
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 254

ANIMALS

ANIMAL HEALTH

**The Poultry Breeding Flocks and
Hatcheries (Scotland) Order 2007**

Made - - - - 20th March 2007

Coming into force - - 21st March 2007

The Scottish Ministers, in exercise of the powers conferred by sections 1, 8 and 29(3) of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, hereby make the following Order:

PART 1

Introductory provisions

Citation, commencement and extent

1.—(1) This Order may be cited as the Poultry Breeding Flocks and Hatcheries (Scotland) Order 2007 and shall come into force on 21st March 2007.

(2) This Order extends to Scotland only.

Interpretation

2.—(1) In this Order—

“approved laboratory” means a laboratory approved by the Scottish Ministers for the purposes of this Order;

“breeding flock” (except as provided for in article 5) means a flock kept for the production of eggs intended for incubation;

(1) 1981 c. 22. Organisms of the genus salmonella are designated for the purposes of section 29 of the Animal Health Act 1981 by virtue of the Zoonoses Order 1989 (S.I. 1989/285). The functions of “the Ministers” (as defined in section 86 of the Animal Health Act 1981) were, in so far as exercisable within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

“building” includes a shed and any part of a building that has its own ventilation system and is separated from other parts of the building by a solid partition;

“chick” means a bird less than 72 hours old that has not been fed;

“Commission Regulation (EC) No. 1003/2005” means Commission Regulation (EC) No. 1003/2005 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No. 2160/2003(2);

“Commission Regulation (EC) No. 1177/2006” means Commission Regulation (EC) No. 1177/2006 implementing Regulation (EC) No. 2160/2003 of the European Parliament and of the Council as regards requirements for the use of specific control methods in the framework of the national programmes for the control of salmonella in poultry(3);

“flock” (except as provided for in article 5) means all poultry of the same health status kept on the same premises or in the same enclosure and constituting a single epidemiological unit; in the case of housed poultry, this includes all birds sharing the same airspace;

“hatchery” means any premises, with a total incubator capacity of not less than 1000 eggs, on which the eggs of poultry are incubated or hatched and from which chicks are sold or supplied;

“layer breeder” means poultry kept for the production of eggs intended for the incubation and hatching of chicks—

(a) that will be grown to produce eggs for human consumption, or

(b) whose progeny will be grown to produce eggs for human consumption;

“meat breeder” means poultry kept for the production of eggs intended for the incubation and hatching of chicks—

(a) that will be grown to produce meat for human consumption, or

(b) whose progeny will be grown to produce meat for human consumption;

“occupier” (except as provided for in article 5) means, in relation to any hatchery or holding, the person in charge of the hatchery or holding; and

“poultry” means domestic fowls, turkeys, geese or ducks.

(2) Any reference in this Order to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(4), which has been recorded and is consequently capable of being reproduced.

PART 2

Notification of hatcheries and breeding flocks

Notification of hatcheries

3.—(1) The occupier of a hatchery shall notify the Scottish Ministers of the information in paragraph 1 of Schedule 1—

(a) within three months of the coming into force of this Order; or

(b) in the case of a hatchery established after the date this Order comes into force, within three months of the establishment of the hatchery.

(2) O.J. No. L 170, 1.7.2005, p.12; amended by Commission Regulation (EC) No. 1168/2006 (O.J. L 211, 1.8.2006, p.4).

(3) O.J. No. L 212, 2.8.2006, p.3.

(4) 2000 c. 7; amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).

(2) The occupier of a hatchery shall notify the Scottish Ministers of any change to the information in paragraph 1 of Schedule 1, within three months of the change.

(3) Paragraph (1) shall not apply to any occupier who has provided the Scottish Ministers with that information under the Poultry Breeding Flocks and Hatcheries Order 1993⁽⁵⁾.

Notification of breeding flocks

4.—(1) The occupier of a holding on which one or more breeding flocks of at least 250 poultry of any single species are kept shall notify the Scottish Ministers of the information in paragraph 2 of Schedule 1—

- (a) within three months of the coming into force of this Order; or
- (b) in the case of a holding established after this Order comes into force, within three months of the establishment of the holding.

(2) The occupier of such a holding shall notify the Scottish Ministers of any change to the information in paragraph 2 of Schedule 1 within three months of the change.

