

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2003 No. 354**

**ANIMALS**

**ANIMAL HEALTH**

**The Diseases of Poultry (Scotland) Order 2003**

*Made* - - - - *9th July 2003*

*Coming into force* - - *10th July 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 1, 7, 8(1), 15(5), 17(1), 23, 25, 28, 35(1), 87(5)(a) and 88(4) of the Animal Health Act 1981 <sup>F1</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**F1** 1981 c. 22. See section 86(1) for the definition of “the Ministers”. The functions of the Ministers of the Crown were transferred to the Scottish Ministers by virtue of section 53 of the [Scotland Act 1998](#) (c. 46).

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Diseases of Poultry (Scotland) Order 2003 and shall come into force on 10th July 2003.

(2) This Order extends to Scotland only.

[<sup>F2</sup>(3) This Order does not apply in relation to avian influenza.]

**F2** Art. 1(3) inserted (1.7.2006) by [The Avian Influenza and Influenza of Avian Origin in Mammals \(Scotland\) Order 2006](#) (S.S.I. 2006/336), arts. 1(1), **87(1)**

**Extension of definition of “poultry” and “disease”**

**2.** For the purposes of the Animal Health Act 1981 in its application to this Order—

- (a) the definition of “poultry” in section 87(4) of the 1981 Act is extended to include all birds; and
- (b) the definition of “disease” in section 88(3) of the 1981 Act is extended to include all diseases of birds.

## Interpretation

### 3.—(1) In this Order—

“1981 Act” means the Animal Health Act 1981;

[<sup>F3</sup>“avian influenza” shall be deemed to include a current or previous infection by a causative agent of avian influenza;]

[<sup>F4</sup>“authorised veterinary inspector” means a veterinary inspector authorised by the Scottish Ministers to receive information about diseased birds or carcasses, or birds or carcasses suspected of being diseased;]

“captive bird” means any bird kept under human control other than poultry or racing pigeons;

“carcase” means the carcase of any bird and includes part of a carcase;

“Chief Veterinary Officer” means the Chief Veterinary Officer [<sup>F5</sup>for Scotland];

[<sup>F6</sup>“Council Directive 2005/94/EC” means Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC, as last amended by Commission Implementing Decision (EU) 2018/662,]

<sup>F7</sup> ...

“Council Directive 92/66/EEC” means Council Directive 1992/66/EEC<sup>F8</sup> of 14th July 1992 introducing Community measures for the control of Newcastle disease [<sup>F9</sup>, as last amended by Directive (EU) 2018/597 of the European Parliament and of the Council];

“designated disease” means paramyxovirus 1 in pigeons, avian influenza and Newcastle disease;

“disinfect” means disinfect with a disinfectant approved under [<sup>F10</sup>the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008] for the purposes of this Order;

<sup>F11</sup> ...

“means of transport” includes any vehicle, vessel or aircraft;

“pigeon house” means any installation used for keeping or breeding pigeons;

“premises” includes land with or without buildings, but does not include any place used only as a dwelling; and

“racing pigeon” means any pigeon transported or intended for transport from its pigeon house to be released so that it may freely fly back to its pigeon house or to any other destination.

(2) In articles 3(1), 7(1) and (2)(a), 9(1)(a) and (3), 11(1), (2) and (5), 12, 14(1), 15 and Schedules 1 and 2, unless the context otherwise requires, “poultry” means any of the following birds, if they are kept in captivity for breeding, the production of meat or eggs or for re-stocking supplies of game; namely, domestic fowls, turkeys, geese, ducks, guinea fowls, pigeons (other than racing pigeons), quails, ratites, pheasants and partridges.

**F3** Words in art. 3(1) inserted (25.10.2004) by The Avian Influenza (Survey Powers) (Scotland) Regulations 2004 (S.S.I. 2004/453), regs. 1(1), 8

**F4** Words in art. 3(1) inserted (28.6.2013) by The Animal Health (Miscellaneous Amendments) (Scotland) Order 2013 (S.S.I. 2013/173), arts. 1(1), 14(2)(c)

**F5** Words in art. 3(1) substituted (28.6.2013) by The Animal Health (Miscellaneous Amendments) (Scotland) Order 2013 (S.S.I. 2013/173), arts. 1(1), 14(2)(a)

**F6** Words in art. 3(1) inserted (28.2.2019) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018 (S.S.I. 2018/391), regs. 1(1), 23(2)(a)

