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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 266**

**ANIMALS**

**ANIMAL HEALTH**

**The Control of Salmonella in Poultry (Scotland) Order 2008**

<i>Made</i>	- - - -	<i>25th June 2008</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>27th June 2008</i>
<i>Coming into force</i>	- -	<i>22nd September 2008</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1 and 8(1) of the Animal Health Act 1981<sup>(1)</sup>, and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>(2)</sup>, and all other powers enabling them to do so.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Scottish Ministers that it is expedient for the reference in article 3(a) to a Community instrument to be a reference to that instrument as amended from time to time.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Control of Salmonella in Poultry (Scotland) Order 2008 and comes into force on 22nd September 2008.

(2) This Order extends to Scotland only.

**Interpretation**

2. In this Order—

“breeding flock” means a flock kept for the production of eggs intended for incubation;

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

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- (1) 1981 c. 22. Section 8 was amended by paragraph 1 of schedule 2 to the [Animal Health and Welfare \(Scotland\) Act 2006](#) (asp 11). The functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) are now exercisable by the Scottish Ministers. They were transferred, so far as within devolved competence, by virtue of section 53 of the [Scotland Act 1998](#) (c. 46) (“the 1998 Act”).
- (2) 1972 c. 68 (“the 1972 Act”). Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the 1998 Act, and section 27(1) of the [Legislative and Regulatory Reform Act 2006](#) (c. 51) (“the 2006 Act”). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act. The powers in section 2(2) of the 1972 Act are exercised as regards article 3. The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

“flock” means poultry of the same health status kept on the same holding or in the same enclosure and constituting a single epidemiological unit and, in the case of housed poultry, includes all birds sharing the same airspace;

“layer breeder” means poultry kept for the production of eggs intended for 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;

“laying flock” means a flock of poultry kept for the production of eggs intended 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” means, in relation to any hatchery or holding, the person in charge of the hatchery or holding; and

“poultry” means birds of the species *Gallus gallus*, turkey, ducks and geese.

### Competent authority

3. The Scottish Ministers are the competent authority for the purposes of—
  - (a) 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<sup>(3)</sup>;
  - (b) 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<sup>(4)</sup>;
  - (c) Commission Regulation (EC) No. 1168/2006 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No. 1003/2005<sup>(5)</sup>; and
  - (d) 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<sup>(6)</sup>.

### Notification of poultry hatcheries

4.—(1) The occupier of a poultry hatchery with a total incubator capacity of 1000 eggs or more must notify the Scottish Ministers of the information in paragraph (4)—

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

(3) O.J. No. L 325, 12.12.2003, p.1. This Regulation has been amended by the Community instruments referred to in article 3(b) and (c) of this Order, and by Commission Regulation (EC) No. 1237/2007 (O.J. L 280, 24.10.2007, p.5). It is prospectively amended by Commission Regulation (EC) No. 1237/2007.

(4) O.J. No. L 170, 1.7.2005, p.12. This Regulation extends to the EEA through Decision of the EEA Joint Committee No. 101/2006 amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement (O.J. No. L 333, 30.11.2006, p.6).

(5) O.J. No. L 211, 1.8.2006, p.4.

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

- (b) in the case of such a hatchery established after the date this Order comes into force, within three months of the establishment of the hatchery.
- (2) The occupier must notify the Scottish Ministers of any change or addition to that information within three months of the change or addition.
- (3) This article does not apply to any occupier who has notified the Scottish Ministers of that information under any other enactment.
- (4) 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.

#### **Records in a hatchery incubating *Gallus gallus***

5. Where a poultry hatchery incubates eggs of the species *Gallus gallus* and has a total incubator capacity of 1000 eggs or more, if eggs or chicks are moved into or out of the hatchery the occupier must record—
- (a) the date of the movement;
  - (b) the number of eggs or chicks moved;
  - (c) whether the movement is into or out of the hatchery;
  - (d) if the movement is out of the hatchery, the holding of destination; and
  - (e) in the case of eggs brought into the hatchery for incubation, the holding of origin.

#### **Notification of breeding or laying flocks**

- 6.—(1) The occupier of a holding on which one or more breeding flocks or laying flocks of at least 250 poultry of any single species are kept must notify the Scottish Ministers of the information in paragraph (4)—
- (a) within three months of the coming into force of this Order; or
  - (b) in the case of such a holding established after the date this Order comes into force, within three months of the establishment of the holding.
- (2) The occupier must notify the Scottish Ministers of any change or addition to that information within three months of the change or addition.
- (3) This article does not apply to any occupier who has notified the Scottish Ministers of that information under any other enactment.
- (4) The information to be notified is—
- (a) the name, address and telephone number of the holding;
  - (b) the name, address and telephone number of the occupier and of the person who owns each flock on the holding;
  - (c) the number of flocks on the holding;
  - (d) for each flock—
    - (i) the identification of the flock;
    - (ii) whether it is a breeding flock or a laying flock;
    - (iii) the species; and
    - (iv) the number of poultry;

- (e) for each breeding flock—
  - (i) whether the flock is a flock of layer breeders or meat breeders; and
  - (ii) the status in the breeding pyramid of the flock.

