
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 68

The Avian Influenza and Influenza of Avian Origin
in Mammals Regulations (Northern Ireland) 2007

PART IV

MEASURES ON CONFIRMATION OF HIGHLY PATHOGENIC AVIAN
INFLUENZA AT PREMISES OTHER THAN A REGULATED PLACE

Disapplication of measures to a regulated place

18. This Part does not apply to a regulated place.

Restrictions on confirmation of highly pathogenic avian influenza

19.—(1) Paragraph (2) applies if the Department confirms that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists on any premises.

(2) The Department must impose by notice served on the occupier of the infected premises the measures in Schedule 2 in addition to the measures in Schedule 1.

(3) Until such time as a notice under paragraph (2) is served, a person who has in his possession or under his charge any poultry or other captive bird confirmed under paragraph (1) to have highly pathogenic avian influenza or highly pathogenic avian influenza virus shall take all steps to ensure that the restrictions and requirements contained in Schedule 2 are complied with.

Killing of birds on premises

20. Subject to regulation 21, the Department must ensure that poultry and other captive birds to be killed on infected premises under paragraph 11 of Part I of Schedule 2 to the 1981 Order are killed there without delay.

Movement of birds off premises for killing

21. If the Department considers that killing birds other than on infected premises would limit the risk of the spread of avian influenza more effectively, it may—

- (a) direct, by notice served on the occupier of the infected premises that killing of the birds specified in the notice be carried out at a place specified in the notice; and
- (b) licence the movement of those birds to that place.

Measures on special category premises

22.—(1) The Department must not licence the movement of any bird which is not killed under paragraph 11 of Part I of Schedule 2 to the 1981 Order from infected premises which are special category premises unless it is satisfied, following tests on the bird, that it is not infectious.

(2) The Department must not licence a movement to another member State unless the movement is authorised by the competent authority of that member State.

(3) The following are special category premises—

- (a) non-commercial premises;
- (b) circuses;
- (c) zoos;
- (d) pet shops;
- (e) wildlife parks;
- (f) fenced areas where poultry or other captive birds are kept for scientific purposes or for purposes related to the conservation of endangered species;
- (g) premises or parts of premises where only breeds of poultry or other captive birds which the Department considers to be rare are kept.

Tracing of meat and eggs from infected premises

23.—(1) Subject to paragraph (2) the Department, or any person authorised by it must endeavour to trace the following from infected premises—

- (a) the meat of all poultry slaughtered during the unregulated period of infection;
- (b) poultry eggs laid at the premises during that period; and
- (c) poultry hatched from such eggs.

(2) The Department need not trace or require the tracing of meat or poultry eggs once they have moved from wholesale or retail premises.

(3) The “unregulated period of infection” in relation to any premises means the period from the date when, in the opinion of the Department, avian influenza may first have been introduced to the premises to the date when measures were imposed in relation to the premises under regulation 10.

(4) In paragraph (1) “authorised” means authorised by notice in writing.

Measures when meat and eggs have been traced

24.—(1) The Department, or any person authorised by it, must—

- (a) dispose of meat traced from infected premises under regulation 23; or
- (b) require its disposal, by notice served on the person in possession of the meat.

(2) The Department, or any person authorised by it, must—

- (a) dispose of eggs traced from infected premises under regulation 23;
- (b) require their disposal, by notice served on the person in possession of the eggs; or
- (c) licence the movement of the eggs directly to an egg processing plant.

(3) The Department must require, by notice served on the occupier of any premises to which poultry already hatched from eggs traced under regulation 23 have been moved, that the poultry are not moved off those premises for at least 21 days from the date they arrived there.

(4) A person moving eggs under a licence granted under paragraph (2)(c) must ensure that—

- (a) each consignment of eggs is sealed by an inspector, or in accordance with the instructions of an inspector, before dispatch;
- (b) vehicles used to transport the eggs to the plant have been cleansed and disinfected before the eggs are loaded.

(5) A person shall not tamper with a seal attached under paragraph (4)(a) or remove it before the consignment arrives at its destination.

Veterinary inquiry at infected premises

25. The Department must ensure that veterinary inquiries continue at all infected premises for such period as it considers necessary.

Identification of contact premises

26.—(1) The Department must serve a notice on the occupier of any premises if it suspects that highly pathogenic avian influenza may have been carried—

- (a) there from other premises; or
- (b) to other premises from there.

(2) Premises in respect of which a notice is served are contact premises for the purposes of this Part.

Restrictions at contact premises

27.—(1) Subject to paragraph (2), the measures in Schedule 1 apply to contact premises until the Department notifies the occupier that those measures are revoked or that the premises are infected premises.

(2) The Department may, by licence or in a notice served on the occupier of contact premises, grant the same derogations in respect of contact premises as it can in respect of suspect premises under regulation 11.

(3) The Department may, by notice served on the occupier of contact premises, also require the occupier to comply with one or more of the measures in Schedule 2.

