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WELSH STATUTORY INSTRUMENTS

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**2009 No. 441 (W.46)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Control of Salmonella in Broiler Flocks (Wales) Order 2009**

*Made* - - - - 27 February 2009

*Coming into force* - - 9 March 2009

The Welsh Ministers make this Order in exercise of the powers conferred by sections 1 and 8 of the Animal Health Act 1981<sup>(1)</sup>.

**Title, application and commencement**

1. The title of this Order is the Control of Salmonella in Broiler Flocks (Wales) Order 2009; it applies in relation to Wales and comes into force on 9 March 2009.

**Interpretation**

2. In this Order—

“broiler flock” (“*haid o frwyliaid*”) means a flock kept for the production of meat intended for human consumption;

“chickens” (“*ieir*”) means birds of the species *Gallus gallus*.

“flock” (“*haid*”) means all chickens 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 chickens, includes all birds sharing the same airspace;

“holding” (“*daliad*”) means any holding on which one or more broiler flocks of chickens are kept or are intended to be kept;

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

“occupier” (“*meddiannydd*”) means, in relation to any holding, the person in charge of the holding;

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<sup>(1)</sup> 1981 c. 22. Functions of the Minister and the Secretary of State transferred to the National Assembly for Wales by S.I. 1999/672 and S.I. 2004/3044. Functions of the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

### Competent authority

3. The Welsh Ministers are the competent authority for the purposes of—
- (a) Commission Regulation (EC) No. 646/2007 implementing Regulation (EC) No. 2160/2003 of the European Parliament and of the Council 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(2); 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(3).

### Notification of broiler flocks

- 4.—(1) The occupier of the holding on which one or more broiler flocks are kept must notify the Welsh Ministers of the information in paragraph (4) of this article—
- (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 Welsh Ministers 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 Welsh Ministers of that information under any other enactment.
- (4) The information to be notified is —
- (a) the address and telephone number of the holding;
  - (b) the name, address and telephone number of the occupier and of the person who owns each flock on the holding;
  - (c) the number of flocks on the holding.

### Sampling

- 5.—(1) The occupier must carry out sampling in accordance with points 1 and 2 of the Annex to Regulation (EC) No. 646/2007 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 post” 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.

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(2) OJ No. L151, 13.6.2007, p. 21 as amended by Commission Regulation (EC) No. 584/2008 (OJ No. L162, 21.6.2008, p.3).

(3) OJ No. L212, 2.8.2006, p. 3.

### **Records of samples**

- 6.—(1) The occupier must, as soon as is reasonably practicable after taking a sample, record—
- (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) the 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**

7. 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 on to 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**

8. 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. 646/2007.

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

9. No person may administer any antimicrobial to any chickens as a specific method to control salmonella in breach of Article 2 of Commission Regulation (EC) No. 1177/2006 (use of antimicrobials).

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

10. No person may administer any live salmonella vaccine to any chickens in breach of Article 3(1) of Commission Regulation (EC) No. 1177/2006 (use of vaccines).

### **Records**

11. 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 Welsh Ministers and allow a copy of it to be made or an extract from it to be taken.

### **Tampering with samples**

12. 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 the Welsh Ministers in cases of default**

13. 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**

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

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

27 February 2009

*Elin Jones*  
Food and Rural Affairs Minister for Rural  
Affairs, one of the Welsh Ministers

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## EXPLANATORY NOTE

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

This Order enforces Commission Regulation 646/2007(4) and Commission Regulation 1177/2006(5).

It makes provision for registration of broiler flocks of birds of the species *Gallus gallus* and for their testing for *Salmonella*. It also prohibits the use of antimicrobials and live salmonella vaccine.

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 regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Welsh Assembly Government's website.

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(4) OJ No. L151, 13.6.2007, p.21 as amended by Commission Regulation (EC) No. 584/2008 (OJ No. L162, 21.6.2008, p.3).  
(5) OJ No. L212, 2.8.2006, p.3.