

## STATUTORY INSTRUMENTS

1986 No. 1755

ANIMALS

ANIMAL HEALTH

**The Infectious Diseases of Poultry Order 1986***Made* - - - - 1st October 1986*Coming into Operation* 22nd October 1986

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 7, 8(1), 15(4) and 15(5), 17, 23, 25, 72, 87(5)(a) and 88(4)(a) of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, hereby make the following order:—

*Title and commencement*

1. This order may be cited as the Infectious Diseases of Poultry Order 1986 and shall come into operation on 22nd October 1986.

*Extension of definitions of "poultry" and "disease"*

2. For the purposes of the Act in its application to this order—

- (a) the definition of "poultry" in section 87(4) of the Act is hereby extended so as to comprise quails, and
- (b) the definition of "disease" in section 88(3) of the Act is hereby extended so as to comprise in paragraph (b) of that subsection paramyxovirus 1 infection of pigeons.

*Interpretation*

3.— (1) In this order, unless the context otherwise requires—

"the Act" means the Animal Health Act 1981;

"the appropriate Minister" means, in relation to England the Minister, and in relation to Scotland or to Wales, the Secretary of State;

"approved disinfectant" means a disinfectant listed in the Diseases of

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(a) 1981 c. 22.

Animals (Approved Disinfectants) Order 1978(a) as being approved for the time being for use against disease;

“carcase” means the carcase of any poultry and includes part of a carcase or any portion thereof;

“Chief Veterinary Officer” means the Chief Veterinary Officer of the Ministry;

“disease” means Newcastle disease, fowl plague or paramyxovirus 1 infection of pigeons;

“infected place” means premises declared to be an infected place by a notice in Form A served under Article 6(1);

“inspector” means a person appointed to be an inspector for the purposes of the Act by the Minister or by a local authority, and when used in relation to an officer of the Ministry, includes a veterinary inspector;

“licensed vaccine” means either—

(a) a vaccine which is the subject of, and which is being used in accordance with, the provisions of a current product licence issued under the Medicines Act 1968(b), or a current animal test certificate so issued, or

(b) a vaccine of which the manufacture for sale or the importation into Great Britain is licensed by the appropriate Minister under an order made under Schedule 1 to the Act for the time being in force;

“the Minister” and “the Ministry” means respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

“poultry” means live birds of the following species, that is to say domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons, pheasants, partridges and quails;

“premises” includes land with or without buildings;

“veterinary inspector” means a veterinary inspector appointed by the Minister;

“veterinary surgeon” means a person registered in the register of veterinary surgeons or in the supplementary veterinary register.

(2) Any reference in this order—

(a) to a numbered Article, is a reference to the Article bearing that number in this order, and

(b) to a lettered form, is a reference to the form bearing that letter in Schedule 1 to this order.

#### *Notification of disease*

4.— (1) A person who has in his possession or under his charge any poultry or carcase which is affected or suspected of being affected with disease, and any veterinary surgeon or other person who, in the course of his duties, examines or inspects any such poultry or carcase shall, with all practicable speed, notify the

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(a) S.I. 1978/32; relevant amending instruments are S.I. 1986/5 and 1290.

(b) 1968 c. 67.

fact to a constable of the police force for the area in which the poultry or carcase is or to an inspector.

(2) An inspector, if he is not a veterinary inspector, or constable who receives notification under paragraph (1) above shall immediately transmit the information contained in the notification by the most expeditious means to a veterinary inspector.

*Preliminary restrictions on premises*

5.— (1) The occupier of any premises on which there is any poultry or carcase which is affected or suspected of being affected with disease shall—

- (a) ensure that no poultry or carcase moves or is moved from the premises; and
- (b) prevent the access of any person (other than a person attending the poultry) to the premises.

(2) The restrictions imposed in respect of any premises by paragraph (1) above shall continue in force until such time as the premises are declared to be an infected place (whereupon the prohibition on movement contained in the rules which apply to an infected place shall replace the prohibition on movement contained in this Article) or the occupier of the premises is informed by a veterinary inspector that the premises are not to be declared to be an infected place.

*Declaration of infected place*

6.— (1) If an inspector has reasonable grounds for supposing that disease exists or has within 28 days existed on any premises he may serve a notice in Form A on the occupier of the premises declaring them to be an infected place.