- F7** Words in art. 3(1) omitted (28.2.2019) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **23(2)(b)**
- F8** O.J. No. L 260, 05.09.92, p.1.
- F9** Words in art. 3(1) inserted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **23(2)(c)**
- F10** Words in art. 3(1) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **23(2)(d)**
- F11** Words in art. 3(1) omitted (28.6.2013) by virtue of [The Animal Health \(Miscellaneous Amendments\) \(Scotland\) Order 2013 \(S.S.I. 2013/173\)](#), arts. 1(1), **14(2)(b)**

## **[<sup>F12</sup>Notification procedure where an infection with Avian Mycoplasmosis is suspected**

**3A.—**(1) A person who—

- (a) analyses a sample from a bird or carcase, and
- (b) reasonably suspects that the bird or carcase is infected with avian mycoplasmosis (infection with *Mycoplasma gallisepticum* or *M. meleagridis*),

must immediately inform an authorised veterinary inspector of that suspicion.

(2) This article applies only in relation to domestic fowl and turkeys.]

- F12** Arts. 3A, 3B substituted for art. 3A (30.12.2021) by [The Animal Health \(Notification and Control Measures\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 2\) Order 2021 \(S.S.I. 2021/456\)](#), arts. 1, **2(2)**

## **[<sup>F12</sup>Notification procedure where an infection with Avian Chlamydiosis is suspected**

**3B.—**(1) A person who—

- (a) analyses a sample from a bird or carcase, and
- (b) reasonably suspects that the bird or carcase is infected with avian chlamydiosis,

must immediately inform an authorised veterinary inspector of that suspicion.

(2) This article applies only in relation to birds of the order Psittaciformes.]

- F12** Arts. 3A, 3B substituted for art. 3A (30.12.2021) by [The Animal Health \(Notification and Control Measures\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 2\) Order 2021 \(S.S.I. 2021/456\)](#), arts. 1, **2(2)**

## **Notification procedures and precautions to be taken where the presence of a designated disease is suspected**

**4.—**(1) Any person who is in possession of or who has charge of any bird or carcase and who is aware that that bird or carcase has, or suspects that bird or carcase of having, a designated disease, shall—

- (a) immediately inform [<sup>F13</sup>an authorised veterinary inspector]; and
- (b) take all reasonable steps to ensure that the restrictions and requirements set out in Part I of Schedule 1 to this Order are complied with.

(2) Any person who examines or inspects any bird or carcase or who analyses any sample taken from any bird or carcase, and who suspects the presence of a designated disease in the bird, carcase or sample shall immediately inform [<sup>F14</sup>an authorised veterinary inspector].

*Status: Point in time view as at 30/12/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Diseases of Poultry (Scotland) Order 2003. (See end of Document for details)*

- F13** Words in art. 4(1)(a) substituted (28.6.2013) by [The Animal Health \(Miscellaneous Amendments\) \(Scotland\) Order 2013 \(S.S.I. 2013/173\)](#), arts. 1(1), **14(3)**
- F14** Words in art. 4(2) substituted (28.6.2013) by [The Animal Health \(Miscellaneous Amendments\) \(Scotland\) Order 2013 \(S.S.I. 2013/173\)](#), arts. 1(1), **14(3)**

### **Restrictions where a designated disease is suspected**

**5.** If a veterinary inspector or an inspector of a local authority has reasonable grounds for suspecting that a designated disease exists or has existed on any premises (whether or not notification has been made under article 4) that inspector shall, by notice served on the occupier or person in charge of the premises, impose the restrictions and requirements contained in Part I of Schedule 1 to this Order.

### **Veterinary inquiry as to the existence of a designated disease**

**6.—(1)** In order to ascertain whether or not a designated disease exists or has existed on any premises, a veterinary inspector may—

- (a) enter the premises and carry out such inquiries, examinations and tests and take such samples (including samples from live birds and carcasses) as that inspector considers necessary to ascertain whether disease exists or has existed there and, in particular, to establish—
  - (i) the length of time that the disease has existed on the premises;
  - (ii) the possible origin of the disease on the premises;
  - (iii) whether other premises may have been exposed to contamination by the disease from the premises under enquiry; and
  - (iv) the extent to which the disease has been carried to or from the premises under enquiry; and
- (b) mark, or cause to be marked, for identification purposes any bird, carcass or other thing in relation to which any of the powers under sub-paragraph (a) above have been exercised.