(4) When considering whether to require an occupier to comply with any of the measures in Schedule 2, the Department must take the following criteria into account—

- (a) the existence of any clinical signs of avian influenza in any birds on the contact premises;
- (b) the susceptibility to avian influenza of the species of poultry on the contact premises;
- (c) any movements of poultry or other captive birds from infected premises to the contact premises after the earliest date an inspector considers avian influenza may have been introduced to the infected premises;
- (d) the density of poultry in the area where the contact premises are located;
- (e) the time passed since avian influenza was first confirmed and how far avian influenza has spread from infected premises;
- (f) the proximity of the contact premises to infected premises;
- (g) epidemiological links between the contact premises and infected premises;
- (h) the extent to which measures to control avian influenza are working.

(5) When considering the proximity of the contact premises to infected premises under paragraph (4)(f), the Department must give particular consideration to whether it should impose measures on premises which are—

- (a) within 500 metres of infected premises; or
- (b) 500 metres or more from infected premises but are in an area with a high density of poultry.

(6) When considering epidemiological links between the contact premises and infected premises in accordance with paragraph (4)(g), the Department must give particular consideration to whether it should impose measures on premises with links to more than one infected premises.

(7) If the Department requires poultry or other captive birds on a contact premises to be killed, it must ensure that samples are taken from the dead birds and tested for avian influenza.

Declaration of a protection, surveillance and restricted zone

28.—(1) On confirmation of highly pathogenic avian influenza on premises in Northern Ireland, the Department must declare a protection zone and a surveillance zone.

(2) On confirmation of highly pathogenic avian influenza in an area of the Republic of Ireland which is less than 3 kilometres from Northern Ireland, the Department must declare a protection zone and a surveillance zone in Northern Ireland of such area as is necessary to complete the protection zone and surveillance zone centered on the outbreak point in the Republic of Ireland.

(3) On confirmation of highly pathogenic avian influenza in an area of the Republic of Ireland which is 3 kilometres or more and up to 10 kilometres from Northern Ireland the Department must—

- (a) declare a surveillance zone in Northern Ireland of such area as is necessary to complete the surveillance zone centered on the outbreak point in the Republic of Ireland; and
- (b) declare a protection zone in Northern Ireland if it considers it necessary to prevent the spread of avian influenza.

(4) The Department may declare protection and surveillance zones in Northern Ireland on confirmation of highly pathogenic avian influenza in an area of the Republic of Ireland which is 10 or more kilometres from Northern Ireland.

(5) The Department must, if it considers it necessary to reduce the risk of the spread of avian influenza, declare one or more restricted zones in addition to protection and surveillance zones.

(6) Paragraphs (1), (2) and (3) do not affect the power of the Department to disapply certain measures under regulations 30(3), 31(3) or to apply alternative measures under regulation 33.

Size of zone

29.—(1) A protection zone declared under paragraph (1) of regulation 28 must (subject to paragraph (8))—

- (a) be centred on the outbreak point; and
- (b) have a radius of at least 3 kilometres.

(2) A surveillance zone declared under paragraph (1) of regulation 28 must (subject to paragraph (8))—

- (a) be centred on the outbreak point; and
- (b) have a radius of at least 10 kilometres.

(3) A restricted zone must—

- (a) either—
 - (i) be centred on the outbreak point; or
 - (ii) be adjacent to the surveillance zone or to another restricted zone; and
- (b) be of such size as the Department considers necessary.

(4) The Department must take account of the criteria set out in paragraph (5) when deciding—

- (a) what size zones to declare under paragraphs (1), (2) or (3) of regulation 28; and
- (b) whether to declare a restricted zone under paragraph (5) of regulation 28.

- (5) The criteria referred to in paragraph (4) are—
- (a) the results of veterinary inquiries;
 - (b) the geographical features of the area around the infected premises;
 - (c) the location and proximity of other premises containing poultry and other captive birds in the area;
 - (d) patterns of movement of and trade in poultry and other captive birds in the area;
 - (e) the facilities and personnel available to control movements within the zone (including any movement of poultry or other captive birds off premises for slaughter and disposal).
- (6) A protection zone and surveillance zone declared under paragraph (4) of regulation 28 must be centred on the outbreak point and must be of such size as the Department considers necessary to reduce the risk of the spread of avian influenza.
- (7) The “outbreak point” means, in relation to any premises where avian influenza has been confirmed, the part of the premises from which the Department considers controlled zones should be measured, given the nature of that case of avian influenza.
- (8) Nothing in this regulation or regulation 55 which requires the Department to declare a zone of a minimum area has the effect of requiring the Department to include land in the Republic of Ireland in such a zone.

Measures in a protection zone

- 30.**—(1) The measures in Schedule 4 apply in respect of a protection zone, subject to paragraph (2) and (3) and regulations 33 and 35.
- (2) Paragraph (3) applies if the Department has carried out a risk assessment and does not believe that the disapplication of any measure under that paragraph would endanger disease control.
- (3) In a declaration of a protection zone the Department may—
- (a) disapply one or more of the measures in Schedule 4 to movements of racing pigeons into, from and within the zone;
 - (b) disapply one or more of the measures in paragraph 14 of Schedule 4 and in regulation 63(2) if—
 - (i) the premises where avian influenza has been confirmed are special category premises; and
 - (ii) avian influenza has been confirmed in poultry on those premises.
- (4) The Department must ensure that—
- (a) premises containing poultry and other captive birds within a protection zone are identified as soon as possible; and
 - (b) an inspector examines poultry and other captive birds at all such premises, carrying out examinations at commercial premises as soon as possible.
- (5) The Department may, notwithstanding paragraph (4)(b), authorise a reduced level of surveillance to that provided for in that paragraph if—
- (a) the premises on which avian influenza is confirmed are special category premises; and
 - (b) it is satisfied that reduced surveillance would not endanger disease control.
- (6) The Department must ensure that such veterinary inquiries as it considers necessary to monitor for avian influenza are carried out at premises to which things are moved within and out of a protection zone.

