

**2003 No. 1734**

**ANIMALS, ENGLAND AND WALES**

**ANIMAL HEALTH**

**The Avian Influenza and Newcastle Disease (England and  
Wales) Order 2003**

*Made* - - - - - *10th July 2003*

*Coming into force* *11th July 2003*

The Secretary of State, in exercise of the powers conferred on her by sections 16A, 32A and 62D(2) of the Animal Health Act 1981(a) makes the following order, a draft of which has been approved by resolution of each House of Parliament:

**Title, commencement and extent**

1. This Order may be cited as the Avian Influenza and Newcastle Disease (England and Wales) Order 2003, comes into force on the day after the day on which it is made and extends to England and Wales.

**Application of section 16A of the Animal Health Act 1981**

2. Avian influenza and Newcastle disease are specified as diseases to which section 16A of the Animal Health Act 1981 (slaughter of vaccinated animals) applies(b).

**Definition of disease in section 62D of the Animal Health Act 1981**

3. For the purposes of section 62D(2) of the Animal Health Act 1981 (tests and samples: power of entry), disease includes avian influenza and Newcastle disease.

**Amendments to Schedule 3 to the Animal Health Act 1981**

4.—(1) Schedule 3 to the Animal Health Act 1981 is amended in accordance with the provisions of this article.

(2) After paragraph 5(1)(a), “or” is deleted.

(3) After paragraph 5(1)(b), the following is inserted—

“(c) any poultry the Secretary of State thinks should be slaughtered with a view to preventing the spread of avian influenza or Newcastle disease.”

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(a) 1981 c.22. Sections 16A, 32A and 62D were inserted by sections 5, 2 and 9 of the Animal Health Act 2002 c.42.

(b) For the application of section 16A to poultry, see section 87(4) of the Animal Health Act 1981.

(4) After paragraph 5(1), the following is inserted—

“(1A) The Secretary of State may exercise the power under sub-paragraph (1)(c) whether or not poultry—

- (a) are affected with avian influenza or Newcastle disease or suspected of being so affected;
- (b) are or have been in contact with poultry so affected;
- (c) have been exposed to the infection of avian influenza or Newcastle disease;
- (d) have been treated with vaccine against avian influenza or Newcastle disease.”.

10th July 2003

*Ben Bradshaw*  
Parliamentary Under-Secretary of State,  
Department for Environment, Food and Rural Affairs

### EXPLANATORY NOTE

*(This note is not part of the Order)*

1. This Order, which extends to England and Wales, provides that avian influenza and Newcastle disease are diseases to which section 16A of the Animal Health Act 1981 (“the Act”), as amended by the Animal Health Act 2002 c.42 (slaughter of vaccinated animals) applies (article 2). It provides that, for the purposes of section 62D of the Act (tests and samples: powers of entry), the definition of disease includes avian influenza and Newcastle disease (article 3). It amends Schedule 3 to the Act, adding to the categories of poultry which may be slaughtered in England and Wales any poultry which the Secretary of State thinks should be slaughtered with a view to preventing the spread of avian influenza or Newcastle disease (article 4).

2. A Regulatory Impact Assessment has not been prepared in respect of this Order.

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