(2) On the service of a notice in Form A under paragraph (1) above the premises shall become an infected place and be subject to the rules set out in Article 8(1).

(3) A veterinary inspector may at any time alter the limits of an infected place by the service of a further notice on the occupier of such place.

(4) The rules applying to an infected place by virtue of paragraph (2) above shall continue in force until the notice in Form A is withdrawn by a notice in Form B served by an inspector of the Ministry on the occupier of the infected place.

*Veterinary enquiry as to the existence of disease*

7.— (1) If a veterinary inspector has reasonable grounds for supposing that disease exists or has within 28 days existed on any premises he shall, with all practicable speed, take such steps as may be necessary to establish the correctness of that information.

(2) For the purposes of such an enquiry a veterinary inspector may—

- (a) examine any poultry or carcase on the premises;
- (b) make such tests and take such samples from any poultry or carcase on

the premises as he may consider necessary for the purpose of diagnosis, and

(c) mark for identification purposes any poultry or carcase on the premises.

(3) The occupier of the premises and his employees, and any person who is or has been in possession or charge of, or in contact with, any poultry or carcase which is or has been on the premises, shall—

(a) provide such reasonable facilities and comply with such reasonable requirements as are necessary for the purposes of the enquiry, and

(b) if so required by an inspector or by an officer of the Ministry, give such information as he possesses as to the location and movements of—

(i) any poultry or carcase which is or has been on the premises, and

(ii) any poultry or carcase on any other premises with which he or with which any poultry or carcase which is or has been on the premises may have come into contact, and

(iii) any other person who has been on the premises and who may have been in contact with disease.

(4) If, on completion of the enquiry, the veterinary inspector is of the opinion that disease exists or has within 28 days existed on the premises his opinion to that effect shall be subject to confirmation by or on behalf of the Chief Veterinary Officer.

(5) If the veterinary inspector's opinion as to the existence of disease on the premises is confirmed by or on behalf of the Chief Veterinary Officer in accordance with paragraph (4) above, then any notice in Form A declaring the premises to be an infected place shall not be withdrawn by a notice in Form B served by an inspector of the Ministry on the occupier of the premises until a veterinary inspector is satisfied that disease no longer exists on the premises.

(6) If, on completion of the enquiry, the veterinary inspector is of the opinion that disease does not exist and has not within 28 days existed on the premises, or if his opinion as to the existence of disease on the premises is not confirmed by or on behalf of the Chief Veterinary Officer in accordance with paragraph (4) above, then any notice in Form A declaring the premises to be an infected place shall immediately be withdrawn by a notice in Form B served by an inspector of the Ministry on the occupier of the premises.

*Rules to be observed in an infected place*

8.— (1) An infected place shall be subject to the following rules, namely—

Rule 1. No person shall move any poultry into or out of the infected place, or cause or permit any poultry to be so moved, except under the authority of a licence issued by an inspector of the Ministry and in accordance with any conditions subject to which the licence is issued.

Rule 2. No person shall move out of the infected place, or cause or permit to be so moved, any carcase, eggs, fodder, litter, droppings, utensil, foodbag, crate, hurdle, poultry appliance, vehicle or other thing, except under the authority of a licence issued by an inspector of the Ministry and in accordance with any conditions subject to which the licence is issued.

Rule 3. No person shall enter or leave the infected place except under the authority of a licence issued by an inspector and in accordance with any conditions subject to which the licence is issued.

Rule 4. No person shall—

- (a) enter any shed, field or other part of the infected place in which any poultry or carcase which is affected or suspected of being affected with disease is kept or has within 28 days been kept, unless he is wearing overall clothing and boots which are capable of being disinfected and which have been approved by an inspector; or
- (b) leave any such shed, field or other part of the infected place without first having disinfected his overall clothing and boots and having washed his hands.

Rule 5. No person shall remove any droppings, litter or waste food from any building, shed, pen, yard or other part of the infected place in which any poultry or carcase which is affected or suspected of being affected with disease is kept or has within 28 days been kept, without first having disinfected such droppings, litter or waste food to the satisfaction of an inspector.

(2) A veterinary inspector may by notice served on the occupier of the infected place direct that—

- (a) such additional rules as may be specified in the notice shall apply to the infected place; or
- (b) any of the rules set out in paragraph (1) above shall cease to apply to the infected place or shall be modified in the manner specified in the notice.