(3) Paragraph (1) shall not apply to any occupier who has provided the Scottish Ministers with that information under the Poultry Breeding Flocks and Hatcheries Order 1993.

PART 3

Control of salmonella in *Gallus gallus*

Interpretation of Part 3

5. In this Part—

- (a) “breeding flock” means a flock of at least 250 domestic fowl of the species *Gallus gallus* kept for the production of eggs intended for incubation; and
- (b) “occupier” means the person in charge of a holding on which one or more breeding flocks is kept.

Notification of arrival of breeding flocks

6.—(1) The occupier shall notify the Scottish Ministers of the expected date of arrival at the holding of any breeding flock.

(2) The notification shall be made at least two weeks before the expected date of arrival.

Notification of movement to laying phase etc.

7.—(1) The occupier shall notify the Scottish Ministers of the date that each breeding flock on the holding is expected to—

- (i) move to the laying phase or laying unit; and
- (ii) reach the end of the production cycle.

(2) The notification shall be made at least two weeks before the relevant expected date.

(5) S.I. 1993/1898.

Sampling of breeding flocks

8.—(1) The occupier shall take samples from each breeding flock on the holding at the following times—

- (a) when the birds in the breeding flock are chicks;
- (b) when the birds in the breeding flock are four weeks old;
- (c) two weeks before the date the breeding flock is expected to come into lay or move to the laying phase or laying unit; and
- (d) every second week during the laying period.

(2) Sampling under paragraph (1)(a) to (c) shall be done in accordance with Schedule 2 and sampling under paragraph (1)(d) shall be done in accordance with point 2.2.2.1 of the Annex to Commission Regulation (EC) No. 1003/2005 (routine sampling at the initiative of the operator).

Submission of samples to an approved laboratory

9.—(1) The occupier shall dispatch the samples taken in accordance with article 8 to an approved laboratory for the purposes of testing for the presence of salmonella.

(2) The occupier shall dispatch the samples within—

- (a) 24 hours of being taken; or
- (b) 48 hours of being taken if they have been stored in a refrigerator at a temperature of between 1° and 4° C from the time they could practicably have been placed there.

(3) The occupier shall ensure that the samples are identified prior to dispatch so as to enable the laboratory to determine—

- (a) the name of the occupier;
- (b) the address of the holding on which the breeding flock from which the samples were taken is kept;
- (c) the type of samples;
- (d) the date on which the samples were taken;
- (e) the identification of the breeding flock sampled;
- (f) the age of the breeding flock sampled;
- (g) whether the breeding flock from which the samples were taken is a flock of layer breeders or meat breeders; and
- (h) the status in the breeding pyramid of the breeding flock from which the samples were taken.

Records of samples

10.—(1) The occupier shall—

- (a) keep a record of the information in paragraph 1 of Schedule 3 in respect of each sample taken in accordance with article 8; and
- (b) by 30th June and 31st December each year, provide the Scottish Ministers with that information for the samples taken in the six months preceding the date of submission of the information.

(2) The occupier shall retain the record kept in accordance with paragraph (1)(a) for two years from the date the sample is taken.

Records of movements

11.—(1) The occupier shall keep a record of the information in paragraph 2 of Schedule 3 for each movement to and from the holding of any domestic fowl of the species *Gallus gallus* or their chicks or eggs.

(2) The occupier shall retain the record for two years from the date of the movement.

Duties of an approved laboratory

12. The person in charge of an approved laboratory shall ensure that—

- (a) the examination of samples submitted to it under article 9 begins within 48 hours of receipt of the samples;
- (b) the samples are prepared as follows—
 - (i) chick box liners in accordance with Schedule 4;
 - (ii) boot swabs samples in accordance with point 3.1.2. of the Annex to Commission Regulation (EC) No. 1003/2005; and
 - (iii) any other samples of faeces in accordance with point 3.1.3 of that Annex;
- (c) the samples are tested for salmonella in accordance with the method in point 3.2 of that Annex; and
- (d) the result of any test on any sample is reported in writing as soon as practicable to the occupier who submitted it.

PART 4

Prohibition on use of specific control methods

Prohibition on the use of antimicrobials

13. No person shall administer any antimicrobial to any bird in a breeding flock of domestic fowl of the species *Gallus gallus* as a specific method to control salmonella in breach of Article 2 of Commission Regulation (EC) No. 1177/2006.

