

1995 No. 465

ANIMALS

Diseases of Poultry Order (Northern Ireland) 1995

Made 14th December 1995.

Coming into operation 15th January 1996

The Department of Agriculture, in exercise of the powers conferred on it by Articles 2(3), 5(1), 10(6), 12(1), 14, 18(7), 19(e), (f), (g), (h), (i) and (k), 44, 46(7A) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Diseases of Poultry Order (Northern Ireland) 1995 and shall come into operation on 15th January 1996.

Interpretation

2. In this Order—

“affected” means affected with disease;

“cleansing” includes the disposal of all litter, droppings and other matter in a manner which does not present a risk of the spread of disease;

“disease” means avian influenza, Newcastle disease and, in the case of pigeons, paramyxovirus 1 infection;

“Poultry Scheme” means the Diseases of Poultry Scheme (Northern Ireland) 1995(b);

“disinfect” means disinfect with a disinfectant for the time being approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(c);

“Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department;

“holding” means a holding used for the rearing or keeping in captivity of poultry for breeding, the production of meat or eggs for consumption or for re-stocking supplies of game or for any other purposes;

“poultry” means domestic fowls, turkeys, geese, ducks, guinea fowls, quails, pigeons, pheasants, partridges and ratites reared or kept for any purpose;

(a) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17 and S.I. 1994/1891 (N.I. 6) Arts. 19, 20, 22 and 23

(b) S.R. 1995 No. 464

(c) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69 and S.R. 1995 No. 467

“premises” includes land;

“protection zone” means a protection zone established by the Department in accordance with Article 9;

“racing pigeon” means any pigeon transported or intended for transport from its pigeon house (that is, any installation used for keeping or breeding racing pigeons) to be released so that it may freely fly back to its pigeon house or to any other destination;

“surveillance zone” means a surveillance zone established by the Department in accordance with Article 9;

“suspected” means suspected of being affected;

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981.

Notices and licences

3. Any notice served on, or licence granted to, any person by the Department under this Order—

(a) shall be in writing; and

(b) may be amended, suspended or revoked at any time by notice or further notice served on that person.

Extension of definition of birds

4. For the purpose of the 1981 Order in its application to this Order, or to the Poultry Scheme, the list of birds specified in Part II of Schedule 1 to the 1981 Order is hereby extended so as to comprise birds of any kind.

Notification procedures and precautions to be taken where the presence of disease is suspected

5.—(1) A person who has in his possession or under his charge, or who examines or inspects, an affected or suspected bird or carcase of a bird shall immediately notify the Divisional Veterinary Officer, an inspector or a member of the Royal Ulster Constabulary.

(2) A person who, following analysis by him of a sample taken from any bird or carcase of a bird, reasonably suspects the presence of disease in the sample shall immediately notify either the Divisional Veterinary Officer, an inspector or a member of the Royal Ulster Constabulary.

Restrictions on movement of poultry

6.—(1) Where, following notification given to it under Article 5 or otherwise, the Department knows or suspects that disease exists or has existed on any premises, it shall, by notice served on the occupier or person in charge of the premises impose the restrictions and requirements contained in Part I of Schedule 1.

(2) Where, as a result of a laboratory test or clinical diagnosis the Department confirms that disease exists on any premises it—

(a) shall, where poultry (other than racing pigeons) are kept on the premises; and

(b) may, where any other captive birds (including racing pigeons) are kept on the premises;

by notice, served on the occupier or person in charge of the premises, impose in addition to the restrictions and requirements contained in Part I of Schedule 1, the restrictions and requirements contained in Part II of Schedule 1.

(3) The person upon whom a notice under this Article has been served shall take all reasonable steps to ensure that the notice is complied with unless he is authorised by licence granted by the Department to do anything which would otherwise be a breach of that notice.

(4) If any person fails to comply with any restriction or requirement imposed by a notice under this Article then, unless he has been authorised in that behalf under paragraph (3) the Department may, without prejudice to any proceedings for an offence arising out of such contravention—

(a) seize or cause to be seized an affected or suspected bird and detain it at such place as it shall consider appropriate until the notice is withdrawn; and

(b) take such other action in relation to such a bird as may be necessary so as to ensure that any restriction or requirement imposed by the notice is complied with or carried out.

(5) The amount of any expenses reasonably incurred by the Department in the exercise of the powers under paragraph (4) in connection with the seizure and detention of an affected or suspected bird shall be recoverable as a civil debt by the Department from the owner of such a bird.