(2) No person shall deface, obliterate or remove any mark applied under paragraph (1)(b).

(3) Any collecting of samples and laboratory testing in terms of paragraph (1)(a) shall be carried out (in relation to avian influenza) in accordance with <sup>F15</sup>Article 50 of Council [Directive 2005/94/EC](#) and (in relation to Newcastle disease and paramyxovirus 1 in pigeons) in accordance with Annex III of Council Directive [92/66/EEC](#).

(4) The occupier or other person in charge of the premises or any employee or agent of that person shall provide such reasonable assistance to a veterinary inspector as that veterinary inspector may require for the exercise of any powers under paragraphs (1) and (3) above.

- F15** Words in art. 6(3) substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **23(3)**

### **Restrictions where birds are suspected of having been exposed to the risk of a designated or other disease**

**7.—(1)** If a veterinary inspector suspects that poultry on any premises may have been exposed to the risk of a designated disease, that inspector shall serve a notice on the occupier or person in charge of the premises in accordance with this article.

(2) A veterinary inspector who suspects—

- (a) that poultry on any premises may have been exposed to the risk of any disease (other than a designated disease); or
- (b) that any bird on any premises may have been exposed to the risk of any disease (including a designated disease),

may serve a notice on the occupier or person in charge of the premises in accordance with this article.

(3) In paragraphs (1) and (2), exposure to the risk of a designated disease or to another disease includes exposure, either directly or indirectly, as a result of the movement of persons, birds, animals or vehicles or in any other way.

(4) On service of a notice under this article, a veterinary inspector may enter premises which are the subject of such notice and use whatever means that inspector thinks suitable to detect the existence of any disease, to count the birds, and to monitor their movements.

(5) On service of a notice under this article, no person shall move any bird or any other thing liable to transmit disease from the premises except under the authority of a licence granted by a veterinary inspector.

(6) A veterinary inspector may limit the measures provided for in a notice served under this article to a part of the premises and to the birds contained within that part of the premises, provided that those birds have been housed, kept and fed completely separately by separate persons.

### **Veterinary investigation as to the possible existence of disease**

8.—(1) Where, for the purposes of this Order, the Scottish Ministers consider it necessary to ascertain whether or not disease exists on any premises or means of transport, a veterinary inspector may carry out such inquiries, examinations and tests and take such samples as that veterinary inspector considers necessary.

(2) A veterinary inspector may mark, or cause to be marked, for identification purposes any bird, carcase or other thing in relation to which any of the powers under paragraph (1) have been exercised.

(3) No person shall deface, obliterate or remove any mark applied under paragraph (2).

(4) The person in charge of the premises or means of transport or any employee or agent of that person shall provide such reasonable assistance to a veterinary inspector as that inspector may require for the exercise of any powers under paragraphs (1) or (2).

(5) A veterinary inspector carrying out an investigation under this article may—

- (a) where the birds under investigation are on premises, serve a notice on the person in charge of the premises, restricting the movement of any bird onto or off those premises; and
- (b) where the birds under investigation are on a means of transport, serve a notice on the person in charge of the birds or the means of transport requiring the birds to be moved to such place as may be specified in the notice.

### **Measures where a designated disease is confirmed**

9.—(1) Upon the presence of a designated disease on premises being confirmed by the Chief Veterinary Officer or by a person authorised by the Chief Veterinary Officer, a veterinary inspector—

- (a) in the case of poultry, shall; and
- (b) in the case of captive birds or racing pigeons, may

by notice served on the occupier or person in charge of the premises impose, in addition to the restrictions and requirements contained in Part I of Schedule 1 to this Order, the restrictions and requirements contained in Part II of that Schedule.

(2) A veterinary inspector may also serve such a notice on the occupier or person in charge of suspect premises.

(3) In this article, “suspect premises” means premises containing poultry, captive birds or racing pigeons and which in the opinion of the veterinary inspector may have been exposed to the risk of a designated disease because of their location or configuration with premises (in Scotland or elsewhere) where the presence of a designated disease has been confirmed.

### **Duties of occupiers and persons in charge of premises served with notices**

**10.—**(1) Any person served with a notice under this Order shall—

- (a) take all reasonable steps to ensure that the notice is complied with unless that person is authorised to do otherwise by a licence issued by a veterinary inspector; and
- (b) provide such reasonable assistance as the veterinary inspector may require for the purpose of exercising the powers available to that veterinary inspector under articles 5, 7 and 9.

