of his carry on any of the following activities, that is to say,—
  - (a) operate a hatchery in any premises; or
  - (b) on or after such day as may be appointed by order of the Minister of Agriculture, operate an incubator in any premises; or

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- (c) on or after such day or days as may be so appointed, use any premises for—
- (i) the production for sale, supply or distribution of eggs for hatching; or
  - (ii) the rearing of poultry for sale, supply or distribution before they attain the age of six months;

except under the authority of, and in accordance with the conditions of, a licence issued to him by the Ministry under section 3 with respect to those premises.

- (2) Paragraph ( b ) of subsection (1) shall not apply with respect to premises in which an incubator is operated solely for the purpose of providing stock for the business of the person who operates the incubator, if no part of that business involves any of the activities mentioned in paragraph ( c ) of that subsection.
- (3) Subsection (1)( c)(ii) shall not apply with respect to any premises from which poultry is sold, supplied or distributed solely for immediate slaughter.
- (4) The Ministry may by permit in writing grant an exemption with respect to any premises from the provisions of subsection (1) to any person who satisfies the Ministry that, so far as the premises are or will be used for—
  - (a) the rearing for sale, supply or distribution of poultry, or
  - (b) the production for sale, supply or distribution of eggs for hatching, or
  - (c) the hatching of eggs,
 they are or will be used only in connection with poultry intended solely for the purposes of show or display.

### **3 Poultry stock licences.**

- (1) Subject to the provisions of the Schedule, where a person, in accordance with those provisions, makes application to the Ministry for a licence with respect to any premises where an activity of a class or description to which section 2(1) applies is, or is proposed to be, carried on, the Ministry shall issue such a licence (in this Act referred to as a “poultry stock licence” ) to him authorising him to carry on an activity of that class or description in those premises.
- (2) The provisions of the Schedule shall have effect in relation to poultry stock licences.

### **4 Conditions of poultry stock licences.**

- (1) The Ministry may prescribe conditions subject to which poultry stock licences shall have effect, and any conditions so prescribed which by virtue of the regulations are applicable to, or to the premises of, the holder of any such licence, together with the further conditions, if any, specified in the licence shall, for the purposes of this Act, be the conditions of the licence.
- (2) The conditions which may be prescribed include conditions with respect to—
  - (a) the classes, descriptions and age of poultry to be kept in the premises with respect to which a poultry stock licence is in force (in this subsection referred to as “the premises” );
  - (b) the bringing of eggs or poultry into the premises;
  - (c) the identification of eggs or poultry in the premises;
  - (d) the keeping of records of eggs or poultry in, brought into or sent from the premises;

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- (e) the keeping of records of illness and death of poultry kept in the premises;
- (f) the furnishing of returns to the Ministry;
- (g) the notification by the licence-holder to the Ministry of abnormal numbers of deaths of poultry in the premises or of circumstances from which the existence of any poultry disease in the premises may be inferred;
- (h) the observance of any rules made or directions given by the Ministry in connection with the disposal of carcasses, faeces and any other infective material;
- (i) the submission of samples of carcasses for examination by the Ministry;
- (j) the cleansing and disinfection of the premises and of any plant, equipment or utensils therein.

## **5 Standards for premises, etc.**

- (1) The Ministry may prescribe standards which must be observed by licence-holders with respect to—
  - (a) premises where there is carried on any activity to which section 2(1) applies; and
  - (b) the plant, equipment and utensils used in or in connection with the premises.
- (2) The standards which may be prescribed under this section include standards for securing—
  - (a) that the premises are suitable, structurally and otherwise, for the activity in question, and are situated in such a position and have available to them such services and facilities and generally comply with such requirements (including requirements as to hygiene) as appear to the Ministry to be appropriate for that activity; and
  - (b) that the plant, equipment and utensils are efficient and comply with requirements such as are mentioned in paragraph ( a).

## **6 Register of premises.**

- (1) The Ministry shall for the purposes of this Act cause to be kept one or more than one register of premises with respect to which poultry stock licences are issued, and shall cause to be entered in the register (or, if more than one register is kept, the appropriate register) with respect to each such licence—
  - (a) the full name and address of the licence-holder;
  - (b) particulars of the premises with respect to which the licence is issued;
  - (c) the class or description of activity carried on in the premises;
  - (d) such other particulars as may be prescribed.
- (2) Any register under this section may be kept either by making entries in a bound book or by recording the matters in question in any other manner.
- (3) The Ministry may make arrangements for the publication of any register kept under this section, or any extract therefrom, in such manner as the Ministry thinks fit.

