

2007 No. 69

ANIMALS

ANIMAL HEALTH

**The Avian Influenza (Vaccination) Regulations (Northern
Ireland) 2007**

Made - - - - - *9th February 2007*

Coming into operation - *10th February 2007*

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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, makes the following Regulations in exercise of the powers conferred on it by that section.

Citation and commencement

1. These Regulations may be cited as the Avian Influenza (Vaccination) Regulations (Northern Ireland) 2007 and come into operation on 10th February 2007.

Interpretation

2.—(1) In these Regulations—

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

“the Directive” means Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC^(c);

“disinfect” means disinfect with a disinfectant approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972^(d) for the purposes of avian influenza;

“emergency vaccination notice” has the meaning given by regulation 6(1)(b);

“emergency vaccination plan” has the same meaning as it has in Article 53 of the Directive;

“emergency vaccination zone” has the meaning given by regulation 6(1)(a);

“general licence” means a licence granted under these Regulations, which applies to all persons or any class of persons specified therein;

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

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981^(e);

“premises” includes any land, building or place;

“preventive vaccination notice” has the meaning given by regulation 7(1)(b)(ii);

“preventive vaccination plan” has the same meaning as it has in Article 56 of the Directive;

“preventive vaccination zone” has the meaning given by regulation 7(1)(b)(i);

“slaughterhouse” means an establishment used for slaughtering poultry, the meat of which is intended for human consumption;

“specific licence” means a licence granted under these Regulations, which only applies to the applicant therefor;

(a) S.I. 2000/2812

(b) 1972 c. 68

(c) O.J. No. L 10, 14.1.2006, p. 16

(d) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69, S.R. 1995 No. 467 and S.R. 2006 No. 42

(e) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17 and S.I. 1994/1891 (N.I. 6) Articles 19 to 22

“vaccination licence” has the meaning given by regulation 7(1)(a);

“vaccination notice” means either an emergency vaccination notice or a preventive vaccination notice;

“vaccination plan” means either an emergency vaccination plan or a preventive vaccination plan;

“vaccination zone” means either an emergency vaccination zone or a preventive vaccination zone.

(2) Expressions that are not defined in these Regulations and occur in the Directive have the same meaning in these Regulations as they have for the purposes of the Directive.

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

Scope of the Regulations

3. These Regulations do not apply to birds kept in a zoo within the meaning of the Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007(b).

Declarations, notices and licences

4.—(1) A declaration of a vaccination zone—

- (a) must be in writing;
- (b) must state the date on which it shall come into operation and must remain in operation until withdrawn by a further declaration made by the Department;
- (c) may be subject to conditions and may be amended or withdrawn, by a further declaration, at any time;
- (d) must designate the extent of the zone being declared;
- (e) must list or refer to the measures that apply in the zone and if they apply only in part of the zone, specify to which part they apply; and
- (f) must state to which categories of birds the measures apply.

(2) A notice served under these Regulations—

- (a) must be in writing; and
- (b) may be subject to conditions and may be amended, suspended or revoked, by a further notice, at any time.

(3) A vaccination notice served under these Regulations—

- (a) must list or refer to the measures that apply on the premises and, if they apply only on part of the premises, specify to which part they apply; and
- (b) must state to which categories of birds the measures apply.

(4) A licence granted under these Regulations—

- (a) must be in writing;
- (b) may be either a general licence or a specific licence;
- (c) may be subject to such conditions as the Department considers necessary to reduce the risk of the spread of avian influenza;
- (d) may be amended, suspended or revoked at any time—
 - (i) in the case of a general licence, by a notice published so far as is practicable, in the same manner and to the same extent as the licence,

(a) 1954 c. 33 (N.I.)
(b) S.R. 2007 No. 70

- (ii) in the case of a specific licence, by a notice served on the person to whom the licence was granted; and
 - (e) must specify, in the case of a vaccination licence, the matters set out in paragraph (3).
- (5) The Department shall ensure that the extent of any vaccination zone declared, the nature of the restrictions and requirements applicable within it and the dates of its declaration and withdrawal are publicised.
- (6) A person moving any thing under the authority of a specific licence must—
- (a) keep the licence or a copy of it with him at all times during the licenced movement;
 - (b) on demand made by an inspector, produce the licence or copy and allow a copy or extract to be taken; and
 - (c) on such demand, provide his name and address.
- (7) A person moving any thing under the authority of a general licence must—
- (a) keep with him, at all times during the licenced movement, a consignment note that contains details 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 name of the consignee, and
 - (vi) the address of the premises of destination;
 - (b) on demand made by an inspector produce the consignment note and allow a copy or extract to be taken; and
 - (c) on such demand, provide his name and address.