#### **Breeding or laying flocks of the species *Gallus gallus***

- 7. The Schedule (breeding or laying flocks containing *Gallus gallus*) has effect.

#### **Prohibition on the use of antimicrobials**

- 8. No person may administer any antimicrobial to any bird of the species *Gallus gallus* as a specific method to control salmonella in breach of Article 2 of Commission Regulation (EC) [1177/2006](#) (use of antimicrobials).

#### **Prohibition on the use of vaccines**

- 9. No person may administer any live salmonella vaccine to any bird of the species *Gallus gallus* in breach of Article 3(1) of Commission Regulation (EC) [1177/2006](#) (use of vaccines).

#### **Records**

- 10. Any person required to keep a record under this Order must keep it for two years from the date it is made and must 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**

- 11. A person must not tamper with a sample or do anything to it that is likely to affect the result of any test required to be carried out under this Order, except as provided for in this Order.

#### **Powers of the Scottish Ministers in cases of default**

- 12. If any person fails to take any action required by this Order, an inspector may arrange for such action to be taken at the expense of the person in default.

#### **Enforcement**

- 13.—(1) This Order is enforced by the local authority.  
(2) The Scottish Ministers may direct, in relation to cases of a particular description or any particular case, that the Scottish Ministers will enforce this Order instead of the local authority.

#### **Revocation**

- 14. The Poultry Breeding Flocks and Hatcheries (Scotland) Order 2007(7) is revoked.

St Andrew's House,  
Edinburgh  
25th June 2008

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

## SCHEDULE

Article 7

### Breeding or laying flocks containing *Gallus gallus*

#### **Application**

1.—(1) This Schedule applies in relation to any holding on which one or more breeding flocks of the species *Gallus gallus* of at least 250 birds are kept.

(2) It applies in relation to any holding on which one or more laying flocks of the species *Gallus gallus* are kept unless all the eggs are—

- (a) for private domestic use; or
- (b) supplied in small quantities by the producer to the final consumer or to local retail shops.

(3) Any reference to an occupier is a reference to an occupier of such a holding.

(4) All references in this Schedule to birds are references to birds of the species *Gallus gallus* and all references to flocks are to flocks of those birds.

#### **Notification of arrival of breeding flocks**

2.—(1) The occupier must notify the Scottish Ministers of the expected date of arrival at the holding of every breeding flock of at least 250 birds.

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

#### **Notification of movement to laying phase of breeding flocks**

3. At least two weeks before a breeding flock is expected to move to the laying phase, or to a laying unit, the occupier must notify the Scottish Ministers of the date that the flock is expected to—

- (a) move to the laying phase or laying unit; and
- (b) end its production cycle.

#### **Breeding flocks: sampling times**

4. The occupier must take samples from each breeding flock on the holding—

- (a) when the birds are chicks;
- (b) when the birds are four weeks old;
- (c) two weeks before the date the flock is moved to a laying unit or (if they are not moved) the date they are expected to come into lay; and
- (d) every second week during the laying period.

#### **Laying flocks: sampling times**

5. The occupier must take samples from each laying flock on the holding—

- (a) when the birds are chicks;
- (b) two weeks before the date the flock is moved to a laying unit or (if they are not moved) the date they are expected to come into lay; and
- (c) every 15 weeks during the laying period, starting when the birds are between 22 and 26 weeks old.

### **Method of sampling chicks**

- 6.—(1) An occupier who samples chicks under this Schedule must take—
- (a) one chick box liner or hatcher tray liner for every 500 chicks delivered from the hatchery, up to a maximum of 10 liners; 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; and
- “hatcher tray liner” means any material used to line a box, tray or other container in which eggs are incubated and hatched.

### **Method of sampling of four-week-old birds etc.**

- 7.—(1) An occupier must use the methods set out in this paragraph when sampling—
- (a) in the case of breeding flocks, four-week-old birds; and
  - (b) in the case of both breeding flocks and laying flocks, birds two weeks before the date they are moved to a laying unit or (if they are not moved) the date they are expected to come into lay.
- (2) The sample must consist of—
- (a) a minimum of two pairs of boot swabs; or
  - (b) a composite faeces sample.
- (3) In this paragraph, “a composite faeces sample” means a sample of faeces consisting of at least sixty samples each of which weighs not less than 1 gram and each of which is taken from a site selected at random to represent the flock from which it is taken.

