

2006 No. 492

EUROPEAN COMMUNITIES

ANIMALS

**The Salmonella in Turkey Flocks and Herds of Slaughter Pigs
(Survey Powers) Regulations (Northern Ireland) 2006**

Made - - - - *1st December 2006*

Coming into operation - *22nd December 2006*

The Department of Agriculture and Rural Development, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Salmonella in Turkey Flocks and Herds of Slaughter Pigs (Survey Powers) Regulations (Northern Ireland) 2006 and shall come into operation on 22nd December 2006.

Interpretation

2.—(1) In these Regulations—

“Commission Decision 2006/662/EC” means Commission Decision 2006/662/EC concerning a financial contribution from the Community towards a baseline survey on the prevalence of *Salmonella* in turkeys to be carried out in the member States(c);

“Commission Decision 2006/668/EC” means Commission Decision 2006/668/EC concerning a financial contribution from the Community towards a baseline survey on the prevalence of *Salmonella* in slaughter pigs to be carried out in the member States(d);

“the Department” means the Department of Agriculture and Rural Development;

“inspector” means any person appointed to be an inspector for the purposes of these Regulations by the Department;

“slaughterhouse” means a facility used for the killing of pigs;

“turkey holding” means a facility used for the breeding, rearing or fattening of turkeys.

(2) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(a) S.I. 2000/2812

(b) 1972 c 68.

(c) O.J. No L 272, 3.10.2006, p. 22

(d) O.J. No L 275, 6.10.2006, p. 51

(e) 1954 c. 33 (N.I.)

The competent authority

3. The Department of Agriculture and Rural Development is the competent authority for the purposes of Commission Decision 2006/668/EC and Commission Decision 2006/662/EC.

Information in respect of a turkey holding

4. The occupier or person in charge of a turkey holding (or any employee or agent of the occupier or person in charge of a turkey holding) must, within 7 days of receipt of a written notice from the Department, provide the information requested in that notice in respect of the survey required by Commission Decision 2006/662/EC.

Information in respect of a slaughterhouse

5. The occupier or person in charge of a slaughterhouse (or any employee or agent of the occupier or person in charge of a slaughterhouse) must, within 7 days of receipt of a written notice from the Department, provide the information requested in that notice in respect of the survey required by Commission Decision 2006/668/EC.

Powers of inspectors

6.—(1) An inspector shall, on producing some duly authenticated document showing his authority, have the right at all reasonable hours to enter any turkey holding selected in accordance with Commission Decision 2006/662/EC or any slaughterhouse selected in accordance with Commission Decision 2006/668/EC for the purposes of—

- (a) ascertaining in accordance with Commission Decision 2006/662/EC or Commission Decision 2006/668/EC —
 - (i) whether *Salmonella* spp. exists or has existed there;
 - (ii) whether anti-microbials have been used; and
 - (iii) in the case of a turkey holding, the *Salmonella* vaccination status of the turkeys; and
- (b) the enforcement of these Regulations.

(2) On entering any turkey holding in accordance with paragraph (1) an inspector may require the occupier or person in charge of a slaughterhouse (or any employee or agent of the occupier or person in charge of a slaughterhouse)—

- (a) to afford him such assistance as he may reasonably require for the purposes of these Regulations;
- (b) to produce or allow access to any record held in whatever form, including computerised records, he may reasonably require for the purposes of these Regulations.

(3) When he has entered a turkey holding in accordance with paragraph (1) an inspector may—

- (a) take samples of faecal material;
- (b) examine any records in whatever form, including computerised records, and take copies of those records; and
- (c) take with him any person, vehicle or equipment he considers necessary for the execution or enforcement of these Regulations.

(4) When he has entered a slaughterhouse an inspector may—

- (a) take samples from pig carcasses of muscle, lymph nodes in the ileocaecal region, the aggregate of such lymph nodes;
- (b) take swabs from pig carcasses;
- (c) examine any records in whatever form, including computerised records, and take copies of those records; and
- (d) take with him any person, vehicle or equipment he considers necessary for the execution or enforcement of these Regulations.

Offences

7.—(1) The occupier or person in charge of a turkey holding or a slaughterhouse (or any employee or agent of the occupier or person in charge of a turkey holding or a slaughterhouse) who—

- (a) fails to comply with regulation 4;
- (b) fails to comply with regulation 5;
- (c) intentionally obstructs an inspector or a person assisting an inspector acting in the execution of these Regulations;
- (d) gives any information under regulations 4 or 5 that he knows to be false or misleading to an inspector or a person assisting an inspector acting in the execution of these Regulations; or
- (e) otherwise than as specified in paragraph (a) and (b), fails without reasonable excuse—
 - (i) to give any assistance or information that an inspector or a person assisting an inspector acting in the execution of these Regulations may require him to give; or
 - (ii) to produce or allow access to any record that an inspector or a person assisting an inspector acting in the execution of these Regulations may require him to produce,

shall be guilty of an offence.

(2) Nothing in paragraph (1)(e)(i) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Penalties

8. A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Revocation

9. The Salmonella in Laying Flocks (Survey Powers) Regulations (Northern Ireland) 2005(a) and The Salmonella in Broiler Flocks (Survey Powers) Regulations (Northern Ireland) 2005(b) are revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 1st December 2006



E. Redmond
A senior officer of the Department of Agriculture and Rural Development

(a) S.R. 2005 No. 132
(b) S.R. 2005 No. 584

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Salmonella in Laying Flocks (Survey Powers) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 132) and The Salmonella in Broiler Flocks (Survey Powers) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 584).

The Regulations provide powers of entry to inspectors to undertake sampling to detect the prevalence of *Salmonella* spp. in flocks of turkeys as required by Commission Decision 2006/662/EC concerning a financial contribution by the Community towards a baseline survey on the prevalence of *Salmonella* spp. in turkeys to be carried out in the Member States and in herds of slaughter pigs as required by Commission Decision 2006/668/EC concerning a financial contribution by the Community towards a baseline survey on the prevalence of *Salmonella* spp. in slaughter pigs to be carried out in the Member States.

Regulation 3 designates the Department as the competent authority for the purposes of Commission Decision 2006/662/EC and Commission Decision 2006/668/EC. Regulation 4 provides that the occupier or person in charge of a holding must, within 7 days of a request, send information to the Department to assist it with the selection of holdings to be included in the survey. Regulation 5 provides that the occupier or person in charge of a slaughterhouse must, within 7 days of a request, send information to the Department to assist it with the survey of slaughter pigs.

Regulation 6 provides inspectors with various powers including a power of entry and power to take samples of faecal material and to examine any records. Regulation 7 creates offences for obstructing an inspector exercising his powers under these Regulations and regulation 8 sets out the applicable penalties.

© Crown Copyright 2006

Published and printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. N2959. C2. 12/06. Gp. 130. 14567.
£3.00