(2) If any person fails to comply with any restriction or requirement imposed by a notice served under this Order, a veterinary inspector or other officer of the Scottish Ministers or an inspector of a local authority may—

- (a) seize or cause to be seized anything which has been moved in contravention of the notice and detain it at such place as that officer or inspector shall consider appropriate until the notice is withdrawn; and
- (b) take such other action as may be necessary so as to ensure that any restriction or requirement imposed by the notice is complied with or carried out.

(3) Any action taken under paragraph (2) shall be without prejudice to any proceedings for an offence arising out of contravention of a notice served under this Order.

(4) Any expenses reasonably incurred by the Scottish Ministers or the local authority in exercise of the powers under paragraph (2) shall be recoverable as a debt by the Scottish Ministers or the local authority, as the case may be, from the person in contravention of or default under such notice.

### **Declaration of infected area**

**11.—**(1) Upon the presence in any area in Scotland or elsewhere of a designated disease in poultry being confirmed by the Chief Veterinary Officer or by a person authorised by the Chief Veterinary Officer, the Scottish Ministers shall, by declaration, declare such of that area as is in Scotland to be an infected area.

(2) Upon the presence in any area in Scotland or elsewhere of a designated disease in captive birds or in racing pigeons being confirmed by the Chief Veterinary Officer or by a person authorised by the Chief Veterinary Officer and upon the Scottish Ministers being satisfied that the presence of that disease in such birds constitutes a serious risk to poultry, the Scottish Ministers may, by declaration, declare such of that area as is in Scotland to be an infected area.

(3) An area shall remain an infected area until such date as may be stated in the declaration referred to in paragraph (1) or (2), or, if no date is stated, until the declaration is withdrawn.

(4) Any premises which are partly inside and partly outside an infected area shall be deemed to be wholly inside that area.

(5) A declaration referred to in paragraph (1) or (2)—

- (a) shall provide for the division of the infected area into protection and surveillance zones; and
- (b) may apply to all poultry, or to designated species.

(6) A declaration made under paragraph (1) shall provide for a protection zone based on a minimum radius of three kilometres, itself contained within a surveillance zone based on a minimum

radius of ten kilometres, each zone having as its centre the centre of the premises where disease has been confirmed.

(7) A declaration made under paragraph (2) shall provide for a protection zone contained within a surveillance zone, each based on such minimum radii as the Scottish Ministers may declare, each zone having as its centre the centre of the premises where disease has been confirmed.

(8) The provisions of Schedule 2 shall apply in an area declared an infected area except to the extent that they are varied or excepted by a declaration made under paragraph (1) or (2) or to the extent that anything which would otherwise be a breach of those provisions is authorised by a licence issued by a veterinary inspector.

### **Vaccination areas**

**12.** Upon a declaration being made under article 11(1) or (2) above, the Scottish Ministers may, by notice published in such manner as they think fit, require the vaccination of any species of poultry against a designated disease in such geographical area and for such period as they think fit and it shall be the duty of every owner and every person in charge of poultry in that area to comply with that notice.

### **Racing pigeons**

**13.—(1)** An organiser of a show or race which takes place wholly or partly in Scotland shall ensure that all racing pigeons entered for the race or show have been vaccinated against paramyxovirus 1 in pigeons.

(2) Every person who owns or keeps racing pigeons shall keep a record of every race or show for which any such racing pigeons are entered.

### **Cleansing and disinfection**

**14.—(1)** Any person in charge of premises on which poultry or racing pigeons are or have been exposed for sale or exhibited shall thoroughly cleanse and disinfect those premises, their fittings and any receptacle used for the exposure or exhibition of such birds as soon as practicable after use and in any event before they are used again.

(2) A veterinary inspector or an inspector of a local authority may, by notice served on the person in charge of any premises or vehicle on or in which any birds are or have been, require that person to cleanse and disinfect the premises or vehicle and any fittings or receptacle in such manner as that inspector may require and may prohibit the movement into the premises or vehicle of birds until the cleansing and disinfection has been completed to the satisfaction of the inspector.

(3) Without prejudice to the bringing of proceedings under the 1981 Act, where a notice under this article is not complied with, any person authorised by the Scottish Ministers or the local authority may enter the premises or vehicle to which the notice relates and carry out the work of cleansing and disinfection required and the cost of such work shall be recoverable as a debt from the person on whom the notice was served.