### **Method of sampling during the laying period**

8. Samples taken during the laying period must be taken in accordance with point 2.2.2.1 of the Annex to Commission Regulation (EC) No. 1003/2005 (in the case of breeding flocks) or point 2.2 of the Annex to Commission Regulation (EC) No. 1168/2006 (in the case of laying flocks).

### **Submission of samples to an approved laboratory**

- 9.—(1) The occupier must dispatch the samples taken under this Schedule to a laboratory approved by the Scottish Ministers for the purposes of testing for the presence of salmonella on the day the sample is taken.
- (2) The occupier must identify the samples and provide the following information—
- (a) the name of the occupier;
  - (b) the address of the holding;
  - (c) the type of samples;
  - (d) the date on which the samples were taken;
  - (e) the identification of the flock;
  - (f) the age of the flock;
  - (g) in the case of a breeding flock—
    - (i) whether the flock is a flock of layer breeders or meat breeders; and

*Status: This is the original version (as it was originally made).*

(ii) the status in the breeding pyramid of the flock.

### **Records of samples**

- 10.**—(1) The occupier must, as soon as is reasonably practicable after taking a sample, record—
- (a) the type of sample taken;
  - (b) the date on which the sample was taken;
  - (c) the identification of the flock from which the sample was taken;
  - (d) the age of the flock sampled; and
  - (e) the laboratory to which the sample was sent.
- (2) The occupier must record the result of each test when it is received from the laboratory.

### **Records of movements**

- 11.** When birds or eggs (other than eggs for human consumption) are moved on to or off a holding the occupier must record—
- (a) the date of the movement;
  - (b) whether the movement was on to or off the holding;
  - (c) the number of birds or eggs moved;
  - (d) the age of the birds moved;
  - (e) in the case of the movement of an entire flock, the identification of that flock;
  - (f) the identity of the building or group of buildings in to or from which the birds or eggs were moved; and
  - (g) the address of the holding that they came from or were sent to.

### **Duties on the person in charge of a laboratory**

- 12.**—(1) The person in charge of a laboratory who receives samples must ensure that the sample is refrigerated and that the examination begins within 48 hours of receipt.
- (2) That person must prepare a sample from chick box liners or hatcher box liners by—
- (a) taking a piece of soiled liner weighing at least one gram from each liner;
  - (b) bulking together all the pieces from a consignment; and
  - (c) placing the bulked material in Buffered Peptone Water (BPW) at the rate of not more than 1 gram of liner for every 10 ml of BPW.
- (3) In the case of breeding flocks that person must—
- (a) prepare boot swabs' samples in accordance with point 3.1.2 of the Annex to Commission Regulation (EC) No. 1003/2005;
  - (b) prepare any other samples of faeces in accordance with point 3.1.3 of that Annex; and
  - (c) test the samples for salmonella in accordance with the method in point 3.2 of that Annex.
- (4) For laying flocks that person must—
- (a) prepare boot swabs' samples in accordance with point 3.1.1 of the Annex to Commission Regulation (EC) No. 1168/2006;
  - (b) prepare any other samples of faeces or dust in accordance with point 3.1.2 of that Annex; and
  - (c) test the samples for salmonella in accordance with the method in point 3.2 of that Annex.



(5) That person must send the test results as soon as practicable to the person who submitted the sample.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes and remakes the Poultry Breeding Flocks and Hatcheries (Scotland) Order 2007. The principal change is that it extends the sampling provision in the earlier Order to laying flocks (the earlier Order was confined to breeding flocks) of birds of the species *Gallus gallus*.

It enforces Commission Regulation (EC) No. 1003/2005, Commission Regulation (EC) No. 1168/2006 and Commission Regulation (EC) No. 1177/2006.

It makes provision for the registration of hatcheries, breeding flocks and laying flocks of birds of the species *Gallus gallus*, turkeys, ducks and geese, and imposes record-keeping requirements.

It makes provision for sampling breeding and laying flocks of birds of the species *Gallus gallus*.

The Order is enforced by the local authority.

Breach of the Order is an offence under section 73 of the Animal Health Act 1981, punishable in accordance with section 75 of that Act.

A full impact assessment of the effect that this instrument will have on the costs of business has been prepared. A copy has been placed in the Scottish Parliament Reference Centre. Copies can be obtained from the offices of the Scottish Government Environment and Rural Affairs Department at Pentland House, 47 Robb's Loan, Edinburgh, EH14 1TY.