## **7 Inspection.**

- (1) An authorised officer shall for the purposes of this Act have power (on production, if required, of his credentials)—

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- (a) to enter, at any reasonable time,—
    - (i) any premises with respect to which an application for a poultry stock licence has been made, or
    - (ii) any premises with respect to which a poultry stock licence is in force, or
    - (iii) any premises with respect to which no poultry stock licence is in force but which he has reasonable cause to believe to be premises in which there is carried on any activity requiring such a licence by virtue of section 2;
  - (b) to inspect any such premises and the services and facilities available thereto and any plant, equipment, utensils, eggs or poultry, and the working procedures practised, therein, and without payment (except as provided in subsection (2)) to take reasonable samples of any eggs or poultry found in any such premises, or samples of blood or mucus of any such poultry;
  - (c) to inspect and take extracts from and to verify any records required to be kept by virtue of any provision of this Act.
- (2) Where, under subsection (1)( b), an authorised officer takes any poultry not suffering from any illness the Ministry shall, if so requested by the owner of the poultry within fourteen days from the date on which the poultry was taken, pay to the owner a sum equivalent to the market value thereof.

#### TESTING OF POULTRY

### 8 Poultry testing schemes.

- (1)<sup>F2</sup> With a view to benefiting persons carrying on businesses in the poultry industry and making such businesses more profitable, and in particular to securing improvements in the produce of businesses in the course of which there is carried on any activity to which section 2(1) applies, the Ministry may make schemes (in this Act referred to as “poultry testing schemes” ) for the purposes of carrying out tests of poultry in order to determine the comparative profitability of different types, breeds or strains, and to implement any such scheme may, with the approval of the Ministry of Finance, acquire land and establish and operate, or continue to operate, testing stations.
- (2) A poultry testing scheme may include provisions for requiring any holder of a poultry stock licence to supply at his own expense hatching eggs or poultry for inclusion in the tests.
- (3) A poultry testing scheme may also include provisions empowering the Ministry to impose on and recover from holders of poultry stock licences such charges (including charges calculated by reference to an amount or quantity produced) for the purpose of meeting costs incurred in connection with the provision of any service or facility under this section as may with the approval of the Ministry of Finance be specified in the scheme.
- (4) Where a scheme contains any provision such as is mentioned in subsection (2) it shall specify the limitations within which any requirement under that subsection may be imposed.

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**Annotations:**

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## MISCELLANEOUS

**9 Restriction on sale of chicks.**

A person shall not, in any shop or market or in any street, road, highway or public place, or in any place to which the public have or are permitted to have access,—

- (a) sell or offer or expose for sale, or
- (b) have in his possession for the purpose of sale, any chicks.

**10 Offences.**

- (1) Subject to the provisions of section 11, a person shall be guilty of an offence if he or any person acting on his behalf—
  - (a) wilfully obstructs or impedes an authorised officer in the exercise of any powers conferred on the officer by virtue of this Act or without reasonable cause fails to give to any authorised officer acting under this Act any assistance or information which the authorised officer may reasonably require of him for the purposes of the performance by the authorised officer of his functions under this Act; or
  - (b) alters or fraudulently uses any licence, permit or other document issued or granted under this Act; or
  - (c) in connection with the application for or the issue of a licence or the grant of a permit, or in any record kept or return made, under this Act knowingly or recklessly makes any statement or entry or furnishes or with intent to deceive makes use of any information which is false in a material particular or in any material respect misleading; or
  - (d) contravenes any provision of this Act or of any scheme or regulation made thereunder, or fails to comply with either any requirement duly made of him by the Ministry in pursuance of any such provision or any condition of a licence issued or permit granted under this Act.
- (2) A person who is guilty of an offence under subsection (1)( a) shall be liable on summary conviction to a fine not exceeding<sup>[F3]</sup> level 3 on the standard scale].
- (3) A person who is guilty of an offence under any provision of subsection (1), other than paragraph ( a) thereof, or under the provision contained in paragraph 11(4) of the Schedule shall be liable on summary conviction. . . to a fine not exceeding<sup>[F3]</sup> level 3 on the standard scale]. . . .
- (4) The Ministry may in any scheme made under this Act or in any regulations provide for the imposition in respect of any contravention of any provision of the scheme or, as the case may be, of the regulations, or any failure to comply with any requirement made thereunder, of a lower maximum penalty than the penalty specified in paragraph ( a) or ( b) of subsection (3), and where the Ministry so provides that paragraph shall have

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effect in relation to any such contravention or failure as if the reference therein to that penalty were a reference to that lower penalty.