(4) For the purposes of this article “cleansing” includes the disposal of all litter, droppings and other matter in a manner which does not present a risk of the spread of disease.

### **Records**

**15.—(1)** Any person who owns or keeps any flock of poultry consisting of at least 250 birds on premises shall keep a record in respect of such poultry entering or leaving the premises on which the poultry is held.

---

*Status: Point in time view as at 30/12/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Diseases of Poultry (Scotland) Order 2003. (See end of Document for details)*

---

(2) Any person who is engaged in the transport or marketing of any poultry or eggs (including any slaughterer or auctioneer) shall keep a record in respect of all such poultry and eggs so transported or marketed.

(3) The record referred to in paragraphs (1) and (2) shall include in respect of the relevant class of such poultry and their eggs—

- (a) the date and place they were obtained;
- (b) their species and description;
- (c) the name and address of the person from whom they were obtained;
- (d) the date they left the premises;
- (e) their destination on leaving the premises (if known); and
- (f) the name and address of the person to whom they were transferred.

(4) Any person who is required by this article to keep a record shall retain it for at least twelve months from the date of the recorded transportation or marketing.

(5) Any person who keeps any record required under this article shall—

- (a) at all reasonable times produce it on demand to a veterinary inspector or other officer of the Scottish Ministers or an inspector of a local authority and shall provide that inspector or officer with copies if so required; and
- (b) if that record is in electronic form, provide printed copies of the record or such parts of the record as such an inspector or officer requires.

### **General provisions as to notices and licences**

**16.**—(1) All licences and notices issued under this Order or under a declaration under article 11 may be general or specific, may be subject to conditions and may be varied, suspended or revoked by notice at any time.

(2) Any person moving anything under the authority of a licence issued under this Order shall—

- (a) keep the licence within that person's control at all times during the licensed movement;
- (b) on demand made by a veterinary inspector or other officer of the Scottish Ministers, by an inspector of a local authority, or by a police constable—
  - (i) produce the licence;
  - (ii) allow a copy or extract to be taken; and
  - (iii) furnish that person's name and address.

### **General powers of inspectors**

**17.** A veterinary inspector who enters any premises under this Order may be accompanied for any purpose relating to the execution and enforcement of this Order by such persons and such things as that veterinary inspector considers necessary.

### **Enforcement**

**18.** The provisions of this Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

### **Revocations and amendments**

**19.**—(1) In article 2(1) of the Diseases of Animals (Approved Disinfectants) Order 1978 <sup>F16</sup> for “Diseases of Poultry Order 1994” substitute “Diseases of Poultry (Scotland) Order 2003”.



(2) The Diseases of Poultry Order 1994 <sup>F17</sup> and the Diseases of Poultry (Amendment) Order 1997 <sup>F18</sup> are revoked.

**F16** [S.I. 1978/32](#), as relevantly amended by [S.I. 1978/934](#), 1994/3141 and 1999/919 and [S.S.I. 2001/45](#) and 51 and 2003/334. Article 2(1) was amended by [S.I. 1994/3141](#).

**F17** [S.I. 1994/3141](#), as amended by 1997/150.

**F18** [S.I. 1997/150](#).

St Andrew's House, Edinburgh

*ROSS FINNIE*  
A member of the Scottish Executive

*Status: Point in time view as at 30/12/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Diseases of Poultry (Scotland) Order 2003. (See end of Document for details)*

## SCHEDULE 1

Articles 4(1), 5 and 9(1)

### PREMISES WHERE A DESIGNATED DISEASE IS SUSPECTED OR CONFIRMED

#### ***Part I***

#### Premises on which a Designated Disease is Suspected

##### **Record of Poultry**

1. The person in charge of the premises shall make and maintain an up to date record of the poultry on the premises showing in respect of each category the number of poultry which have died, which show clinical signs of disease and which show no signs. The record shall be produced to a veterinary inspector on demand.

##### **Isolation of poultry, captive birds, and racing pigeons**

2. The person in charge of the premises shall ensure that any poultry or captive birds on the premises are kept in their living quarters or some other place where they can be isolated. Racing pigeons shall be isolated in their pigeon house until restrictions have been removed.