Prohibition on vaccination

5.—(1) A person must not vaccinate any bird against avian influenza except where required by an inspector or under the authority of and in accordance with the conditions of a licence granted by the Department.

- (2) The prohibition in paragraph (1) does not apply to—
- (a) anything done under the authority of a licence granted under Article 4 of the Specified Animal Pathogens Order (Northern Ireland) 1999^(a); or
 - (b) the administration of a vaccine for research purposes in accordance with an animal test certificate granted under regulation 8(2) of The Veterinary Medicines Regulations 2006^(b).

Emergency vaccination

6.—(1) Where the condition in paragraph (2) is fulfilled, the Department must, if it considers it necessary to reduce the risk of the spread of avian influenza—

- (a) declare a zone, in all or any part of Northern Ireland where there are poultry or other captive birds, within which emergency vaccination against avian influenza is required to be carried out (an “emergency vaccination zone”); or
- (b) serve a notice on the occupier of any premises, where there are poultry or other captive birds, on which emergency vaccination against avian influenza is required to be carried out (an “emergency vaccination notice”).

(a) S.R. 1999 No. 434
 (b) S.I. 2006/2407

(2) The condition is that the Department has carried out a risk assessment which indicates that there is a significant and immediate threat of avian influenza spreading within or into Northern Ireland following—

- (a) an outbreak of avian influenza within the United Kingdom;
- (b) an outbreak of avian influenza within a nearby member State; or
- (c) confirmation of the presence of avian influenza in poultry or other captive birds in a nearby third country.

(3) Where an emergency vaccination zone is declared, or an emergency vaccination notice is served, after an emergency vaccination plan has been submitted to and approved by the European Commission in accordance with Articles 53 and 54 of the Directive, the declaration or service of the notice must be in accordance with the provisions of that plan.

(4) Any premises that are partly inside and partly outside an emergency vaccination zone are deemed to be wholly within it.

(5) Nothing in paragraph (1)(a) should deem any part of a premises outside Northern Ireland to be within an emergency vaccination zone.

Preventive vaccination

7.—(1) Where the conditions in paragraph (2) are fulfilled, the Department may, in accordance with the preventive vaccination plan referred to in paragraph (2)(b)—

- (a) grant a licence to the occupier of any premises to vaccinate poultry, other captive birds or any category of poultry or other captive birds on those premises (a “vaccination licence”);
- (b) if it considers it necessary to reduce the risk of the spread of avian influenza—
 - (i) declare a zone in all or any part of Northern Ireland where there are poultry or other captive birds, within which preventive vaccination against avian influenza is required to be carried out (a “preventive vaccination zone”), or
 - (ii) serve a notice on the occupier of any premises, where there are poultry or other captive birds, on which preventive vaccination against avian influenza is required to be carried out (a “preventive vaccination notice”).

(2) The conditions are—

- (a) a risk assessment has been carried out by the Department that indicates that any poultry or other captive birds in any part of Northern Ireland are exposed to a risk of avian influenza; and
- (b) a preventive vaccination plan has been submitted to and approved by the European Commission in accordance with Articles 56 and 57 of the Directive.

(3) Any premises that are partly inside and partly outside a preventive vaccination zone are deemed to be wholly within it.

(4) Nothing in paragraph (1)(b)(i) should deem any part of a premises outside Northern Ireland to be within a preventive vaccination zone.

Declaration of a vaccination zone in the Republic of Ireland

8.—(1) This regulation applies where a programme of vaccination is to be undertaken in the Republic of Ireland.

(2) Where this regulation applies the Department may declare an emergency or preventive vaccination zone in Northern Ireland, or any part of it, of such size as it thinks fit to prevent the spread of disease.

