
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 208

**The Avian Influenza (H5N1 in Wild Birds)
Regulations (Northern Ireland) 2007**

**PART III
MISCELLANEOUS**

Designation of premises to which things may be moved

13.—(1) Unless the Department directs otherwise by notice served on the occupier of the premises, the following premises are deemed to be designated for the purpose of receiving poultry, eggs or bird by-products (as the case may be) which are moved in accordance with these Regulations—

- (a) premises that are designated under regulation 71 of the Avian Influenza Regulations; and
- (b) the following plants, if approved under regulation 14 of the Animal By-Products Regulations (Northern Ireland) 2003(1);
 - (i) incineration plants,
 - (ii) processing plants,
 - (iii) oleochemical plants,
 - (iv) biogas plants,
 - (v) composting plants,
 - (vi) petfood plants, and
 - (vii) technical plants.

(2) A plant referred to in paragraph (1)(b) in England, Scotland or Wales which is designated respectively by the English Ministers, Scottish Ministers or the National Assembly for the same purposes as they are deemed to be designated under these Regulations are deemed to be designated for the purposes of these Regulations.

General duties relating to execution of these Regulations

14.—(1) A person required to give assistance or information to an inspector must, unless he has reasonable cause, do so without delay.

(2) A person shall not provide information which he knows to be false or misleading to an inspector.

(3) Any person to whom any requirement in a declaration, notice, licence, or designation under these Regulations applies must—

- (a) comply with the requirement (unless otherwise authorised by licence); and

- (b) comply with any reasonable requests which an inspector may make to him to ensure that the requirement is met.

Record keeping

15.—(1) A person moving poultry, other captive birds or their products under the authority of and in accordance with the conditions of a licence granted under these Regulations must—

- (a) within 24 hours after the movement, make a record of—
 - (i) what is moved, including its quantity,
 - (ii) the date of the movement,
 - (iii) the name of the consignor,
 - (iv) the address of the premises from which the movement started,
 - (v) the registration number of any vehicle used,
 - (vi) the name of the consignee,
 - (vii) the address of the destination; and
 - (b) retain it for at least six weeks from the date the movement was completed.
- (2) A person who is required under these Regulations to make any other record must retain it for at least twelve months from the date the record is made.
- (3) A person required to produce a record by an inspector must do so without delay.
- (4) On production of the record, an inspector may—
- (a) copy the record, in whatever form it is held;
 - (b) require any computer record to be produced in a form which can be taken away; and
 - (c) remove any record and retain it until he has carried out his functions under these Regulations.

Change of occupation of premises under restriction

16.—(1) This regulation applies if the keeper of any poultry or other captive bird is unable to move the poultry or other captive bird from premises on the termination of his right of occupation because of a movement restriction imposed by or under these Regulations and continues to apply for seven days after any such restriction has been removed.

(2) The person entitled to occupation of the premises on termination of the keeper's right of occupation must—

- (a) provide such facilities for feeding, tending or otherwise using the poultry or other captive bird (including selling it) as the keeper may reasonably require; and
- (b) allow entry to the premises to that keeper and any person authorised by him at reasonable times for feeding, tending or otherwise using the poultry or other captive bird.

(3) If the keeper is unable or unwilling to feed or tend the poultry or other captive bird, the person entitled to occupation of the premises must take such steps as are necessary to ensure it is properly fed and tended.

(4) The keeper is liable to pay the reasonable costs incurred by any person feeding or tending it, or providing facilities for feeding, tending or otherwise using it.

Cleansing and disinfection

17.—(1) A person who is required under these Regulations to carry out disinfection at any premises or of any thing must—

- (a) use disinfectants approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(2) (“the disinfectants Order”) for the purposes of avian influenza;
- (b) use them at the concentrations approved under the disinfectants Order; and
- (c) use them in accordance with—
 - (i) the instructions of the manufacturer (if any), or
 - (ii) (if different) the instructions of an inspector.

(2) Where cleansing and disinfection of vehicles is required at any premises under these Regulations, the occupier of those premises must provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

Veterinary investigations and marking

18.—(1) An inspector performing functions under these Regulations who enters any premises or inspects any vehicle may—

- (a) mark, or cause to be marked, for identification purposes any bird, mammal, carcase or other thing;
- (b) count birds and mammals;
- (c) take samples from any bird, mammal, carcase or other thing;
- (d) take with him such people and things as he considers necessary.

(2) Any person who enters premises under paragraph (1)(d) may return unaccompanied to take any further steps necessary to carry out the relevant function.

(3) A person shall not deface, obliterate or remove any mark applied under paragraph (1)(a) except with the written authority of an inspector.

Duty to provide reasonable assistance

19.—(1) The occupier of any premises from or to which he wishes any thing to be moved under licence under these Regulations must allow an inspector to enter those premises for the purposes of deciding whether or not such a licence should be granted or maintained.

(2) The occupier must give all reasonable assistance to an inspector who visits the premises to examine the birds and to take samples.

General powers of inspectors

20.—(1) An inspector may, when performing his functions under these Regulations, require by notice the person in charge of any vehicle or equipment to cleanse and disinfect it.

(2) An inspector may—

- (a) cleanse and disinfect any part of premises or any thing on those premises;
- (b) require, by notice, the occupier of any premises to cleanse and disinfect any part of those premises or any thing on those premises;
- (c) require, by notice, the occupier of any premises or the keeper of any poultry or other captive bird—
 - (i) to keep or isolate any poultry, other captive bird or animal in a specified place,
 - (ii) to separate any poultry, other captive bird or animal from any other animal or bird;

(d) require, by notice, the occupier of any premises or the person in charge of any thing to detain or isolate any vehicle, equipment or other thing.

(3) An inspector may require, by notice, the detention and isolation of any vehicle, equipment or other thing to ascertain whether the provisions of these Regulations are being complied with.

Powers of inspectors in case of default

21.—(1) If a person fails to comply with a requirement under these Regulations an inspector may take any steps he considers necessary to ensure the requirement is met or to prevent the spread of avian influenza, at the expense of that person.

(2) The powers of an inspector under paragraph (1) include powers to—

(a) require, by notice, any person to take or refrain from specified action in respect of any place, animal, bird, vehicle, or other thing;

(b) seize and detain any thing.

Enforcement, offences and proceedings

22. The following provisions of the 1981 Order shall apply as if these Regulations were an order made under the 1981 Order—

(a) Article 6 (seizure and destruction of carcasses, etc., liable to spread disease);

(b) Article 42 (functions of constables);

(c) Article 46 (general powers of inspectors);

(d) Article 46A (powers of inspectors relating to Community obligations);

(e) Article 48 (power to detain vessels and aircraft);

(f) Article 52 (offences);

(g) Article 54 (defences and evidence);

(h) Article 55 (extension of time for bringing summary proceedings);

(i) Article 56 (venue); and

(j) Article 57 (proceedings under Customs Acts for unlawful landing or shipping).