##### **Prohibition on movement of poultry or other birds to or from premises**

3. No person shall move any poultry or other birds to or from the premises.

##### **Prohibition on movement of persons, animals and vehicles to or from the premises**

4. No person shall move to or from the premises and no person shall move any animal or vehicle to or from the premises.

##### **Prohibition on removal or spreading of things liable to transmit disease**

5. No person shall remove from the premises or spread within the premises any used poultry litter or poultry manure or anything liable to transmit disease.

##### **Restriction on removal of eggs**

6. No person shall move any eggs from premises except in accordance with the provisions of [F19 Article 7(2)(f) of, and Annex III to, Council Directive 2005/94/EC] or article 4.2(e) of and Annex I to Council Directive 92/66/EEC<sup>F20</sup> as the case may be.

**F19** Words in sch. 1 para. 6 substituted (28.2.2019) by The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018 (S.S.I. 2018/391), regs. 1(1), 23(4)(a)

**F20** O.J.No. L 260, 05.09.92, p.1.

##### **Disinfection at entrances and exits**

7. The person in charge of the premises shall provide and maintain an appropriate means of disinfection at the entrances and exits of the buildings housing poultry and of the premises.

## ***Part II***

### **Premises on which a Designated Disease is Confirmed**

#### **Slaughter and destruction**

8. The person in charge of the premises shall give all reasonable assistance to a veterinary inspector so as to ensure that poultry and such other birds on the premises as the veterinary inspector may require are killed there without delay and that carcasses and eggs are destroyed in such a way as will minimise the risk of spreading disease, in accordance with directions given by a veterinary inspector.

#### **Destruction or treatment**

9. The person in charge of the premises shall ensure that all other material which may be contaminated is destroyed or treated in such a way as to destroy the disease, in accordance with directions given by a veterinary inspector.

#### **Tracing**

10. The person in charge of the premises shall give all reasonable assistance to a veterinary inspector so as to ensure that—

- (a) meat of all poultry slaughtered during the presumed incubation period of the disease;
- (b) eggs laid during the presumed incubation period of the disease; and
- (c) meat and eggs which are otherwise likely to be contaminated with the disease virus,

are traced and destroyed, except that table eggs need not be destroyed if they have previously been disinfected.

#### **Disinfection and restocking**

11. The buildings used for housing poultry, their surroundings, any vehicles on the holding used for transport of poultry and all equipment likely to be contaminated shall, under the supervision of an inspector, be subject to preliminary and final cleansing and disinfection in accordance with [F21Annex VI to Council Directive 2005/94/EC] or Annex II of Council Directive 92/66/EEC as the case may be and to the satisfaction of a veterinary inspector. The Person in charge of the premises shall not restock the premises until at least 21 days after completion of the cleansing and disinfection.

**F21** Words in sch. 1 para. 11 substituted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), 23(4)(b)

## **SCHEDULE 2**

Article 11(8)

### **INFECTED AREAS: PROTECTION AND SURVEILLANCE ZONES**

#### **Protection Zones**

1. The following shall apply within the protection zone and shall continue to apply for a period of at least 21 days after the preliminary cleansing and disinfection of the infected premises required

*Status: Point in time view as at 30/12/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Diseases of Poultry (Scotland) Order 2003. (See end of Document for details)*

by paragraph 11 of Schedule 1 to this Order and thereafter until the Scottish Ministers declare the protection zone to have become part of the surveillance zone.

2. The person in charge of premises containing poultry shall ensure that—
  - (a) any inspector who requires information as to the presence of poultry on such premises is supplied with such information as soon as practicable;
  - (b) any veterinary inspector who visits the premises to examine the poultry and take samples is given all necessary assistance and information;
  - (c) the poultry are kept in their living quarters or such other place where they can be isolated;
  - (d) there is an appropriate means of disinfection at the entrance and exits of the premises;
  - (e) poultry and hatching eggs are not moved from the premises except under a licence issued by a veterinary inspector and—
    - (i) for the purpose of transport for immediate slaughter to a designated slaughterhouse; or
    - (ii) in the case of day old chicks or ready-to-lay pullets, to premises within the surveillance zone on which there is no other poultry; or
    - (iii) in the case of hatching eggs, and subject to the eggs and their packing material being disinfected before dispatch, to a designated hatchery; and
  - (f) used litter and poultry manure are not removed or spread.

3. No person shall move any poultry, captive birds, racing pigeons, eggs or carcasses within the protection zone, except that such poultry, captive birds or racing pigeons may be transported without stopping through the protection zone by way of a direct and uninterrupted route using main roads or rail and without being unloaded.