Prohibition on the use of vaccines

14. No person shall administer any live salmonella vaccine to any bird in a breeding flock of domestic fowl of the species *Gallus gallus* in breach of Article 3(1) of Commission Regulation (EC) No. 1177/2006.

PART 5

Miscellaneous

Hatchery records

15.—(1) The occupier of a hatchery containing domestic fowl of the species *Gallus gallus* or their eggs shall keep a record of—

- (a) the information in paragraph 3 of Schedule 3 in respect of the movement of any eggs of domestic fowl of the species *Gallus gallus* to and from the hatchery; and

- (b) the information in paragraph 4 of Schedule 3 in respect of the movement of any chicks of domestic fowl of the species *Gallus gallus* from the hatchery.
- (2) The occupier shall keep the record for two years from the date of the movement.

Production of records

16. Any person required to keep a record under this Order shall produce it to an inspector or officer of the Scottish Ministers on demand at any reasonable time and allow a copy of it to be made or an extract from it to be taken.

Tampering with samples

17. No person shall tamper with or wrongfully interfere with a sample for the purpose of affecting the result of any test required to be carried out under this Order.

Powers of Scottish Ministers in cases of default

18. If any person fails to take any action required to be taken under this Order, an inspector may, without prejudice to any proceedings arising out of such default, take, or cause to be taken, such action and the amount of any expenses reasonably incurred by the inspector in doing so are recoverable by the Scottish Ministers from the person in default.

Enforcement

19.—(1) The local authority shall be responsible for enforcing this Order.

(2) The Scottish Ministers may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (1) shall be discharged by the Scottish Ministers and not by the local authority.

Revocation

20. The Poultry Breeding Flocks and Hatcheries Order 1993 is revoked in relation to Scotland.

St Andrew's House,
Edinburgh
20th March 2007

ROSS FINNIE
A member of the Scottish Executive

SCHEDULE 1

Articles 3 and 4

Hatchery and breeding flock information

Information relating to hatcheries

1. The information to be notified is—
 - (a) the name, address and telephone number of the occupier;
 - (b) the address and telephone number of the hatchery;
 - (c) the incubator capacity of the hatchery; and
 - (d) the species of poultry hatched at the hatchery.

Information relating to breeding flocks

2. The information to be notified is—
 - (a) the name, address and telephone number of the occupier and the owner of each breeding flock on the holding;
 - (b) the address and telephone number of the holding;
 - (c) the number of breeding flocks on the holding;
 - (d) the identification of each breeding flock on the holding;
 - (e) the species in each breeding flock on the holding;
 - (f) the number of poultry in each breeding flock on the holding;
 - (g) whether the poultry in each breeding flock on the holding are layer breeders or meat breeders; and
 - (h) the status of each breeding flock on the holding in the breeding pyramid.

SCHEDULE 2

Article 8

Sampling of breeding flocks

Sampling of chicks

- 1.—(1) The following samples are to be taken when the birds are chicks—
 - (a) 1 chick box liner, up to a maximum of 10, for every 500 chicks delivered from the hatchery; and
 - (b) the carcasses of all chicks, up to a maximum of 60 from each hatchery, that are dead on arrival at the holding.
- (2) In this paragraph “chick box liner” means any material used to line a box or other container in which chicks are transported from the hatchery to the holding.

Sampling of four-week-old birds etc.

- 2.—(1) The following samples are to be taken from each flock of four week-old birds and each flock two weeks before it comes into lay or moves to the laying phase or laying unit—
 - (a) a minimum of two pairs of boot swabs; or
 - (b) a composite faeces sample.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) In this paragraph, “a composite faeces sample” means a sample of faeces consisting of a number of individual samples calculated in accordance with the following, each of which weighs not less than 1 gram and is taken from a site selected at random to represent the building or group of buildings in the holding from which it is taken.

