

## SCHEDULE

### THE NORTHERN IRELAND POULTRY HEALTH ASSURANCE SCHEME

## PART I

### INTRODUCTION

#### **Interpretation**

1. For the purposes of this Schedule—

“audit inspection” means a supplementary check to verify application of hygiene measures and the operation of the establishment in accordance with the conditions laid down in Chapter II of Council Directive [2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs;

“designated laboratory” means a laboratory designated by the Department for the purposes of this Order;

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

“the Directive” means Council Directive [2009/158/EC](#) (on animal health conditions governing intra-Community trade in, and imports from third countries, of poultry and hatching eggs) as amended from time to time;

“Fees Order” means The Northern Ireland Poultry Health Assurance Scheme (Fees) Order (Northern Ireland) 2011; and

“inspector” means a person appointed to be an inspector for the purposes of this Order by the Department and includes a veterinary inspector.

#### **Competent Authority**

2. The Department is the competent authority for the purposes of the Directive.

#### **Approvals and notices**

3. Any approval granted or notice issued by the Department under this Order—
  - (a) may be subject to conditions;
  - (b) shall be in writing; and
  - (c) may be amended, suspended or withdrawn by a further notice in writing served on the same person at any time.

#### **Exports**

- 4.—(1) A person shall not export to another Member State any hatching eggs, day-old chicks or poultry to which Article 6 of the Directive applies unless they originate from an establishment that—
  - (a) is a member of the monitoring scheme, known as the Northern Ireland Poultry Health Assurance Scheme, operated by the Department in accordance with this scheme; and
  - (b) conforms with the requirements of Annex II to the Directive,

*Status: This is the original version (as it was originally made).*

and to do so is an offence under regulation 5(1) of the Trade in Animals and Related Products Regulations (Northern Ireland) 2011(1).

(2) An establishment to which paragraph (1)(a) applies is to be considered an approved establishment for the purpose of Article 6(a)(i) of the Directive.

(3) If the Department has reasonable cause to suspect that an establishment which has been withdrawn or suspended from the Scheme intends to export any hatching eggs, day-old chicks or poultry in contravention of paragraph (1), it may by notice served on the consignor, his representative or person appearing to be in charge of the hatching eggs, day-old chicks or poultry—

- (a) prohibit that exportation of those hatching eggs, day-old chicks or poultry; and
- (b) require that person immediately to detain them at such place as may be specified in the notice and to take such further action in relation to it as may be so specified.

(4) If any hatching eggs, day-old chicks or poultry have been exported to a Member State in contravention of paragraph (1) and returned to Northern Ireland (whether with the authorisation of the Department or not), the Department may by notice served on the person appearing to it to be in charge of the hatching eggs, day-old chicks or poultry, the consignor or his representative—

- (a) prohibit the re-export of those hatching eggs, day-old chicks or poultry, whether to the same or another Member State; and
- (b) require that person immediately to detain them at such place as may be specified in the notice and take such further action in relation to them as may be so specified.

(5) In the event of a notice served under paragraph (3) or (4) not being complied with, an inspector may seize or cause to be seized any hatching eggs, day-old chicks or poultry to which it relates and arrange for the requirements of the notice to be complied with.

### **Powers of inspectors**

5.—(1) An inspector may, on producing, if required to do so, some duly authenticated document showing his authority, at all reasonable hours enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of this Order.

(2) An inspector may carry out all checks and examinations necessary for the enforcement of the Directive, and in particular may—

- (a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (b) take samples (and, if necessary, send the samples for laboratory testing) from any hatching eggs, day-old chicks or poultry being transported in the course of intra-Community trade;
- (c) examine documentary or data processing material relevant to the checks carried out under this Order; and
- (d) be accompanied by a representative of the European Commission acting for the purposes of the Directive.

(3) In this paragraph “premises” includes any place, installation, road, or rail vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

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(1) [S.R. 2011 No. 438](#)