

**2009 No. 3271**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Control of Salmonella in Turkey Flocks Order 2009**

*Made* - - - - *8th December 2009*  
*Coming into force* - - *1st January 2010*

The Secretary of State makes this Order in exercise of the powers conferred by sections 1 and 8 of the Animal Health Act 1981(a) and paragraph 1A of Schedule 2 to the European Communities Act 1972(b).

The Secretary of State considers it expedient that references to the Community instruments implemented by these Regulations should have effect as references to those instruments as amended from time to time.

**Title, application and commencement**

1. This Order may be cited as the Control of Salmonella in Turkey Flocks Order 2009; it applies in England and comes into force on 1st January 2010.

**Interpretation**

2.—(1) In this Order—

“turkey flock” means—

- (a) a flock of more than 250 turkeys kept for breeding;
- (b) a flock of more than 500 turkeys kept for the production of meat intended for human consumption unless—
  - (i) less than 10,000 individual turkeys are kept in any 12 month period at the holding where the flock is found, and
  - (ii) all the meat is supplied to the final consumer or to local retail establishments.

---

(a) 1981 c. 22. Functions conferred under the Animal Health Act 1981 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). The functions of the Secretary of State under the Animal Health Act 1981 are, so far as are exercisable in relation to Wales, vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) article 2; see the entry in Schedule 1 for the Animal Health Act 1981 (c. 22). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers immediately after the end of the initial period as defined by section 161(5) of that Act. The functions of the Secretary of State under the Animal Health Act 1981 (c. 22) are, so far as they are exercisable in relation to Scotland, vested in the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46).

(b) 1972 c. 68.

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

“holding” means any holding on which one or more turkey flocks are kept or are intended to be kept;

“occupier” means, in relation to any holding, the person in charge of the holding.

(2) In these Regulations, a reference to—

- (a) Regulation (EC) No 584/2008 is a reference to Commission Regulation (EC) No 584/2008 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of *Salmonella enteritidis* and *Salmonella typhimurium* in turkeys(a),
- (b) Regulation (EC) No 646/2007 is a reference to Commission Regulation (EC) No 646/2007 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of *Salmonella enteritidis* and *Salmonella typhimurium* in broilers and repealing Regulation (EC) No 1091/2005(b),
- (c) Regulation (EC) No 1177/2006 is a reference to 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(c),

in each case as amended from time to time.

### **Competent authority**

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

- (a) Regulation (EC) No 584/2008;
- (b) Regulation (EC) No 646/2007; and
- (c) Regulation (EC) No 1177/2006.

### **Sampling**

4.—(1) The occupier must carry out sampling in accordance with points 1 and 2 of the Annex to Regulation (EC) No 584/2008 and must despatch samples to an approved laboratory in accordance with point 3.1 of that Annex (and for the purposes of that point “express mail” includes first class post).

(2) In relation to each sample the occupier must provide the following information—

- (a) the name of the occupier;
- (b) the address of the holding;
- (c) the type of samples;
- (d) the date on which the samples were taken;
- (e) the identification of the flock, where there is more than one flock on the holding;
- (f) the date on which the flock moved onto the holding;
- (g) the age of the flock.

### **Records of samples**

5.—(1) The occupier must, as soon as is reasonably practicable after taking a sample, record—

---

(a) OJ No L 162, 21.6.2008, p 3.  
(b) OJ No L 151, 13.6.2007, p 21.  
(c) OJ No L 212, 2.8.2006, p 3.

- (a) the type of sample taken;
  - (b) the date on which the sample was taken;
  - (c) where there is more than one flock on the holding, the identification of the flock from which the sample was taken;
  - (d) the age of the flock sampled;
  - (e) the laboratory to which the sample was sent;
  - (f) intended date of slaughter of the flock sampled.
- (2) The occupier must record the result of each test when it is received from the laboratory.

#### **Records of movements**

6. When birds are moved on to or off a holding the occupier must record for each flock—
- (a) the date of the movement;
  - (b) whether the movement was onto or off the holding;
  - (c) the number of birds moved;
  - (d) the age of the birds moved;
  - (e) in the case of the movement of an entire flock, the identification of that flock, where there is more than one flock on the holding;
  - (f) the identity of the building or group of buildings into or from which the birds were moved;
  - (g) the address of the holding that they came from or the slaughterhouse or holding they were sent to.

#### **Duties of the person in charge of a laboratory**

7. Where a laboratory tests samples, the person in charge of the laboratory must ensure that they are tested in accordance with point 3 of the Annex to Regulation (EC) No 584/2008.

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

8. No person may administer any antimicrobial to any turkeys as a specific method to control Salmonella in breach of Article 2(1) of Regulation (EC) 1177/2006 (use of antimicrobials).

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

9. No person may administer any live Salmonella vaccine to any turkeys in breach of Article 3(1) of Regulation (EC) 1177/2006 (use of vaccines).

#### **Records**

10. Any person required to keep a record under this Order must keep it for two years from the date it is made and must produce it on demand to an inspector or officer of the Secretary of State and allow a copy of it to be made or an extract from it to be taken.

#### **Tampering with samples**

11. 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.

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

12. If any person fails to take any action required by this Order, an inspector may arrange for such action to be taken at the expense of the person in default.

## Enforcement

13.—(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 the Secretary of State will enforce this Order instead of the local authority.

*Jim Fitzpatrick*  
Minister of State

8th December 2009

Department for Environment, Food and Rural Affairs

## EXPLANATORY NOTE

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

This Order enforces Commission Regulation 584/2008(a) and Commission Regulation 1177/2006(b).

It makes provision for the testing of turkey flocks for Salmonella. It also prohibits the use of antimicrobials and live Salmonella vaccine for the control of Salmonella.

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 impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Defra website.

---

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

---

(a) OJ No L 162, 21.6.2008, p 3.  
(b) OJ No L 212, 2.8.2006, p 3.