(3) A declaration under this regulation must specify the extent of the emergency or preventive vaccination zone.

Measures applying in a vaccination zone or to premises that are the subject of a vaccination notice or vaccination licence

9.—(1) The Department must, in a declaration of a vaccination zone, a vaccination notice or a vaccination licence, specify who is to carry out the vaccination and that person shall do so in accordance with these Regulations.

(2) In a declaration of a vaccination zone, a vaccination notice or a vaccination licence, the Department may, in accordance with any relevant approved vaccination plan, impose any measures within the vaccination zone or premises which are the subject of a vaccination notice or a vaccination licence, necessary to—

- (a) control the type and quantity of vaccine to be used;
- (b) control the supply and storage of the vaccine and the disposal of any unused vaccine;
- (c) control the administration of the vaccine;
- (d) ensure the keeping of records;
- (e) ensure that the necessary samples from birds are taken;
- (f) ensure that vaccinated birds are identified;
- (g) ensure that notification is given to the Department when vaccination has been completed;
- (h) control the movement of any poultry, other captive birds or their products from one premises within a zone to another within a zone, into or out of the zone or into or out of premises which are the subject of the notice or licence;
- (i) control the release of poultry or other captive birds into the wild;
- (j) ensure adequate biosecurity when any poultry, other captive birds or their products are transported;
- (k) ensure surveillance of poultry or other captive birds within the zone or the premises that are the subject of the notice or licence,

and may impose such other restrictions and conditions as it considers necessary to reduce the risk of the spread of avian influenza.

(3) In paragraph (2) “products” of poultry or other captive birds means any carcase, egg or any other thing originating or made (whether in whole or in part) from poultry or other captive birds or from the carcasses of such birds.

(4) Paragraphs (1) to (3) apply notwithstanding any other requirement or restriction applying in any part of a zone or premises because that part of the zone or premises falls within another zone declared by the Department or is the subject of another notice served by the Department, for the purposes of reducing the risk of the spread of avian influenza or for any other purpose.

(5) Any person moving poultry or other captive birds under this regulation or regulation 10 must keep a record of the date of the movement and the registration of any vehicle used.

(6) A slaughterhouse, egg packing centre or hatchery that is designated under The Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007^(a) is deemed to be designated for the purpose of receiving poultry or eggs (as the case may be) that are moved under the authority of and in accordance with the conditions of a licence.

Emergency vaccination without an approved plan

10.—(1) This regulation applies when the Department declares an emergency vaccination zone or serves an emergency vaccination notice before an emergency vaccination plan has been approved by the European Commission in accordance with Article 54 of the Directive.

(2) A person shall not move any poultry, any other captive birds, their carcasses or any eggs from poultry or other captive birds—

- (a) from premises within the zone to other premises within the zone;

(a) S.R. 2007 No. 68

- (b) into or out of the zone; or
- (c) into or out of premises that are the subject of a notice.

(3) Paragraph (2) does not apply to—

- (a) any of the permitted movements listed in the Schedule if that movement is licenced by the Department;
- (b) the retail distribution of poultry eggs, other than hatching eggs, and movements subsequent to such distribution; or
- (c) the movement of carcasses or eggs for disposal.

(4) The occupier of premises to which day-old chicks, live poultry (except those going for slaughter) or other captive birds are moved under paragraphs 2 and 3 of Part III or Part IV of the Schedule, must ensure that those day-old chicks, poultry or other captive birds are placed in a part of the premises where there is no other poultry.

(5) The occupier of premises to which live poultry (except those going for slaughter) or other captive birds are moved under Part IV of the Schedule, must ensure that those poultry or other captive birds are vaccinated without delay if vaccination is required at those premises by a declaration or emergency vaccination notice under regulation 6(1).

(6) The occupier of a slaughterhouse to which poultry for slaughter are moved under Parts V and VI of the Schedule, must ensure that those poultry are slaughtered without delay.

Failure to vaccinate animals specified for vaccination

11. Any person who knows or suspects that a bird has not been vaccinated as required by the Department must immediately notify the Divisional Veterinary Officer of the Department for the area in which that bird is located.

Slaughter of vaccinated birds

12.—(1) The Department may slaughter or cause to be slaughtered any poultry or other captive bird which has been treated with vaccine against avian influenza.

