
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 68

**The Avian Influenza and Influenza of Avian Origin
in Mammals Regulations (Northern Ireland) 2007**

PART VI

MEASURES ON CONFIRMATION OF LOW PATHOGENIC AVIAN INFLUENZA

Measures when low pathogenic avian influenza is confirmed

46.—(1) If the Department confirms that low pathogenic avian influenza or low pathogenic avian influenza virus exists on any premises other than a regulated place, it must—

- (a) apply, by notice served on the occupier of the infected premises, such of the measures in Part I of Schedule 6 as it considers necessary to reduce the risk of the spread of avian influenza; and
- (b) ensure that a veterinary inquiry continues at the infected premises.

(2) If the Department confirms that low pathogenic avian influenza or low pathogenic avian influenza virus exists at a regulated place, it may apply, by notice served on the occupier of that place, such of the measures in Part I of Schedule 6 as it considers necessary to reduce the risk of the spread of avian influenza.

(3) The Department shall not grant a licence for any movement otherwise prohibited under Part I of Schedule 6 unless it is satisfied that it would not significantly increase the risk of the spread of low pathogenic avian influenza.

(4) When reaching a decision under paragraph (3), the Department must, in particular, take into account the criteria in Part II of Schedule 6.

(5) An inspector who knows or suspects that any poultry, other captive bird or any thing on a vehicle is infected or contaminated with low pathogenic avian influenza, may by notice served on the owner or driver of the vehicle or on the occupier of any premises—

- (a) require the detention at such place as the inspector directs of any vehicle, equipment or other thing suspected of being contaminated; and
- (b) direct that the vehicle be moved to such premises as the inspector directs.

(6) Any expenses arising from the movement or detention of any bird or any thing (including the cost of feeding and watering any bird) must be paid by its owner.

Commencement Information

II Reg. 46 in operation at 10.2.2007, see [reg. 1](#)

Killing of poultry and other captive birds

47.—(1) The Department must ensure that poultry and other captive birds on infected premises which are to be killed on the premises under paragraph 11 of Part I of Schedule 2 to the 1981 Order are killed as soon as possible.

(2) The occupier of a designated slaughterhouse must ensure that poultry from infected premises are slaughtered as soon as possible.

(3) The Department must not authorise the movement of birds to a designated slaughterhouse unless it is satisfied that the movement would not significantly increase the risk of the spread of low pathogenic avian influenza.

(4) The Department must ensure that birds are killed or slaughtered in such a way as to minimise the risk of the spread of avian influenza.

Commencement Information

I2 Reg. 47 in operation at 10.2.2007, see [reg. 1](#)

Movement of eggs from premises where low pathogenic avian influenza is confirmed

48.—(1) If the Department directs that poultry on infected premises are to be slaughtered at a designated slaughterhouse, it must not grant a licence for the movement of eggs off the premises prior to the poultry being sent for slaughter unless it is satisfied that the movement would not significantly increase the risk of the spread of low pathogenic avian influenza.

(2) The Department may only grant a licence for the movement of such eggs—

- (a) to a designated egg packing centre, in disposable packaging;
- (b) to an egg processing plant; or
- (c) for disposal.

Commencement Information

I3 Reg. 48 in operation at 10.2.2007, see [reg. 1](#)

Veterinary surveillance of poultry

49. The Department must carry out such veterinary surveillance as it considers necessary at premises where poultry are kept before being sent to a designated slaughterhouse under regulation 47.

Commencement Information

I4 Reg. 49 in operation at 10.2.2007, see [reg. 1](#)

Measures on special category premises

50.—(1) The occupier of infected premises which are special category premises where poultry and other captive birds are not killed under paragraph 11 of Part I of Schedule 2 to the 1981 Order must ensure that—

- (a) poultry and other captive birds are—

- (i) housed, or
 - (ii) isolated (if so directed by an inspector on the basis that housing is impractical or would adversely affect the welfare of the birds to a significant degree);
- (b) poultry or other captive birds are not moved from the premises except—
- (i) to a designated slaughterhouse or other premises under and in accordance with the conditions of a licence granted by the Department, or
 - (ii) to a designated slaughterhouse in [F1a] member State, or other premises in [F1a] member State, if the movement is under and in accordance with the conditions of a licence granted by the Department and is authorised by the competent authority of that member State.
- (2) The occupier of the premises must take all reasonable steps to minimise contact between birds isolated under paragraph (1)(a)(ii) and wild birds.
- (3) The Department shall not grant a licence under paragraph (1)(b) unless it is satisfied, following tests on the birds, that there is not a significant risk that the proposed movement would spread highly pathogenic avian influenza.

Textual Amendments

- F1** Word in reg. 50(1)(b)(ii) substituted (31.12.2020) by [The Exotic Disease \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/111\)](#), regs. 1(1), **6(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I5** Reg. 50 in operation at 10.2.2007, see [reg. 1](#)

Veterinary surveillance of birds

51. The Department must ensure that birds, on infected premises which are special category premises, not killed under paragraph 11 of Part I of Schedule 2 to the 1981 Order are monitored for avian influenza.