(6) Until such time as a notice under this Article is served, a person who has in his possession or under his charge any suspected or affected bird shall take all reasonable steps to ensure that the restrictions and requirements contained in Part I of Schedule 1 are complied with.

Additional powers to prevent spread of disease

7.—(1) If an inspector has reason to believe that—

(a) the movement of any person, animal, carcase, equipment or thing to or from any premises may entail the risk of spreading disease; or

(b) any animal, carcase, premises, equipment or thing has been exposed to the possibility of infection with disease,

he may, for the purpose of preventing the spread of the disease, by notice served on the owner of any animal, carcase, equipment or thing, prohibit the movement thereof to or from any place except under the authority of and subject to the conditions of a licence issued by the Department.

(2) For the purpose of this Article the expression “animal” shall include any four-footed animal and any bird.

(3) Where a notice is served on any person under this Article, he shall comply with the requirements or restrictions thereof.

Marking for identification purposes

8. An inspector may, for identification purposes, paint, stamp or clip any mark on any bird or carcase of a bird or other thing or may permanently mark a bird or carcase.

Declaration of infected area

9.—(1) If the Department has reasonable grounds for suspecting that a disease exists in poultry (other than racing pigeons) within Northern Ireland or within such part of the Republic of Ireland as may entail the risk of the introduction or spread of that disease into Northern Ireland, it may declare Northern Ireland or such area therein as may be specified in the declaration to be an infected area.

(2) If the Department has reasonable grounds for suspecting that a disease exists in racing pigeons or in any captive birds other than poultry within Northern Ireland or within such part of the Republic of Ireland as may entail the risk of the introduction or spread of that disease into Northern Ireland, and upon being satisfied that the presence of that disease in any such birds constitutes a serious risk to poultry, it may declare Northern Ireland, or such area therein as may be specified in the declaration, to be an infected area.

(3) A declaration under paragraphs (1) and (2)—

- (a) shall be made in writing and published in such manner and to such extent as it appears to the Department to be sufficient to bring the terms of the declaration to the attention of those persons likely to be affected by it;
- (b) shall specify the date on which it shall come into operation and shall remain in operation until revoked by a further declaration made by the Department declaring the area concerned to be free from disease;
- (c) shall apply in relation to such species of bird as may be specified in the declaration;
- (d) shall provide for the establishment of surveillance and protection zones as appropriate, within the infected area and such zones shall be of such radius as the Department may declare.

(4) In relation to any infected area, each protection zone shall have a minimum radius of 3 kilometres and shall itself be contained in a surveillance zone which shall have a minimum radius of 10 kilometres, and the centre of each protection and surveillance zone shall be any premises which are the subject of a notice under Article 6.

(5) Any premises partly within a protection or surveillance zone shall be deemed to be wholly within that protection or surveillance zone as the case may be.

(6) Any premises partly within an infected area shall be deemed to be wholly within that area.

(7) Nothing in paragraphs (5) or (6) shall deem any area outside Northern Ireland to be part of an infected area.

(8) The Department may exhibit placards, handbills or warning notices in, or in the immediate neighbourhood of, an area declared to be infected under paragraphs (1) or (2) advising of the fact of such declaration.

(9) A person shall not alter, remove, obliterate or deface any placard, handbill or warning notice referred to in paragraph (8).

(10) A declaration under paragraphs (1) or (2) may be varied by the Department and such variation shall be in writing and published, so far as practicable, in the same manner as the declaration.

(11) Where any area is declared to be infected under paragraphs (1) or (2), the provisions of Schedule 2 shall apply in relation to that area unless the declaration specifies otherwise, or unless the Department authorises by licence under this Order anything which would otherwise be a breach of the requirements or restrictions imposed by virtue of that Schedule.

Cleansing and disinfection

10.—(1) The occupier or person in charge of premises on which birds are or have been exposed for sale or exhibited shall thoroughly cleanse and disinfect those premises, their fittings and any receptacle used for the exposure for sale or exhibition of such birds on the premises as soon as practicable after use and in any event before they are used again.

(2) The person in charge of any vehicle or receptacle in which birds are to be carried shall thoroughly cleanse and disinfect the vehicle or receptacle before it is so used and as soon as practicable before the receptacle is used again.