*Provisions with regard to poultry exposed to infection*

9.— (1) Subject to paragraphs (2) and (3) below, an inspector may, where he has reasonable grounds for suspecting that any poultry have been, are or may become exposed to disease, serve a notice in Form C on the occupier of the premises on which the poultry are and on the owner or person in charge of the poultry if that person is not the occupier of the premises.

(2) Where any poultry are in one of the places referred to in paragraph (3) below at the time when an inspector suspects that they have been, are or may become exposed to disease, the inspector shall, before serving a notice in Form C under paragraph (1) above, cause the poultry to be seized and moved to premises approved by him for the purpose of their detention on those premises in accordance with such notice.

(3) The places referred to in paragraph (2) above are—

- (a) a market, fairground, saleyard, place of exhibition or other public or private place where poultry are commonly exposed for sale or exhibition;
- (b) a landing place, wharf, railway station, aerodrome or other place in which the poultry are being detained during transit; and
- (c) common or unenclosed land or any other place not in the possession or occupation or under the control of the owner of the poultry or his authorised agent.

(4) On the service of a notice in Form C under paragraph (1) above no person shall move, or cause or permit to be moved, any poultry onto or out of the premises to which the notice relates, except under the authority of a licence issued by an inspector and in accordance with any conditions subject to which the licence is issued; and a person so moving any poultry on to the premises shall at all times keep such poultry separate from any other poultry on the premises.

(5) A notice in Form C—

- (a) may contain such other conditions or requirements with regard to the premises to which it relates, or with regard to persons, poultry or things on such premises as a veterinary inspector may consider necessary for the purpose of preventing the spread of disease; and
- (b) shall remain in force for such period as may be specified in the notice or until withdrawn by a notice in Form D served by an inspector of the Ministry on the occupier of the premises to which the notice in Form C relates and on the owner or person in charge of any poultry detained on those premises if that person is not the occupier of the premises to which the notice in Form C relates.

*Cleansing and disinfection of premises and vehicles*

**10.**— (1) An inspector may serve on the occupier of any premises on which there is or has within 28 days been any poultry or carcase which is affected or suspected of being affected with disease a notice requiring him to cleanse and disinfect, at his own expense or, if the notice so specifies, at the expense of the appropriate Minister, with an approved disinfectant and in such manner and within such period as may be specified in the notice,—

- (a) all or any part of the premises;
- (b) any equipment, appliance, utensil or other thing used in connection with any such poultry or carcase.

(2) An inspector may serve on the owner or person in charge of a vehicle which is used, or has within the previous 28 days been used, for the carriage of any poultry or carcase which is affected or suspected of being affected with disease a notice requiring him to cleanse and disinfect, at his own expense or, if the notice so specifies, at the expense of the appropriate Minister, with an approved disinfectant and in such manner and within such period as may be specified in the notice—

- (a) the vehicle; and
- (b) any equipment, appliance, utensil or other thing used in connection with the carriage in the vehicle of any such poultry or carcase.

(3) If any person on whom a notice is served under paragraph (1) or (2) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the cleansing and disinfection specified in the notice, and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable by the appropriate Minister, or, as the case may be, by the local authority as a civil debt from the person in default.

*Prohibition of vaccination with unlicensed vaccine*

**11.** No person shall vaccinate any poultry against disease except with a licensed vaccine.

*General provisions as to licences*

**12.—** (1) A veterinary inspector may, where he considers it necessary for the purpose of preventing the spread of disease, revoke, vary or suspend any licence issued under this order by a notice served on the person to whom the licence was issued.

(2) A licence issued under this order shall accompany whatever is being moved under its authority and any person acting under the authority of such a licence shall, on demand made by an inspector or by a constable, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

*Transmission of notices*

**13.** An inspector shall, with all practicable speed, send copies of every notice served by him to the local authority, to the police officer in charge of the nearest operational police station and, if he is not a veterinary inspector, to a veterinary inspector.

*Offences*

**14.** Any person who, without lawful authority or excuse, proof of which shall lie on him—

- (a) contravenes any provision of this order or any provision of a licence issued, or of a notice served, under this order; or
- (b) fails to comply with any such provision or with any condition of such a licence or notice; or
- (c) causes or permits any such contravention or non-compliance, commits an offence against the Act.