- (5) Where a person is convicted of an offence under subsection (1)( *d*) and the contravention or failure in respect of which he was convicted is continued after conviction, he shall be guilty of a further offence and shall be liable on summary conviction, in addition to any other penalty, to a fine not exceeding<sup>[F3]</sup> level 1 on the standard scale] for each day on which the contravention or failure is so continued.
- (6) An offence under subsection (5) shall be a continuing offence and accordingly fresh proceedings in respect thereof may be taken from time to time.
- (7) No proceedings for an offence under any of the provisions of this Act may be instituted except—
  - (a) by the Ministry, or
  - (b) by, or with the consent of, the Attorney General.

**Annotations:**

F3 1984 NI 3

**11 Defence of act of third party mistake, accident, etc.**

In any proceedings for an offence under section 10 it shall be a defence for the person charged to prove—

- (a) that the commission of the offence was due to the act of some other person, or to a mistake, or to an accident or some other cause beyond his control; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person acting on his behalf.

**12 General provisions with respect to schemes and regulations.**

- (1) Before making—
  - (a) any poultry improvement scheme, or
  - (b) any regulations under section 4 prescribing conditions subject to which poultry stock licences are to have effect, or
  - (c) any poultry testing scheme empowering the imposition of, or varying, any charges such as are mentioned in section 8(3).

the Ministry shall consult with any bodies which appear to the Ministry to be substantially representative of interests concerned.

- (2) Poultry improvement schemes and poultry testing schemes—

*Para. (a) rep. by 1979 NI 12*

- (b) shall be subject to affirmative resolution.

- (3) Regulations shall be subject to negative resolution.
- (4) Any scheme or regulations made under this Act may contain such incidental or supplementary provisions as appear to the Ministry to be expedient for the purposes thereof.

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### 13 General financial provision.

...<sup>F4</sup> all sums received by the Ministry under this Act shall be paid into the Exchequer.

#### Annotations:

**F4** SLR 1976

### 14 Interpretation.

In this Act—

- “the Act of 1950” has the meaning assigned to it by section 15(1);
- “authorised officer” means an officer of the Ministry generally or specially authorised in writing by the Ministry for the purposes of this Act;
- “chicks” means young poultry not more than two days old;
- “eggs” means the eggs of poultry;
- “hatchery” means any premises used for hatching eggs brought into the premises for the purpose of producing chicks for sale, supply or distribution by the occupier of the premises or by any other person at whose request the eggs are hatched;
- “licence-holder” means a person to whom a poultry stock licence has been issued;
- “the Ministry” has the meaning assigned to it by section 1(1);
- “poultry” means domestic fowl and such other domesticated birds as may be prescribed;
- “poultry improvement scheme” has the meaning assigned to it by section 1(1);
- “poultry stock licence” has the meaning assigned to it by section 3(1);
- “poultry testing scheme” has the meaning assigned to it by section 8(1);
- “premises” includes any land used in connection with premises for the purposes of the activities carried on in the premises;
- “prescribed” means prescribed by regulations;
- “the prescribed standards” means standards prescribed under section 5;
- “regulations” means regulations made by the Ministry under this Act.

### 15 Repeal and transitional provisions.

- (1) The Poultry Hatcheries Act (Northern Ireland) 1950<sup>M1</sup> (in this Act referred to as “the Act of 1950”) is hereby repealed.

*Subs. (2)(3) rep. by SLR 1980*

- (4) A licence issued by the Ministry under the Act of 1950 which is in force at the passing of this Act shall continue in force according to its tenor and shall be deemed to be a poultry stock licence.

#### Annotations:

#### Marginal Citations

**M1** 1950 c. 18

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**16 Short title.**

This Act may be cited as the Poultry Improvement Act (Northern Ireland) 1968.



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