(3) An inspector may, by notice served on the person in charge of any premises, vehicle or receptacle on or in which any birds are or have been—

(a) require that person to cleanse and disinfect the premises, vehicle or receptacle and their fittings in such manner as the inspector requires; and

(b) in the case of premises prohibit the movement thereto of vehicles, receptacles or birds until the cleansing and disinfection has been completed to the satisfaction of the inspector.

(4) Where a notice has been served on any person under this Article, he shall comply with its requirements.

(5) Where a person on whom a notice is served under this Article fails to comply with the requirements thereof the Department may, without prejudice to any proceedings for an offence arising out of such contravention, carry out or cause to be carried out such cleansing and disinfection as is required by the notice.

Records

11.—(1) A person who owns any flock of birds (other than racing pigeons) consisting of at least 250 birds of any species kept on a single premises shall keep a record in respect of birds and eggs entering or leaving his premises.

(2) A person who is engaged in the transport or marketing of any birds or eggs (including any auctioneer) shall keep a record in respect of all birds and eggs transported or marketed by him.

(3) The record referred to in paragraphs (1) and (2) shall include in respect of the relevant class of birds and their eggs—

- (a) the date and place they were obtained;
- (b) their species and description;
- (c) the name and address of the person from whom they were obtained;
- (d) the date and manner of disposal;
- (e) the place of slaughter, if that was the manner of disposal;
- (f) the name and address of the person to whom the birds or eggs were transferred (if known), if that was the manner of disposal.

(4) A person who owns racing pigeons shall keep a record of every race date and release point or show date and venue for which he enters his pigeons.

(5) A person who is required by this Article to keep a record shall retain it for at least twelve months from the date of the recorded movement, transportation or marketing or in the case of paragraph (4) the date of the race or show, as the case may be.

(6) A person who keeps any record required under this Article shall at all reasonable times produce it on demand to an inspector and shall permit him to take an extract if so required.

General provisions as to licences

12. Any person who moves any bird or other thing under the authority of a licence issued under this Order shall ensure that the licence accompanies whatever is being moved under its authority and that person shall, on demand made by an inspector or other officer of the Department or by a member of the Royal Ulster Constabulary produce the licence and allow a copy or extract to be taken and shall also, on such demand, furnish his name and address.

Action in case of default

13. Where a person fails to comply with paragraph 7(4)(a) of the Diseases of Poultry Scheme (Northern Ireland) 1995 the Department may, without prejudice to any proceedings for an offence arising out of such default, take such action as may be necessary to remedy that failure.

Revocations and amendment

14.—(1) The following Orders are hereby revoked—

- (a) the Diseases of Animals (Poultry) Order (Northern Ireland) 1949(a);
- (b) the Diseases of Animals (Poultry) (Amendment) Order (Northern Ireland) 1964(b);

(a) S.R. & O. (N.I.) 1949 No. 192 as amended by S.R. & O. (N.I.) 1964 No. 199

(b) S.R. & O. (N.I.) 1964 No. 199

(c) the Diseases of Animals (Newcastle Disease Vaccination) Scheme (Northern Ireland) 1973(a);

(d) the Diseases of Animals (Movement of Poultry) Order (Northern Ireland) 1973(b).

(2) In Article 2 of the Diseases of Poultry Order (Northern Ireland) 1983(c) the words "Avian influenza A infection" and "Avian para influenza infection" are deleted from the definition of "disease".

Sealed with the Official Seal of the Department of Agriculture on 14th December 1995.

(L.S.)

P. T. Toal

Assistant Secretary

(a) S.R. & O. (N.I.) 1973 No. 477

(b) S.R. & O. (N.I.) 1973 No. 478

(c) S.R. 1983 No. 406 as amended by S.R. No. 465

Requirements relating to premises where disease is suspected or confirmed

PART I

PREMISES ON WHICH DISEASE IS SUSPECTED OR CONFIRMED

Record of birds

1. The occupier, or person in charge, of the premises shall make and maintain an up-to-date record of the birds on the premises showing in respect of each the sex, breed, species and type of bird, the number of birds which have died, which show clinical signs of disease and which show no signs of disease. The record shall be produced to an inspector on demand.

Prohibition on movement of birds to or from premises

2. A person shall not move any birds to or from the premises.

Prohibition on movement of persons, animals and vehicles to or from the premises

3. A person shall not move to or from the premises and a person shall not move any animal or vehicle to or from the premises.

Prohibition on removal or spreading of things liable to transmit disease

4.—(1) A person shall not remove from the premises any used poultry litter or poultry manure or anything liable to transmit disease.

