

**2007 No. 405**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Poultry Breeding Flocks and Hatcheries (England) Order  
2007**

*Made* - - - - - *14th February 2007*

*Coming into force* - - - - - *7th March 2007*

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The Secretary of State, in exercise of the powers conferred by sections 1 and 8 of the Animal Health Act 1981<sup>(a)</sup> and now vested in him, makes the following Order:

## PART 1

### Introduction

#### **Title, commencement and application**

**1.** This Order—

- (a) may be cited as the Poultry Breeding Flocks and Hatcheries (England) Order 2007;
- (b) comes into force on 7th March 2007; and
- (c) applies in England.

#### **Interpretation**

**2.** In this Order—

“approved laboratory” means a laboratory approved by the Secretary of State for the purposes of this Order;

“breeding flock” means a flock kept for the production of eggs intended for incubation;

“building” includes a shed and any part of a building that has its own ventilation system and is separated from other parts of the building by a solid partition;

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<sup>(a)</sup> 1981 c.22. Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) and were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

“chick” means a bird less than 72 hours old that has not been fed;

“flock” means poultry of the same health status kept on the same holding or in the same enclosure and constituting a single epidemiological unit and, in the case of housed poultry, includes all birds sharing the same airspace;

“layer breeder” means poultry kept for the production of eggs intended for the incubation and hatching of chicks—

(a) that will be grown to produce eggs for human consumption, or

(b) whose progeny will be grown to produce eggs for human consumption;

“meat breeder” means poultry kept for the production of eggs intended for the incubation and hatching of chicks—

(a) that will be grown to produce meat for human consumption, or

(b) whose progeny will be grown to produce meat for human consumption;

“occupier” means, in relation to any hatchery or holding, the person in charge of the hatchery or holding;

“poultry” means domestic fowls, turkeys, geese and ducks.

### **Competent authority**

3. The Secretary of State is the competent authority for the purposes of—

(a) Commission Regulation (EC) No 1003/2005 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No 2160/2003(a) (in this Order, referred to as “the Commission Regulation”); and

(b) Commission Regulation (EC) No 1177/2006 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards requirements for the use of specific control methods in the framework of the national programmes for the control of salmonella in poultry(b) (in this Order, referred to as “Commission Regulation 1177/2006”).

## **PART 2**

### **Notification of hatcheries and breeding flocks**

#### **Notification of hatcheries**

4.—(1) The occupier of a poultry hatchery with a total incubator capacity of 1000 eggs or more must notify the Secretary of State of the information in Schedule 1, paragraph 1—

(a) within three months of the coming into force of this Order; or

(b) in the case of such a hatchery established after the date this Order comes into force, within three months of the establishment of the hatchery.

(2) The occupier must notify the Secretary of State of any change or addition to that information within three months of the change or addition.

(3) This article does not apply to any occupier who has notified the Secretary of State of that information under any other enactment.

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(a) OJ No L 170, 1.7.2005, p.12. This Regulation extends to the EEA through Decision of the EEA Joint Committee No 101/2006 amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement (OJ No L 333, 30.11.2006, p.6).  
(b) OJ No L 212, 2.8.2006, p.3.

### **Notification of breeding flocks**

5.—(1) The occupier of a holding on which one or more breeding flocks of at least 250 poultry of any single species are kept must notify the Secretary of State of the information in Schedule 1, paragraph 2—

- (a) within three months of the coming into force of this Order; or
- (b) in the case of such a holding established after the date this Order comes into force, within three months of the establishment of the holding.

(2) The occupier must notify the Secretary of State of any change or addition to that information within three months of the change or addition.

(3) This article does not apply to any occupier who has notified the Secretary of State of that information under any other enactment.

## **PART 3**

### **Control of salmonella in *Gallus gallus***

#### **CHAPTER 1**

##### **Duties of an occupier**

#### **Application of Chapter 1**

6. This Chapter applies in relation to any holding on which one or more breeding flocks of at least 250 domestic fowl of the species *Gallus gallus* are kept, and any reference in this Chapter to an occupier is a reference to an occupier of such a holding.

#### **Notification of arrival of breeding flocks**

7.—(1) The occupier must notify the Secretary of State of the expected date of arrival at the holding of every breeding flock of at least 250 domestic fowl of the species *Gallus gallus*.