(2) The power conferred by this regulation extends to taking any action—

- (a) which is required to enable any such bird to be slaughtered; or
- (b) (including making provision for the disposal of carcasses) which is otherwise required for the purposes of these Regulations in connection with the slaughter.

(3) Compensation shall be paid in respect of any bird slaughtered under this regulation and shall be the value of the bird immediately before it was slaughtered.

(4) For the purposes of this regulation, the Diseases of Animals (Valuation) Order (Northern Ireland) 1989^(a) applies to birds slaughtered under this regulation as it applies to birds slaughtered under the 1981 Order.

Cleansing and disinfection of vehicles: provision of facilities, equipment and materials

13. Where cleansing and disinfection of vehicles is required at any premises, the occupier of those premises must provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

Change of occupation of premises under restriction

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

(a) S.R. 1989 No. 5

(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.

Duty to provide reasonable assistance or information

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

(2) A person shall not alter, deface, obscure or remove any mark applied to any bird or thing by an inspector.

False information

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

Retention and production of records

17.—(1) A person who is required to keep a record must—

- (a) retain it for at least twelve months from the date the record is made (unless otherwise required under these Regulations) and;
- (b) produce it on demand to an inspector and provide him with copies if required;

(2) An inspector may enter any premises for the purpose of inspecting any records required to be kept and may—

- (a) copy any such records (in whatever form they are held);
- (b) require any computer records to be produced in a form which can be taken away; and
- (c) take any records away and retain them until he has carried out his functions under these Regulations.

Costs of compliance with these Regulations

18. The costs incurred by any person in taking any action required or in refraining from taking action that is prohibited, must be met by that person unless the Department directs otherwise in writing.

Compliance with a declaration or notice

19.—(1) A person, to whom a declaration or notice applies, shall comply with the requirements or restrictions thereof.

Powers of inspectors

20.—(1) An inspector may 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.
- (3) An inspector may stop, detain and inspect any vehicle to ascertain whether the provisions of these Regulations are being complied with.
- (4) For the purpose of preventing the spread of avian influenza an inspector may, at any time, enter any premises for the purpose of ascertaining whether a power conferred under these Regulations to cause a bird to be vaccinated should be exercised.
- (5) An inspector may at any time enter any premises for the purpose of ascertaining whether a power conferred under these Regulations to cause a bird to be slaughtered should be exercised.
- (6) An inspector may—
- (a) mark, or cause to be marked, for identification purposes any bird or other thing;
 - (b) count birds;
 - (c) take samples from any bird or other thing;
 - (d) take with him such persons and things as he considers necessary.
- (7) Any person who enters premises under paragraph (6)(d) may return to them unaccompanied to take any further steps necessary to execute or enforce these Regulations.
- (8) The owner or person in charge of any bird or carcase of a bird and the owner or occupier and any person employed on or in, any land, building, shed, pen or place where it is kept must provide such facilities and comply with such reasonable requirements of the officer as may be necessary to facilitate the exercise of his powers under paragraph (4).

Powers of inspectors in case of default

- 21.**—(1) Where a person fails to comply with a requirement of these Regulations, an inspector may take any steps he considers necessary to ensure the requirement is met.
- (2) The person in default shall reimburse any reasonable expenses incurred by the Department in taking such steps and any such amount is recoverable summarily.
- (3) An inspector's powers 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; and
 - (b) seize and detain any thing.

Enforcement, offences and proceedings

- 22.**—(1) The following provisions of the 1981 Order shall apply as if these Regulations were an order made under the 1981 Order—
- (a) Article 18 (6) (general provisions relative to slaughter and compensation);
 - (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 54 (defences and evidence)
 - (f) Article 55 (extension of time for bringing summary proceedings);
 - (g) Article 56 (venue);
 - (h) Article 57 (proceedings under Customs Acts for unlawful landing or shipping).

(2) Article 52 of the 1981 Order (offences) applies as if these Regulations were an order made under the 1981 Order except that any term of imprisonment on summary conviction shall not exceed three months.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 9th February 2007.