Commencement Information

- I6** Reg. 51 in operation at 10.2.2007, see [reg. 1](#)

Tracing of poultry and eggs

52.—(1) The Department, or any person authorised by it, must endeavour to trace from infected premises hatching eggs from poultry laid during the unregulated period of infection and shall ensure that such eggs are hatched under Departmental supervision.

(2) The Department, or any person authorised by it, must endeavour to trace from infected premises poultry hatched from eggs laid during the unregulated period of infection and restrict the poultry under the instructions of an inspector.

(3) The Department must ensure that such veterinary enquiries as it considers necessary to monitor for avian influenza are carried out at any premises to which eggs and poultry are so traced.

Commencement Information

17 Reg. 52 in operation at 10.2.2007, see [reg. 1](#)

Identification of contact premises

53.—(1) The Department must serve a notice on the occupier of any premises other than a regulated place if it suspects that low pathogenic avian influenza may have been carried—

- (a) there from other premises; or
- (b) to other premises from there.

(2) Premises in respect of which a notice is served are contact premises for the purposes of this Part.

Commencement Information

18 Reg. 53 in operation at 10.2.2007, see [reg. 1](#)

Restrictions at contact premises

54.—(1) The Department must, by notice served on the occupier of contact premises, apply such of the measures in Schedule 1 as it considers necessary to reduce the risk of the spread of avian influenza.

(2) If the Department considers it necessary to prevent the spread of low pathogenic avian influenza it must—

- (a) direct that contact premises be deemed to be infected premises; and
- (b) state, in its direction, which measures in this Part and in Schedule 6 apply to the contact premises.

(3) A direction under paragraph (2) must be by notice served on the occupier of the contact premises and the Department must not serve such a notice unless it has taken into account the criteria set out in paragraph (4) of regulation 27, as read with paragraphs (5) and (6) of regulation 27.

(4) If the Department requires poultry or other captive birds on contact premises for the purposes of this Part to be killed, it must ensure that samples are taken from the dead birds and tested for avian influenza.

Commencement Information

19 Reg. 54 in operation at 10.2.2007, see [reg. 1](#)

Declaration of a low pathogenic avian influenza restricted zone

55.—(1) Subject to paragraph (4), the Department must, on confirmation of low pathogenic avian influenza on premises other than a regulated place, declare a low pathogenic avian influenza restricted zone with a radius of at least 1 kilometre from the premises.

(2) The Department must, on confirmation of low pathogenic avian influenza in an area of the Republic of Ireland which is less than 1 kilometre from Northern Ireland, declare a low pathogenic avian influenza restricted zone in Northern Ireland of such area as is necessary to complete the low pathogenic avian influenza restricted zone centered on the outbreak point in the Republic of Ireland.

(3) The Department may declare a low pathogenic avian influenza restricted zone on confirmation of low pathogenic avian influenza in an area of the Republic of Ireland which is 1 kilometre or more from Northern Ireland.

(4) The Department may, on the basis of a risk assessment, decide not to declare a low pathogenic avian influenza restricted zone under paragraph (1) if the premises where low pathogenic is confirmed are—

- (a) a hatchery; or
- (b) special category premises.

Commencement Information

I10 Reg. 55 in operation at 10.2.2007, see [reg. 1](#)

Size of zones

56.—(1) A low pathogenic avian influenza restricted zone must—

- (a) be centred on the outbreak point; and
 - (b) subject to regulation 29(8), have a radius of at least 1 kilometre.
- (2) “Outbreak point” has the meaning specified in regulation 29.

Commencement Information

I11 Reg. 56 in operation at 10.2.2007, see [reg. 1](#)

Measures in a low pathogenic avian influenza restricted zone

57.—(1) Subject to paragraphs (2) and (3), the measures in Schedule 7 apply in respect of a low pathogenic avian influenza restricted zone.

(2) The Department may, in a declaration under regulation 55, disapply some or all of the measures in Schedule 7 if—

- (a) the infected premises is a hatchery or special category premises; and
- (b) it has carried out a risk assessment and does not believe that the disapplication would endanger disease control.

(3) The Department may, if it considers it necessary to reduce the risk of the spread of avian influenza, impose, by declaration, measures additional to those in Schedule 7 in respect of the low pathogenic avian influenza restricted zone.

(4) The Department must ensure that—

- (a) commercial premises in the low pathogenic avian influenza restricted zone are identified as soon as possible;
- (b) tests for avian influenza are carried out on commercial poultry premises within a radius of at least 1 kilometre of the boundary of the infected premises or, if it thinks it more appropriate, of the part of the infected premises where avian influenza was found.

Commencement Information

I12 Reg. 57 in operation at 10.2.2007, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007, PART VI.