4. No person shall hold any fair, market, show or other gathering of poultry, captive birds or racing pigeons.

### **Surveillance Zone**

5. The following shall apply within the surveillance zone and shall continue to apply for a period of at least 30 days after the preliminary cleansing and disinfection of the infected premises required by paragraph 11 of Schedule 1 to this Order and thereafter until the Scottish Ministers declare the restrictions to be lifted.

6. The person in charge of the premises shall ensure that—
  - (a) any inspector who requires information as to the presence of poultry on those premises is supplied with such information as soon as practicable;
  - (b) poultry are not moved from the premises out of the surveillance zone except under a licence issued by a veterinary inspector for the purpose of transport direct to a designated slaughterhouse outside the surveillance zone;
  - (c) hatching eggs are not moved from the premises out of the surveillance zone except under a licence issued by a veterinary inspector for the purpose of transport direct to a designated hatchery and subject to the eggs and their packing material being disinfected before dispatch; and
  - (d) used litter and poultry manure are not moved out of the surveillance zone.

7. No person shall move any poultry, captive birds, racing pigeons or hatching eggs into or within the surveillance zone except that such poultry, captive birds or racing pigeons may be transported without stopping through the surveillance zone by way of a direct and uninterrupted route using main roads or rail and without being unloaded.

8. No person shall hold any fair, market, show or other gathering of poultry, captive birds or racing pigeons.

### **Cleansing and disinfection of vehicles used for the conveyance of poultry**

9.—(1) The owner of any vehicle used for the conveyance of poultry, poultry carcasses, poultry offal, poultry feathers or eggs originating in an infected area, shall before that vehicle is so used, as soon as practicable after each time it is so used and in any event before it is so used again, shall effectively cleanse and disinfect that vehicle.

(2) If any person fails to comply with sub-paragraph (1) above, an officer of the local authority may, without prejudice to any proceedings arising out of such failure, carry out or cause to be carried out the cleansing and disinfection and the person failing to carry out the operations shall be liable for any costs incurred.

---

## **EXPLANATORY NOTE**

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

This Order (read with the Animal Health Act 1981) further implements Council Directive [92/40/EEC](#) introducing Community measures for the control of avian influenza (O.J. No. L 167, 22.6.92, p.1) and Council Directive [92/66/EEC](#) introducing Community measures for the control of Newcastle disease (O.J. No. L 260, 5.9.92, p.1) (“the Directives”). The Directives were previously implemented by the Diseases of Poultry Order 1994 (“the 1994 Order”) and the Diseases of Poultry (Amendment) Order 1997, both revoked by this Order. This Order, like the Directives, now applies to ratites.

This Order also extends provisions in article 5A of the 1994 Order (relating to inspection powers and movement restrictions) to diseases of birds and to species of birds not covered by the Directives. These provisions are set out in article 7 of this Order.

Articles 1 to 3 of the Order contain introductory and interpretation provisions.

Article 4 provides for the notification of designated diseases and for the taking of precautionary measures when disease is suspected. Article 5 sets out restrictions which may apply if a designated disease is suspected or known to exist. Article 6 provides for veterinary inquiry into the existence of a designated disease. Article 7 sets out restrictions which apply where poultry or other birds are suspected of having been exposed to the risk of disease. Article 8 provides for veterinary inquiry as to the possible existence of disease. Article 9 provides for the measures to be taken where a designated disease is confirmed. The restrictions referred to in articles 4, 5 and 9 are set out in Schedule 1.

Article 10 sets out the duties of occupiers and persons in charge of premises served with a notice under the Order.

Article 11 provides for the declaration by the Scottish Ministers of an infected area where disease has been confirmed. The restrictions applicable in an infected area are set out in Schedule 2.

Article 12 allows the Scottish Ministers to require vaccination of poultry. Article 13 sets out restrictions applicable to racing pigeons. Article 14 contains provisions on cleansing and disinfection. Article 15 relates to the keeping of records and article 16 to licences and notices.

Article 17 sets out the general powers of veterinary inspectors under the Order. Article 18 provides for the Order to be enforced generally by local authorities. Article 19 revokes the 1994 Order and the Diseases of Poultry (Amendment) Order 1997 insofar as they apply to Scotland.

Failure to comply with this Order is an offence under section 73 of the Animal Health Act 1981.

**Status:**

Point in time view as at 30/12/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Diseases of Poultry (Scotland) Order 2003.