Measures in a surveillance zone

31.—(1) The measures in Schedule 5 apply in respect of a surveillance zone, subject to paragraph (3) and regulations 33 and 35.

(2) Paragraph (3) applies if the Department has carried out a risk assessment and does not believe that its disapplication of any measure under that paragraph would endanger disease control.

(3) In its declaration of a surveillance zone, the Department may—

- (a) disapply one or more of those measures to movements of racing pigeons into, from and within the zone;
- (b) disapply one or more of the measures in paragraphs 6, 11 or 15 of Schedule 5 if—
 - (i) the premises where avian influenza has been confirmed are special category premises; and
 - (ii) avian influenza has been confirmed in poultry on those premises.

(4) The Department must ensure that all commercial poultry premises within a surveillance zone are identified as soon as possible.

Restrictions on trade in things from areas where measures have been disapplied

32. Unless licenced by the Department, a person shall not supply any of the following for intra-Community or international trade if it has come from premises in respect of which any of the measures in Schedules 4 or 5 have been disapplied under regulations 30 or 31—

- (a) poultry;
- (b) other captive birds;
- (c) hatching eggs;
- (d) used litter;
- (e) manure;
- (f) slurry.

Alternative measures where avian influenza is confirmed at a hatchery or in other captive birds on special category premises

33.—(1) If, following confirmation of highly pathogenic avian influenza at a hatchery or in other captive birds on special category premises, the Department is satisfied that applying less stringent measures than those in regulations 28 to 31 would not endanger disease control, it may decide—

- (a) not to make a declaration of a controlled zone around the premises;
- (b) to declare fewer zones than required under regulation 28;
- (c) to declare a controlled zone smaller in size than provided for in regulation 29;
- (d) to specify in its declaration of a controlled zone that one or more of the measures in Schedules 4 and 5 do not apply in that zone.

(2) The Department must carry out a risk assessment before reaching a decision under paragraph (1).

Measures in a restricted zone

34.—(1) The Department must, in a declaration of a restricted zone under regulation 28(5), apply, in each zone so declared, such measures as it considers necessary to reduce the risk of the spread of avian influenza.

(2) These measures may include some or all of the measures in Schedules 4 and 5 and regulation 35.

Additional measures in a protection and surveillance zone

35.—(1) If the Department considers that action is necessary to reduce the risk of the spread of avian influenza, it must impose by declaration measures additional to those in Schedules 4 and 5 in respect of a protection or surveillance zone.

(2) The power of the Department to declare additional measures includes the power to prohibit or restrict—

- (a) the movement of vehicles or people involved in—
 - (i) the supply of animal feed,
 - (ii) the supply of agricultural equipment,
 - (iii) the collection of eggs,
 - (iv) the transportation of poultry to a designated slaughterhouse,
 - (v) the collection of carcasses for disposal;
- (b) the movement of those working on premises including veterinary surgeons;
- (c) the movement of a person onto any premises including common, unenclosed and waste land and agricultural buildings, notwithstanding the existence of any public or private right of way or any other right of access to, or permission to gain access to, the premises.

(3) The power to prohibit or restrict movement under paragraph (2)(c) applies only in relation to a protection zone and does not include a power to prohibit or restrict movement onto premises by—

- (a) the owner or occupier of the premises;
- (b) a person whose principal residence or place of employment is those premises;
- (c) a person entering under the authority of and in accordance with the conditions of a licence granted by the Department.

(4) In this regulation “veterinary surgeon” means a person who is registered in the register of veterinary surgeons maintained by the Royal College of Veterinary Surgeons or in the supplementary register maintained by the College.

Ending of a protection or surveillance zone

36.—(1) The Department may, by declaration, end a protection zone but must not, in the case of a protection zone declared under paragraph (1), (2) or (3) of regulation 28, do so until—

- (a) at least 21 days have elapsed since the completion at all infected premises in the zone of the preliminary cleansing and disinfection measures referred to in Part II of Schedule 3; and
- (b) a veterinary enquiry has been completed on all premises within the zone identified as containing poultry or other captive birds.

(2) On the ending of a protection zone, the area which formed that protection zone shall become part of the surveillance zone centred on the same outbreak point as the protection zone.

(3) The Department may, by declaration, end a surveillance zone but, in the case of a zone declared under paragraph (1), (2) or (3) of regulation 28, must not do so until at least 30 days have elapsed since the completion at all infected premises in the zone of the preliminary cleansing and disinfection measures referred to in Part II of Schedule 3.