(2) The notification must be made at least two weeks before the expected date of arrival.

#### **Notification of movement to laying phase etc.**

8.—(1) The occupier must notify the Secretary of State of the date that he expects each breeding flock on the holding to—

- (a) move to the laying phase or laying unit; and
- (b) reach the end of the production cycle.

(2) The notification must be made at least two weeks before the breeding flock is expected to move to the laying phase or laying unit.

#### **Sampling of breeding flocks**

9.—(1) The occupier must take samples from each breeding flock on the holding at the following times—

- (a) when the birds in the flock are chicks;
- (b) when the birds in the flock are four weeks old;
- (c) two weeks before the date the flock is expected to come into lay or move to the laying phase or laying unit; and
- (d) every second week during the laying period.

(2) Sampling under paragraph (1)(a) to (c) must be done in accordance with Schedule 2 to this Order and sampling under paragraph (1)(d) must be done in accordance with point 2.2.2.1 of the Annex to the Commission Regulation (routine sampling at the initiative of the operator).

### **Submission of samples to an approved laboratory**

**10.**—(1) The occupier must dispatch the samples taken under article 9 to an approved laboratory for the purposes of testing for the presence of salmonella.

(2) He must dispatch the samples within—

- (a) 24 hours of being taken; or
- (b) 48 hours of being taken if he places the samples in a refrigerator at a temperature of between 1° and 4° C as soon as practicable on the day they are taken.

(3) He must ensure that the samples are identified prior to dispatch so as to enable the approved laboratory to determine—

- (a) the name of the occupier;
- (b) the address of the holding on which the breeding flock from which the samples were taken are kept;
- (c) the type of samples;
- (d) the date on which the samples were taken;
- (e) the identification of the breeding flock sampled;
- (f) the age of the breeding flock sampled;
- (g) whether the breeding flock from which the samples were taken is a flock of layer breeders or meat breeders; and
- (h) the status in the breeding pyramid of the breeding flock from which the samples were taken.

### **Records of samples**

**11.**—(1) The occupier must—

- (a) keep a record of the information in Schedule 3, paragraph 1, in respect of each sample taken in accordance with article 9; and
- (b) by 30th June and 31st December each year, notify the Secretary of State of that information in respect of sampling undertaken in the six months prior to notification.

(2) He must keep the record in paragraph (1)(a) for two years from the date the sample was taken.

### **Records of movements**

**12.**—(1) The occupier must keep a record of the information in Schedule 3, paragraph 2, in respect of the movement to and from the holding of any domestic fowl of the species *Gallus gallus* or their chicks or eggs.

(2) He must keep the record for two years from the date of the movement.

## **CHAPTER 2**

### **Duties of approved laboratories**

#### **Duties of an approved laboratory**

**13.**—(1) The person in charge of an approved laboratory must ensure that the examination of samples submitted to it under article 10 begins within 48 hours of receipt of those samples.

(2) He must ensure that—

- (a) the samples are prepared as follows—
  - (i) chick box liners must be prepared in accordance with Schedule 4 to this Order;
  - (ii) boot swabs' samples must be prepared in accordance with point 3.1.2 of the Annex to the Commission Regulation; and
  - (iii) any other samples of faeces must be prepared in accordance with point 3.1.3 of that Annex;
- (b) the samples are tested for salmonella in accordance with the method in point 3.2 of that Annex; and
- (c) the result of any test on any sample is reported in writing as soon as practicable to the occupier who submitted it.

## CHAPTER 3

### Use of antimicrobials and vaccines

#### **Prohibition on the use of antimicrobials**

14. No person may administer any antimicrobial to any bird in a breeding flock of domestic fowl of the species *Gallus gallus* as a specific method to control salmonella in breach of Article 2 of Commission Regulation 1177/2006 (use of antimicrobials).

#### **Prohibition on the use of vaccines**

15. No person may administer any live salmonella vaccine to any bird in a breeding flock of domestic fowl of the species *Gallus gallus* in breach of Article 3(1) of Commission Regulation 1177/2006 (use of vaccines).