*Local authority to enforce order*

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

*Amendment and Revocation*

**16.—** (1) In Article 2 of the Fowl Pest Orders (Amendment) Order 1983(a) the words “the Fowl Pest Order 1936 and” and Article 3(1) of that Order are omitted.

(2) The orders listed in Schedule 2 to this order are revoked.

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(a) S.I. 1983/941.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st October 1986.



*Michael Jopling,*  
Minister of Agriculture,  
Fisheries and Food.

*John J. Mackay,*  
Parliamentary Under-Secretary of State,  
Scottish Office.

24th September 1986.

*Wyn Roberts,*  
Parliamentary Under-Secretary of State.

25th September 1986.



SCHEDULE 1

FORM A

ANIMAL HEALTH ACT 1981

INFECTIOUS DISEASES OF POULTRY ORDER 1986

(Article 6)

NOTICE DECLARING INFECTED PLACE

To .....  
of .....

I, the undersigned, being  
\*an inspector of the Ministry of Agriculture, Fisheries and Food  
\*an inspector of the local authority for the .....  
.....of .....

hereby give you notice as the occupier of the premises described below that in accordance with the provisions of the above order the premises are hereby declared to be an infected placed for the purposes of the said order and that the premises accordingly become subject to the Rules specified in this notice which are printed on the back hereof.

Any infringement of these rules may constitute an offence against the Animal Health Act 1981 and render a person liable to penalties on conviction. This notice remains in force until it is withdrawn by a subsequent notice (Form B) served on the occupier of the premises by an inspector of the Ministry.

DESCRIPTION OF INFECTED PLACE

Premises .....  
Parish .....  
District/Borough\* .....  
County† .....

Signed .....Dated .....19 ...  
Name in block letters .....  
Official address .....

NOTE: The inspector is with all practicable speed to send copies of this notice to a veterinary inspector, to the local authority, to the police officer in charge of the nearest operational police station of the police force for the area, and to the Secretary, Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.

\* delete as appropriate  
† in Scotland insert name of region or islands council

*Rules to be observed in relation to an infected place (Article 8)*

Rule 1. No person shall move any poultry into or out of the infected place, or cause or permit any poultry to be so moved, except under the authority of a licence issued by an inspector of the Ministry and in accordance with any conditions subject to which the licence is issued.

Rule 2. No person shall move out of the infected place, or cause or permit to be so moved, any carcase, eggs, fodder, litter, droppings, utensil, foodbag, crate, hurdle, poultry appliance, vehicle or other thing, except under the authority of a licence issued by an inspector of the Ministry and in accordance with any conditions subject to which the licence is issued.

Rule 3. No person shall enter or leave the infected place except under the authority of a licence issued by an inspector and in accordance with any conditions subject to which the licence is issued.

Rule 4. No person shall—

- (a) enter any shed, field or other part of the infected place in which any poultry or carcase which is affected or suspected of being affected with disease is kept or has within 28 days been kept, unless he is wearing overall clothing and boots which are capable of being disinfected and which have been approved by an inspector; or
- (b) leave any such shed, field or other part of the infected place without first having disinfected his overall clothing and boots and having washed his hands.

Rule 5. No person shall remove any droppings, litter or waste food from any building, shed, pen, yard or other part of the infected place in which any poultry or carcase which is affected or suspected of being affected with disease is kept or has within 28 days been kept, without first having disinfected such droppings, litter or waste food to the satisfaction of an inspector.

FORM B

ANIMAL HEALTH ACT 1981

INFECTIOUS DISEASES OF POULTRY ORDER 1986

(Articles 6 and 7)

WITHDRAWAL OF NOTICE DECLARING INFECTED PLACE (FORM A)

To .....  
of .....

I, the undersigned, being an inspector of the Ministry of Agriculture, Fisheries and Food hereby withdraw, as from this ..... day of ..... 19....., the Infected Place Notice (Form A) relating to the premises described below served on you on the ..... day of ..... 19.....

DESCRIPTION OF PREMISES

Premises .....  
Parish .....  
District/Borough\* .....  
County† .....

Signed ..... Dated ..... 19 ...  
Name in block letters .....  
Official address .....

NOTE: The inspector is with all practicable speed to send copies of this notice to the local authority, to the police officer in charge of the nearest operational police station of the police force for the area, and to the Secretary, Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.