(2) A person shall not spread in the premises any used poultry litter or poultry manure or anything liable to transmit disease.

Restriction on removal of eggs

5. A person shall not move or cause or permit to be moved any eggs from the premises except in accordance with the provisions of Article 4.2(e) and Annex I to Council Directive 92/40/EEC(a) or 92/66/EEC(b) as the case may be.

Disinfection at entrances and exits

6. The occupier, or person in charge, of the premises shall provide and maintain an appropriate means of disinfection at the entrances and exits of the buildings housing poultry and of the premises.

PART II

PREMISES ON WHICH DISEASE IS CONFIRMED

Slaughter and destruction

7. The occupier, or person in charge, of the premises shall give all reasonable assistance to an inspector so as to ensure that the poultry on the premises are slaughtered there without delay in accordance with the provisions of paragraph 11 of Schedule 2 to the 1981 Order and that carcasses of poultry and eggs are destroyed in such a way as will minimise the risk of spreading disease, in accordance with directions given by an inspector.

(a) O.J. No. L167, 22.6.92, p. 1

(b) O.J. No. L260, 5.9.92, p. 1

Destruction or treatment

8. The occupier, or person in charge, of the premises shall ensure that all other material which may be contaminated with disease virus is destroyed or treated in such a way as to destroy the disease virus, in accordance with directions given by an inspector.

Tracing

9.—(1) The occupier, or person in charge, of the premises shall give all reasonable assistance to an inspector so as to ensure that—

- (a) meat of all poultry slaughtered during the presumed incubation period;
- (b) eggs laid during the presumed incubation period; and
- (c) meat and eggs which are otherwise likely to be contaminated with the disease virus,

are traced and destroyed.

(2) The requirements of paragraph (1) shall not apply to table eggs if they have previously been disinfected.

Disinfection and re-stocking

10. After the operations described in paragraphs 7 and 8 are completed, the buildings used for housing poultry, their surroundings, the vehicles used for transport and all equipment likely to be contaminated by disease shall be cleansed and disinfected under the supervision of an inspector, in accordance with Annex II of Council Directive 92/40/EEC or 92/66/EEC as the case may be and to the satisfaction of an inspector. The occupier, or person in charge, of the premises shall not re-stock the premises until at least 21 days after completion of the disinfection.

Infected areas**PROTECTION AND SURVEILLANCE ZONES***Protection zones*

1. Paragraphs 2 to 4 shall apply within the protection zone for a period of at least 21 days after the cleansing and disinfection of the infected premises required by paragraph 10 of Schedule 1 and thereafter until the Department declares the protection zone to have become part of the surveillance zone.

2. The occupier, or person in charge, of premises containing birds shall ensure that—

- (a) any inspector who requires information as to the presence of birds on such premises is supplied with such information as soon as practicable;
- (b) any inspector who visits the premises to examine the birds and to take samples is given all assistance and information necessary for the purpose;
- (c) the birds are kept in their living quarters or such other place where they can be isolated;
- (d) there is an appropriate means of disinfection at the entrances and exits of the premises;
- (e) poultry and hatching eggs are not moved from the holding on which they are kept except under the authority of a licence issued under Article 9(11)—
 - (i) for the purposes of the transport of poultry for immediate slaughter, or
 - (ii) in the case of day-old chicks or ready-to-lay pullets, to a holding within the surveillance zone on which there are no other poultry, or
 - (iii) in the case of hatching eggs to a designated hatchery, subject to the eggs and their packing being disinfected before despatch;
- (f) used litter and poultry manure are not removed or spread.

3. A person shall not move, or cause or permit to be moved any birds, eggs or carcasses of birds into or within a protection zone, except that birds may be transported without stopping through the zone on a major highway or railway.

4. A person shall not hold any fair, market, show or other gathering of birds.

Surveillance zones

5. Paragraphs 6 to 10 shall apply within each surveillance zone and shall continue to apply for a period of at least 30 days after the cleansing and disinfection of the infected premises required by paragraph 10 of Schedule 1 and thereafter until the Department declares the area to be free from disease.

6. The occupier, or person in charge, of any premises shall ensure that—

- (a) any inspector who requires information as to presence of birds on those premises is supplied with such information as soon as practicable;
- (b) any inspector who visits the premises to examine the birds and to take samples is given all necessary assistance and information;
- (c) poultry are not moved from the premises;
- (d) hatching eggs are not moved from the premises; and

(e) used litter or poultry manure is not moved from the premises.