Table

The number of sites from which separate faeces samples are to be taken in order to make a composite sample are as follows—

<i>Number of birds kept in a building</i>	<i>Number of faeces samples to be taken in the building</i>
1–24	Number equal to the number of birds, up to a maximum of 20
25–29	20
30–39	25
40–49	30
50–59	35
60–89	40
90–199	50
200–499	55
500 or more	60

SCHEDULE 3

Articles 10, 11 and 15

Record-keeping requirements

Samples

1. The information to be recorded is—
 - (a) the type of sample taken;
 - (b) the date on which the sample was taken;
 - (c) the identification of the breeding flock from which the sample was taken;
 - (d) the age of the breeding flock sampled;
 - (e) the approved laboratory to which the sample was sent; and
 - (f) the result of any test on any sample reported to the occupier in accordance with article 12(d).

Movement of domestic fowl of the species *Gallus gallus* to and from holdings

2. The information to be recorded is—
 - (a) the date of the movement;
 - (b) the number of domestic fowl, chicks or eggs moved;
 - (c) the age of the domestic fowl or chicks moved;

- (d) in the case of the movement of an entire breeding flock of domestic fowl, the identification of that flock;
- (e) the identity of the building or group of buildings into which any domestic fowl, chicks or eggs moved to the holding were placed or from which domestic fowl, chicks or eggs were moved from the holding;
- (f) in the case of any domestic fowl, chicks or eggs moved to the holding, the address from which they were moved to the holding; and
- (g) in the case of any domestic fowl, chicks or eggs moved from the holding, the address to which they were moved.

Movements of eggs to and from a hatchery

- 3. The information to be recorded is—
 - (a) the date of the movement;
 - (b) the number of eggs moved;
 - (c) in the case of eggs moved to the hatchery, the address of the premises from which the eggs were moved; and
 - (d) in the case of eggs moved from the hatchery, the address of the premises to which the eggs were moved.

Movements of chicks from a hatchery

- 4. The information to be recorded is—
 - (a) the date of the movement;
 - (b) the number of chicks moved; and
 - (c) the address of the premises to which the chicks were moved.

SCHEDULE 4

Article 12

Preparation of chick box liners

Preparation of the samples

- 1. Chick box liners must be prepared as follows—
 - (a) a minimum 1 gram portion is to be taken from a soiled area on each liner; and
 - (b) the portions from separate liners must be bulked together and placed in Buffered Peptone Water (BPW) at the rate of not more than 1 gram of liner for every 10 ml of BPW.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-enacts the Poultry Breeding Flocks and Hatcheries Order 1993 in so far as it relates to Scotland.

It provides for the submission of information relating to hatcheries and breeding flocks to the Scottish Ministers.

It implements the national control programme for domestic fowl of the species *Gallus gallus*—

- (a) required by Article 5 of Regulation (EC) No. 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents; and
- (b) approved by the European Commission in accordance with Article 6 of that Regulation.

It implements Commission Regulation (EC) No. 1003/2005 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No. 2160/2003.

Articles 3 and 4 require the occupiers of hatcheries and of holdings with breeding flocks of at least 250 poultry to provide the Scottish Ministers with information about those premises.

Articles 5 to 11 apply to occupiers of holdings with breeding flocks of at least 250 domestic fowl. Article 5 is an interpretation provision. Articles 6 and 7 require that occupiers provide information about the laying status of breeding flocks. Article 8 imposes obligations to take samples from breeding flocks. Article 9 regulates the despatch and labelling of samples. Articles 10 and 11 provide for the keeping of records relating to samples and movement of domestic fowl or eggs to and from holdings. Article 12 imposes obligations on laboratories regarding preparation of the samples, the detection method to be used and reporting of the results.

Articles 13 and 14 prohibit the use of antimicrobials or live salmonella vaccine as methods of controlling salmonella other than in accordance with Articles 2 and 3 of Commission Regulation (EC) No. 1177/2006 implementing Regulation (EC) No. 2160/2003 of the European Parliament and of the Council as regards requirements for the use of specific control methods in the framework of the national programmes for the control of salmonella in poultry.

Articles 15 and 16 relate to the keeping and production of records relating to poultry hatcheries.

Articles 17 to 19 relate to powers of inspectors, tampering with samples, action to be taken on default and enforcement. Breach of the Order is an offence under section 73 of the Animal Health Act 1981 and is punishable in accordance with section 75 of that Act.

A regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.

The national control programme is available from the Scottish Executive Environment and Rural Affairs Department at the above address or from the Scottish Executive website (www/scotland.gov.uk).