
WELSH STATUTORY INSTRUMENTS

2006 No. 1511 (W.147)

ANIMALS, WALES

ANIMAL HEALTH

The Salmonella in Broiler Flocks (Survey Powers) (Wales) Regulations 2006

Made - - - - 13 June 2006

Coming into force - - 14 June 2006

The National Assembly for Wales, being designated **(1)** for the purposes of section 2(2) of the European Communities Act 1972**(2)** in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by that section, makes the following Regulations:

Title, commencement and application

1. The title of these Regulations is The Salmonella in Broiler Flocks (Survey Powers) (Wales) Regulations 2006; they apply in relation to Wales and come into force on 14 June 2006.

Interpretation

2.—(1) In these Regulations—

“Commission Decision” (“Penderfyniad y Comisiwn”) means Commission Decision [2005/636/EC](#) concerning a financial contribution by the Community towards a baseline survey on the prevalence of *Salmonella* spp. in broiler flocks of *Gallus gallus* to be carried out in the Member States **(3)**;

“holding” (“daliad”) means a facility used for the rearing or keeping of broiler chickens;

“local authority” (“awdurdod lleol”) means in relation to an area the county council or county borough council for that area;

“National Assembly” (“Cynulliad Cenedlaethol”) means the National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.

(2) Expressions defined in the Commission Decision have the same meaning in these Regulations.

(1) S.I.2005/2766.

(2) 1972, c. 68.

(3) OJ No L 228, 3.9.2005, p.14.

Responsibility for selection

3. The National Assembly is responsible for selection of holdings for sampling for the purposes of the Commission Decision.

Selection of holdings

4.—(1) The occupier or person in charge of a holding (or any employee or agent of the occupier or person in charge of a holding) must, within 7 days of receiving a request from the National Assembly, send the National Assembly such information as it requires to assist it with the selection of holdings to be included in the survey for the purposes of the Commission Decision, including—

- (a) the number of broiler chickens or the number of flocks of broiler chickens on the holding;
- (b) the number and times of the flock cycles of the broiler chickens on the holding; and
- (c) the production type of the broiler chickens on the holding.

(2) Any person who fails to comply with this regulation is guilty of an offence.

Powers of inspectors

5.—(1) An inspector, on producing some duly authenticated document showing his or her authority, has the right at all reasonable hours to enter any holding selected in accordance with the Commission Decision, for the purposes of ascertaining in accordance with that Decision—

- (a) whether *Salmonella* spp. exists or has existed there;
- (b) the *Salmonella* vaccination status of the broiler chickens on the holding; and
- (c) whether anti-microbials have been used.

(2) In addition to his or her right under paragraph (1), an inspector may also enter any holding for the purposes of the enforcement of these Regulations.

(3) When he or she has entered a holding an inspector may—

- (a) take samples of faecal material;
- (b) examine any records in whatever form, including computerised records, and take copies of those records;
- (c) make inquiries of any person; and
- (d) take with him or her any person, vehicle or equipment he or she considers necessary for the execution or enforcement of these Regulations.

(4) For the purpose of this regulation, “inspector” means any person appointed to be an inspector for the purposes of these Regulations by the National Assembly or a local authority.

Offences

6. Any person who—

- (a) intentionally obstructs any person acting in the execution of these Regulations;
- (b) without reasonable cause, fails to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him or her for the performance of his or her functions under these Regulations;
- (c) furnishes to any person acting in the execution of these Regulations any information which he or she knows to be false or misleading; or
- (d) fails without reasonable excuse to produce a record when required to do so to any person acting in the execution of these Regulations, is guilty of an offence.

Penalty

7. A person guilty of an offence under these Regulations will be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offences by bodies corporate

8.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar representative of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

he or she, as well as the body corporate, will be guilty of the offence and will be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Enforcement

9.—(1) These Regulations are to be enforced by the local authority.

(2) The National Assembly may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (1) is to be discharged by the National Assembly and not by the local authority.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

13 June 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

(4) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide a power of entry to inspectors to undertake the sampling required by Commission Decision [2005/636/EC](#) (concerning a financial contribution by the Community towards a baseline survey on the prevalence of *Salmonella* spp. in broiler flocks of *Gallus gallus* to be carried out in the Member States) to detect the prevalence of *Salmonella* spp. in broiler chickens. Regulation 3 provides that the National Assembly is responsible for selection of holdings for sampling for the purposes of the Commission Decision. Regulation 4 provides that the occupier or person in charge of a holding must provide information to the National Assembly, upon request, to assist it with the selection of holdings to be included in the survey. Regulation 5 provides inspectors with various powers including a power of entry and power to take samples of faecal material, to examine records and to make inquiries of any person. Regulation 6 creates offences for obstructing an inspector exercising his or her powers under these Regulations and regulation 7 sets out the applicable penalty. Regulation 8 makes provisions in relation to offences by bodies corporate. Regulation 9 provides that these Regulations are enforceable by the local authority.

A regulatory appraisal of the effect which this instrument will have on the costs of business has been prepared and copies can be obtained from the National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.