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

SCHEDULE

Regulation 10

Permitted movements

PART I

Hatching eggs

1.—(1) Provided that the conditions in sub-paragraph (2) are fulfilled, the movement of any hatching egg—

- (a) from premises that are within a vaccination zone to other premises that are within a vaccination zone; or
- (b) from premises that are within a vaccination zone or the subject of a vaccination notice, to premises that are outside a vaccination zone or are not the subject of a vaccination notice.

(2) The conditions are—

- (a) the hatching egg originates from a breeding flock that has been clinically examined by an inspector who has not placed that flock under any restriction;
- (b) it has been disinfected before dispatch in accordance with instructions issued by an inspector; and
- (c) it is to be transported directly to a designated hatchery.

(3) The movement of any hatching egg from premises that are outside a vaccination zone or are not the subject of a vaccination notice, to premises that are within a vaccination zone or the subject of a vaccination notice, provided that it is to be transported directly to a designated hatchery.

PART II

Eggs other than hatching eggs

1.—(1) Provided that the conditions in sub-paragraph (2) are fulfilled, the movement of any egg other than a hatching egg—

- (a) from premises that are within a vaccination zone to other premises that are within a vaccination zone; or
- (b) from premises that are within a vaccination zone or the subject of a vaccination notice, to premises that are outside a vaccination zone or are not the subject of a vaccination notice.

(2) The conditions are that the egg originates from a layer flock which has been clinically examined by an inspector who has not placed that flock under any restrictions and—

- (a) it is being transported to a designated packing centre packed in disposable packaging and all biosecurity measures required by the movement licence are applied; or
- (b) it is being transported to an establishment for the manufacture of egg products as set out in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004(a) to be handled and treated in accordance with Chapter XI of Annex II to Regulation (EC) No 852/2004(b).

(a) O.J. No. L 139, 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.22)

(b) O.J. No. L 139, 30.4.2004, p. 1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.3)

2. The movement of any egg other than a hatching egg from premises that are outside a vaccination zone or, are not the subject of a vaccination notice, to premises that are within a vaccination zone or the subject of a vaccination notice, provided that—

- (a) it is being transported to a designated packing centre packed in disposable packaging and all biosecurity measures required by the movement licence are applied; or
- (b) it is being transported to an establishment for the manufacture of egg products as set out in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004 to be handled and treated in accordance with Chapter XI of Annex II to Regulation (EC) No 852/2004.

PART III

Day-old chicks

1. The movement of any day-old chick from premises that are within a vaccination zone to other premises that are within a vaccination zone provided that it originates from a hatching egg satisfying the conditions set out in Part I paragraph 1(2).

2. The movement of any day-old chick from premises that are within a vaccination zone or the subject of a vaccination notice, to premises that are outside a vaccination zone or are not the subject of a vaccination notice, provided that—

- (a) it has not been vaccinated; and
- (b) it originates from a hatching egg satisfying the conditions set out in Part I paragraph 1(2) or Part II paragraph 1.

3. The movement of any day-old chick from premises that are outside a vaccination zone or are not the subject of a vaccination notice, to premises that are within a vaccination zone or the subject of a vaccination notice.

PART IV

Live poultry or other captive birds

1. The movement of any live poultry (except those going for slaughter) or other captive bird from premises that are within a vaccination zone to other premises that are within a vaccination zone provided that—

- (a) it has been vaccinated against avian influenza if vaccination is required at the premises from which it is being moved by a declaration or vaccination notice under regulation 6(1); and
- (b) it has been clinically examined by an inspector who has not placed it under any restrictions.

2. The movement of any live poultry (except those going for slaughter) or other captive bird from premises that are within a vaccination zone or the subject of a vaccination notice, to premises that are outside a vaccination zone or are not the subject of a vaccination notice, provided that—

- (a) it has not been vaccinated; and
- (b) it has been clinically examined by an inspector who has not placed it under any restrictions.

3. The movement of any live poultry (except those going for slaughter) or other captive bird from premises that are outside a vaccination zone or are not the subject of a vaccination notice, to premises that are within a vaccination zone or the subject of a vaccination notice.