## PART 4

### Miscellaneous

#### **Hatchery records**

16.—(1) The occupier of a hatchery with a total incubator capacity of 1000 eggs or more and containing domestic fowl of the species *Gallus gallus* or their eggs must keep a record of—

- (a) the information in Schedule 3, paragraph 3, in respect of the movement of any eggs of domestic fowl of the species *Gallus gallus* to and from the hatchery; and
- (b) the information in Schedule 3, paragraph 4, in respect of the movement of any chicks of domestic fowl of the species *Gallus gallus* from the hatchery.

(2) He must keep the record for two years from the date of the movement.

#### **Production of records**

17. Any person required to keep a record under this Order must produce it to an inspector or officer of the Secretary of State on demand at any reasonable time and allow a copy of it to be made or an extract from it to be taken.

#### **Tampering with samples**

18. A person must not tamper with a sample or do anything to it that is likely to affect the result of any test required to be carried out under this Order, except as provided for in this Order.

### **Powers of Secretary of State in cases of default**

19. If any person fails to take any action under this Order, an inspector may take, or cause to be taken, such action and his expenses reasonably incurred are recoverable by the Secretary of State from the person in default.

### **Enforcement**

20.—(1) This Order is enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or any particular case, that he will enforce this Order instead of the local authority.

### **Revocation**

21. The Poultry Breeding Flocks and Hatcheries Order 1993(a) is revoked in relation to England.

14th February 2007

*Ben Bradshaw*  
Minister of State  
Department for Environment, Food and Rural Affairs

## **SCHEDULE 1**

Articles 4 and 5

### **Hatchery and breeding flock information**

#### **Information in relation to hatcheries**

1. The information to be notified is—

- (a) the name, address and telephone number of the occupier;
- (b) the address and telephone number of the hatchery;
- (c) the incubator capacity of the hatchery; and
- (d) the species of poultry hatched at the hatchery.

#### **Information in relation to breeding flocks**

2. The information to be notified is—

- (a) the name, address and telephone number of the holding;
- (b) the name, address and telephone number of the occupier and of the person who owns each breeding flock on the holding;
- (c) the number of breeding flocks on the holding;
- (d) the identification of each breeding flock on the holding;
- (e) the species in each breeding flock on the holding;
- (f) the number of poultry in each breeding flock on the holding;
- (g) whether the poultry in each breeding flock on the holding are layer breeders or meat breeders; and
- (h) the status of each breeding flock on the holding in the breeding pyramid.

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(a) S.I. 1993/1898.

## SCHEDULE 2

Article 9(2)

### Sampling of breeding flocks

#### Sampling of chicks

1.—(1) The following samples are to be taken when the birds are chicks—

- (a) 1 chick box liner, up to a maximum of 10, for every 500 chicks delivered from the hatchery; and
- (b) the carcasses of all chicks, up to a maximum of 60, from each hatchery that are dead on arrival at the holding.

(2) In this paragraph, “chick box liner” means any material used to line a box or other container in which chicks are transported from the hatchery to the holding.

#### Sampling of four-week-old birds etc.

2.—(1) The following samples are to be taken from each flock of four-week-old birds and each flock two weeks before it comes into lay or moves to the laying phase or laying unit—

- (a) a minimum of two pairs of boot swabs; or
- (b) a composite faeces sample.

(2) In this paragraph, “a composite faeces sample” means a sample of faeces consisting of a number of individual samples calculated in accordance with the following Table, each of which weighs not less than 1 gram and is taken from a site selected at random to represent the building or group of buildings on the holding from which it is taken.

#### Table

The number of sites from which separate faeces samples are to be taken in order to make a composite sample are as follows—

<i>Number of birds kept in a building</i>	<i>Number of faeces samples to be taken in the building</i>
1-24	Number equal to the number of birds, up to a maximum of 20
25-29	20
30-39	25
40-49	30
50-59	35
60-89	40
90-199	50
200-499	55
500 or more	60

## SCHEDULE 3

Articles 11, 12 and 16

### Record-keeping requirements

#### Samples

1. The information to be recorded is—

- (a) the type of sample taken;
- (b) the date on which the sample was taken;



- (c) the identification of the breeding flock from which the sample was taken;
- (d) the age of the breeding flock sampled;
- (e) the approved laboratory to which the sample was sent; and
- (f) the result of any test on any sample reported to the occupier in accordance with article 13(2)(c).