\* delete as appropriate

† in Scotland insert name of region or islands council

FORM C

ANIMAL HEALTH ACT 1981

INFECTIOUS DISEASES OF POULTRY ORDER 1986

(Article 9)

NOTICE IMPOSING RESTRICTIONS ON PREMISES ON WHICH THERE ARE POULTRY EXPOSED,  
OR LIKELY TO BE EXPOSED, TO DISEASE

To .....  
of .....

I, the undersigned, being  
\*an inspector of the Ministry of Agriculture, Fisheries and Food  
\*an inspector of the local authority for the .....  
.....of .....

hereby give you notice as the occupier of the premises described below/\*owner/\*person in charge of poultry on the premises described below that, in accordance with the provisions of Article 9 of the above order:

- (a) no person shall move, or cause or permit to be moved, any poultry on to or out of the premises except under the authority of a licence issued by an inspector and in accordance with any conditions subject to which the licence is issued; and a person so moving any poultry on to the premises shall at all times keep such poultry separate from other poultry on the premises; and
- (b) (other conditions or requirements)

The restrictions imposed by this notice shall apply until—

- (a) \*midnight on ..... 19....
- (b) \*this notice is withdrawn by a further notice (Form D) served on you by an inspector of the Ministry.

Breach of the restrictions imposed by this notice may constitute an offence against the Animal Health Act 1981 and render a person liable to penalties on conviction.

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DESCRIPTION OF PREMISES UNDER RESTRICTIONS

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Premises .....  
Parish .....  
District/Borough\* .....  
County† .....

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Signed ..... Dated ..... 19 ...  
Name in block letters .....  
Official address .....

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**NOTES:**

1. This notice does not prevent the slaughter of poultry on the premises by the owner, or the subsequent removal from the premises of the carcasses.
2. The inspector is with all practicable speed to send copies of this notice to a veterinary inspector, to the local authority and to the police officer in charge of the nearest operational police station of the police force for the area.

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\* delete as appropriate

† in Scotland insert name of region or islands council

FORM D

ANIMAL HEALTH ACT 1981

INFECTIOUS DISEASES OF POULTRY ORDER 1986

(Article 9)

WITHDRAWAL OF NOTICE IMPOSING RESTRICTIONS AS RESPECTS POULTRY EXPOSED OR LIKELY TO BE EXPOSED, TO INFECTION (FORM C)

To .....  
of .....

I, the undersigned, being an inspector of the Ministry of Agriculture, Fisheries and Food hereby withdraw, as from the ..... day of ..... 19....., the Notice (Form C) relating to the premises described below served on you on the ..... day of ..... 19.....

DESCRIPTION OF PREMISES

Premises .....  
Parish .....  
District/Borough\* .....  
County† .....

Signed ..... Dated ..... 19 ...  
Name in block letters .....  
Official address .....

NOTE: The inspector is with all practicable speed to send copies of this notice to a veterinary inspector, to the local authority and to the police officer in charge of the nearest operational police station of the police force for the area.

\* delete as appropriate

† in Scotland insert name of region or islands council

## SCHEDULE 2

Article 16(2)

Orders revoked	References
The Fowl Pest Order of 1936	S.R & O 1936/1297
The Fowl Pest (Amendment) Order of 1947	S.R & O 1947/871
The Fowl Pest (Amendment) Order of 1947 (No. 2)	S.R & O 1947/1176
The Fowl Pest (Amendment) Order 1963	S.I. 1963/629
The Fowl Pest (Amendment) Order 1981	S.I. 1981/1239
The Fowl Pest (Amendment) Order 1984	S.I. 1984/561

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order consolidates, with amendments, the provisions of various orders relating to diseases of poultry listed in Schedule 2 to the Order, which are revoked.

The Order continues to provide for—

- (a) the compulsory notification of diseases of poultry (Article 4);
- (b) the declaration as an infected place of premises where diseases of poultry are suspected to exist (Article 6) and rules to be observed in respect of an infected place (Article 8);
- (c) the investigation by a veterinary inspector into the existence of diseases of poultry and the examination by him of poultry and carcasses for this purpose (Article 7);
- (d) the prohibition of the movement of poultry which have been, are, or may be exposed to the infection of disease (Article 9); and
- (e) the cleansing and disinfection of premises and vehicles (Article 10).

The only change of substance is that the provisions of this Order apply to paramyxovirus 1 infection of pigeons in addition to Newcastle disease and fowl plague (Article 3(1)).

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