7. A person shall not move, or cause or permit to be moved, any birds or hatching eggs into or within any surveillance zone unless, in the case of birds, they are moved in transit without stopping through the zone on a major highway or railway.

8. A person shall not hold any fair, market, show or other gathering of birds.

Cleansing and disinfection of vehicles used for the conveyance of poultry

9.—(1) The owner, or person in charge, of any vehicle, equipment or receptacle used for the conveyance of birds or of carcasses, offal or feathers of birds or of eggs originating in an infected area, shall before it is so used, and as soon as practicable after each time it is so used and in any event before it is so used again, effectively cleanse and disinfect it.

(2) Where a person fails to comply with the requirements of this paragraph the Department may, without prejudice to any proceedings for an offence arising out of such contravention, carry out or cause to be carried out the cleansing and disinfection.

10. In this Schedule “bird” means, where a declaration of an infected area made under Article 9(1) or (2) provides that the declaration only applies in relation to a specified species of bird, a bird of that species.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order in conjunction with the Diseases of Poultry Scheme Order (Northern Ireland) 1995 implements the requirements of Council Directive 92/40/EEC for the control of avian influenza and Council Directive 92/66/EEC for the control of Newcastle disease and for the prevention of these diseases. Specific requirements are introduced for the prevention and control of paramyxovirus 1 infection in pigeons.

The main provisions of the Order are as follows:—

- (a) In its application to this Order and the Poultry Scheme, Article 4 extends the list of poultry set out in Part II of Schedule 1 to the Diseases of Animals (Northern Ireland) Order 1981 so as to comprise birds of any kind.
- (b) Article 5 requires persons to notify the Department or a member of the Royal Ulster Constabulary where they know or suspect that a bird or carcass is diseased.
- (c) Article 6 requires the Department to serve a notice on the occupier or person in charge of premises where it knows or suspects that disease exists or has existed imposing the requirements contained in Part I of Schedule 1. Where a laboratory test or clinical diagnosis confirms the presence of disease the Department shall, in the case of poultry and may, in the case of racing pigeons or other captive birds serve a notice on the occupier or person in charge of the premises imposing the

- requirements contained in Part II of Schedule 1. Failure to comply with the notice may cause the Department to seize or cause to be seized an affected or suspected bird and detain it until the notice has been withdrawn. Any expenses incurred by the Department as a result of having to take such action shall be recoverable as a civil debt from the owner of the bird.
- (d) Article 7 enables an inspector for the purpose of preventing the spread of disease to serve a notice prohibiting the movement of any animal, carcase, equipment or thing except in accordance with the conditions of a licence issued by the Department.
 - (e) Article 8 enables an inspector to mark any bird or carcase of a bird for identification purposes.
 - (f) Article 9 provides for the declaration of infected areas and the establishment of protection and surveillance zones within such areas.
 - (g) Article 10 provides for the cleansing and disinfection of premises, fittings and any receptacles used for exposure for sale or exhibition of birds and of vehicles in which birds are to be carried.
 - (h) Article 11 requires owners of flocks of birds (other than racing pigeons) consisting of at least 250 birds kept on a single premises and those involved in the transport or marketing of any birds or eggs to keep certain records. A person who owns racing pigeons is required to keep certain records. The records must be retained for 12 months and made available to an inspector if required.
 - (i) Article 12 requires any person who moves any bird or other thing under the authority of a licence issued under this Order to ensure that the licence accompanies whatever is being moved and to produce the licence on demand to the Department or to a member of the Royal Ulster Constabulary.
 - (j) Article 13 provides for the Department to take the necessary action where any person fails to comply with the requirements laid down in paragraph 7(4)(a) of the Poultry Scheme.

Any person who without lawful authority or excuse, proof of which shall lie on him, contravenes any provision of the Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981. The penalty on summary conviction, is a fine at level 5 on the standard scale (currently £5,000) or in the case of an offence committed with respect to more than 5 birds, a fine at level 3 on the standard scale (currently £1,000) for each bird; or in the case of an offence committed in relation to carcasses or other inanimate things a fine at level 5 on the standard scale (currently £5,000) together with a further fine at level 3 on the standard scale (currently £1,000) in respect of every 508 kilogrammes in weight of the carcasses or other things after the first 508 kilogrammes.