**Movements of domestic fowl of the species *Gallus gallus* to and from holdings**

2. The information to be recorded is—
- (a) the date of the movement;
  - (b) the number of domestic fowl, chicks or eggs moved;
  - (c) the age of the domestic fowl or chicks moved;
  - (d) in the case of the movement of an entire breeding flock of domestic fowl, the identification of that flock;
  - (e) the identity of the building or group of buildings into which any domestic fowl, chicks or eggs moved to the holding were placed or from which domestic fowl, chicks or eggs were moved from the holding;
  - (f) in the case of any domestic fowl, chicks or eggs moved to the holding, the address from which they were moved to the holding; and
  - (g) in the case of any domestic fowl, chicks or eggs moved from the holding, the address to which they were moved.

**Movements of eggs to and from a hatchery**

3. The information to be recorded is—
- (a) the date of the movement;
  - (b) the number of eggs moved;
  - (c) the address of the premises from which the eggs were moved, in the case of eggs moved to the hatchery; and
  - (d) the address of the premises to which the eggs were moved, in the case of eggs moved from the hatchery.

**Movements of chicks from a hatchery**

4. The information to be recorded is—
- (a) the date of the movement;
  - (b) the number of chicks moved; and
  - (c) the address of the premises to which the chicks were moved.

**SCHEDULE 4**

Article 13(2)(a)(i)

**Preparation of chick box liners**

**Preparation of the samples**

1. Chick box liners must be prepared as follows—
- (a) a minimum 1 gram portion is to be taken from a soiled area on each liner; and
  - (b) the portions from separate liners must be bulked together and placed in Buffered Peptone Water (BPW) at the rate of not more than 1 gram of liner for every 10 ml of BPW.

## EXPLANATORY NOTE

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

This Order revokes and remakes the Poultry Breeding Flocks and Hatcheries Order 1993 (S.I. 1993/1898).

Article 4 requires the occupier of a poultry hatchery with a total incubator capacity of 1000 eggs or more to notify the Secretary of State. Article 5 requires the occupier of a holding on which breeding flocks of 250 poultry or more are kept to notify the Secretary of State.

The Order implements the national control programme for domestic fowl of the species *Gallus gallus*—

- (a) required by Article 5 of Regulation (EC) No 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents (OJ No L 325, 12.12.2003, p1); and
- (b) approved by the European Commission in accordance with Article 6 of that Regulation.

The national control programme is available from Surveillance, Zoonoses and Emerging Issues Division, Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ or from the Defra website ([www.defra.gov.uk](http://www.defra.gov.uk)).

The Order enforces Commission Regulation (EC) No 1003/2005 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No 2160/2003 (OJ No L 170, 1.7. 2005, p.12).

Articles 6 to 12 apply to the occupier of a holding on which breeding flocks of domestic fowl of the species *Gallus gallus* are kept. Article 7 requires the occupier to notify the Secretary of State of the arrival of breeding flocks at the holding and article 8 requires him to notify when those flocks will move to the laying phase or laying unit and reach the end of the production cycle. Article 9 requires him to take samples from those flocks and article 10 requires him to submit those samples to an approved laboratory for testing for salmonella. Articles 11 and 12 impose record-keeping requirements on the occupier.

Article 13 sets out the duties of an approved laboratory to prepare and test the samples and report the results of tests to the occupier.

Article 14 prohibits the administering of any antimicrobial to domestic fowl of the species *Gallus Gallus*, other than in accordance with Article 2 of Commission Regulation (EC) No 1177/2006 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards requirements for the use of specific control measures in the framework of the national programmes for the control of salmonella in poultry (OJ No L 212, 2.8.2006, p.3). Article 15 prohibits the administering of any live salmonella vaccine to such species, other than in accordance with Article 3(1) of that Regulation.

Article 16 imposes record-keeping requirements on the occupier of a poultry hatchery.

The Order is enforced by the local authority. Breach of the Order is an offence under section 73 of the Animal Health Act 1981 (c.22), punishable in accordance with section 75 of that Act.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the above address and is annexed to the Explanatory Memorandum which is available alongside the instrument on the Office of Public Sector Information website.

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STATUTORY INSTRUMENTS

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**2007 No. 405**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Poultry Breeding Flocks and Hatcheries (England) Order  
2007**

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