PART V

Vaccinated poultry for slaughter

1.—(1) Provided that the conditions in sub-paragraph (2) are fulfilled, the movement of any vaccinated poultry for slaughter—

- (a) from premises that are within a vaccination zone to a designated slaughterhouse that is within a vaccination zone; or
- (b) from premises that are within a vaccination zone, or the subject of a vaccination notice, to a designated slaughterhouse that is outside a vaccination zone.

(2) The conditions are—

- (a) the poultry has been vaccinated with a vaccine specified in the declaration or emergency vaccination notice under regulation 6(1);
- (b) it has been clinically examined and tested before loading by an inspector who has not placed it under any restrictions;
- (c) it has been clinically inspected by an inspector within 48 hours before loading and if appropriate any sentinel birds on the premises have also been examined by an inspector; and
- (d) it is to be sent directly to a designated slaughterhouse.

PART VI

Unvaccinated poultry for slaughter

1.—(1) Provided that the conditions in sub-paragraph (2) are fulfilled, the movement of any unvaccinated poultry for slaughter—

- (a) from premises that are within a vaccination zone to a designated slaughterhouse that is within a vaccination zone; or
- (b) from premises that are within a vaccination zone, or the subject of a vaccination notice, to a designated slaughterhouse that is outside a vaccination zone.

(2) The conditions are—

- (a) the poultry has been clinically examined before loading by an inspector who has not placed it under any restrictions; and
- (b) it is to be sent directly to a designated slaughterhouse.

2. The movement of any poultry for slaughter from premises that are outside a vaccination zone or, are not the subject of a vaccination notice, to premises that are within a vaccination zone or the subject of a vaccination notice, provided that they are to be sent directly to a designated slaughterhouse.

PART VII

Movement of live poultry or other captive birds out of the United Kingdom

1. The movement of any live poultry or other captive birds out of the United Kingdom from premises that are within a vaccination zone or the subject of a vaccination notice provided that the movement is authorised by the receiving member State.

PART VIII

Interpretation

1. In this Schedule, premises that are expressed to be “designated” are those which are deemed to be designated in accordance with regulation 9(6).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose for Northern Ireland, Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (O.J. No. L10, 14.1.2006, p. 16) insofar as it deals with vaccination against avian influenza.

Regulation 5 imposes a general prohibition on vaccination of birds against avian influenza except where licenced by the Department.

Regulations 6 permits the Department, if it considers it necessary to reduce the risk of the spread of avian influenza, to declare a vaccination zone in an area that contains poultry or other captive birds that it considers should be vaccinated or to serve a vaccination notice on premises where such birds are kept. Regulation 7 also permits the Department to grant a licence to occupiers of premises that permit vaccination of birds or certain categories of birds, on those premises. Such a measure can only be carried out on a preventive basis and where a risk assessment indicates that birds on the premises are exposed to a risk of avian influenza. Such measures can only be carried out in accordance with a vaccination plan approved by the European Commission and where a risk assessment has been carried out that has indicated that there is a significant and immediate threat of avian influenza spreading within or into Northern Ireland or that certain areas or birds are in any event exposed to a risk of avian influenza. These measures will be emergency or preventive, depending on the nature of the risk.

Regulation 8 provides for the declaration of a vaccination zone in the event of a programme of vaccination within certain parameters in the Republic of Ireland.

Regulation 9 provides for measures applying in a vaccination zone or premises that are the subject of a vaccination notice or a vaccination licence. Regulation 10 provides that where emergency vaccination is undertaken before the European Commission has approved the national emergency vaccination plan, there is a general prohibition on the movement of poultry, other captive birds and their eggs from one premises within an emergency vaccination zone to another within an emergency vaccination zone, into or out of any emergency vaccination zone and into or out of any premises that is the subject of a vaccination notice unless the movement is one of the permitted movements listed in the Schedule and the movement is licenced.

Regulation 11 makes provision for birds which ought to have been included in a vaccination programme but were not for any reason vaccinated.

Regulation 12 provides for the slaughter of vaccinated poultry or other captive birds.

Regulation 13 requires occupiers to provide facilities, equipment and materials where cleansing and disinfection of vehicles is required on their premises.

Regulation 14 provides for the feeding and tending of birds which cannot be moved on termination of a right of occupation of premises because of a restriction imposed by the Regulations.

Regulations 15 to 22 relate to provision of information, powers of inspectors, records and offences.