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STATUTORY INSTRUMENTS

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**2022 No. 1108**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Exotic Animal Disease (Amendment) (England) Order 2022**

*Made* - - - - *26th October 2022*

*Coming into force* - - *27th October 2022*

The Secretary of State makes this Order, in exercise of the powers conferred by sections 1, 7(1) and (2), 8(1)(1), 15(5), 17(1), 23, 25, 87(2) and (5)(a) and 88(2) and (4) of the Animal Health Act 1981(2).

**Citation, commencement and application**

1.—(1) This Order may be cited as the Exotic Animal Disease (Amendment) (England) Order 2022 and comes into force on the 27th October 2022.

(2) This Order applies in relation to England only.

**Amendments to the Specified Diseases (Notification and Slaughter) Order 1992**

2.—(1) The Specified Diseases (Notification and Slaughter) Order 2021(3) is amended as follows.

(2) In article 2(1)—

- (a) after “Contagious epidydimitis”, insert “Dourine (*Trypanosoma equiperdum*)”;
- (b) after the definition of “Epizootic haemorrhagic virus disease”, insert “Epizootic Lymphangitis (*Histoplasma farciminosum*)”;
- (c) after “Equine infectious anaemia”, insert “Equine Viral Encephalomyelitis”.

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(1) Section 8(1) of the Animal Health Act 1981 (c. 22) is amended by section 34 of the Agriculture Act 2020 (c. 21).  
(2) 1981 c. 22. The expression “the Ministers” is defined in section 86(1)(c). Functions of “the Ministers” under the Act (except for section 57(1)), so far as exercisable in relation to England, were transferred to the Minister of Agriculture, Fisheries and Food by S.I. 1999/3141, and functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by article 2(2) of S.I. 2002/794.  
(3) S.I. 1992/3159; relevant amending instruments are S.I. 2006/2166 and 2021/443; there are other amendments, but none is relevant.

### **Amendments to the Foot and Mouth Disease (England) Order 2006**

- 3.—(1) The Foot and Mouth Disease (England) Order 2006(4) is amended as follows.
- (2) In article 2(1), omit the definitions of “wild game bird” and “wild game bird product”.

### **Amendments to the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No.2) Order 2006**

4.—(1) The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No.2) Order 2006(5) is amended as follows.

- (2) In article 2—
- (a) in the definition of “brood-and-move Galliformes” for ““brood-and-move Galliformes” means Galliformes” substitute ““brood-and-move poultry” means poultry”;
- (b) after the definition of “egg processing plant” insert—
- ““fresh meat” means meat which has not undergone any preserving process other than chilling, freezing or quick freezing, including meat which is vacuum packed or wrapped in a controlled atmosphere;”;
- (c) after the definition of “mammal carcase” insert—
- ““meat product” means a processed product resulting from the processing of meat or from the further processing of such processed, so that the cut surface shows the product no longer has the characteristics of fresh meat;”;
- (d) for the definition of “non-commercial premises” substitute—
- ““non-commercial premises” means any premises where all poultry or other captive birds, (including those kept as pets) their eggs or other poultry products are kept by their keeper for personal consumption, or for use, exclusively within or for the purposes of the same household;”;
- (e) for the definition of “poultry” substitute—
- ““poultry” means a bird reared or kept in captivity for the purposes of—
- (i) the production of meat or eggs for consumption or other poultry products;
- (ii) restocking supplies of game; or
- (iii) any breeding programme for the production of such categories of birds or products specified in sub-paragraphs (i) and (ii);
- but does not include any bird that is kept for the purposes of a single household, where the bird and its keeper have no direct or indirect contact with other poultry or poultry facilities, and the bird and products of the bird are used exclusively within, or for the purposes of the same household;”;
- (f) after the definition of “poultry” insert—
- ““poultry product” means anything originating or made (whether in whole or in part) from any living or dead poultry, and includes the carcase of any poultry;”;
- (g) after the definition of “wild birds” insert—
- ““wild game bird” means a wild bird which lives freely in the wild and is hunted for human consumption;

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(4) [S.I. 2006/182](#), amended by [S.I. 2021/1472](#).

(5) [S.I. 2006/2702](#). Relevant amendments were made by [S.I. 2021/1472](#).

“wild game bird product” means any carcass, egg or any other thing originating or made (whether in whole or in part) from a wild game bird or from the carcass of a wild game bird and includes any by products of a wild bird game bird;

“wildlife rescue and rehabilitation centre” means any facility dedicated to the sole purpose of providing treatment and temporary care of injured, orphaned or sick wild animals, including any facility for their housing, feeding and treatment under the supervision of a veterinary surgeon for the primary purpose of their release back into the wild.”.

- (3) In article 11, omit paragraph (5).
- (4) In article 22—
  - (a) in paragraph (3), after sub-paragraph (g) insert—

“(h) wildlife rescue and rehabilitation centres.”;
  - (b) omit paragraph (4).
- (5) In article 31A(3)(b)(i) **(6)** for “paragraph (2)” substitute “paragraph 2 of Schedule 8”.
- (6) In article 33(1)—
  - (a) After “or in” insert “any”;
  - (b) after “special category premises,” insert “or any birds on special category premises listed in article 22(3)(a) to (e) or (h)”.
- (7) In article 48(2)(a), after “disposable packaging” insert “or packaging which has been cleansed and disinfected in accordance with the instructions of a veterinary inspector”.
- (8) In article 64 after paragraph (6) insert—

“(7) The occupier of any premises to which poultry is moved under this article shall, for at least 21 days from the date on which the poultry was moved to the premises, take such measures to reduce the risk of spread of avian influenza to poultry, other captive birds or wildlife, including a requirement to house or otherwise keep that poultry separate from other birds or mammals on the premises, as may be directed by a veterinary inspector.”.
- (9) In article 85—
  - (a) at the beginning, insert “Subject to paragraph (1A),”;
  - (b) after paragraph (1) insert—

“**1A.** In relation to designated slaughterhouses, this Order is enforced by the Food Standards Agency.”.
- (10) In Schedule 4—
  - (a) in paragraph 14, after “carcasses” insert “into”;
  - (b) omit paragraph 20(1)(c);
  - (c) in paragraph 22—
    - (i) the existing paragraph becomes sub-paragraph “(1)”;
    - (ii) in sub-paragraph (1) (as re-numbered), for “Galliformes”, in both places where it appears, substitute “poultry”;
    - (iii) after sub-paragraph (1) insert—

“(2) The occupier of premises to which ready-to-lay poultry or brood-and-move poultry are moved shall not move such poultry from those premises for a period of at least 21 days from the day on which that poultry was moved onto the premises.”.

- (11) In Schedule 5—
- (a) after paragraph 8 insert—

“(8A) No person shall remove carcasses from premises in the zone.”;
  - (b) in paragraph 10—
    - (i) the existing paragraph becomes sub-paragraph (1);
    - (ii) after sub-paragraph (1) insert—

“(b) for the purpose of this paragraph, game birds includes any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan or ducks bred for shooting.”.
  - (c) in paragraph 11—
    - (i) the existing paragraph becomes sub-paragraph (1);
    - (ii) after “no person shall move any poultry or eggs” insert “into or”;
    - (iii) after subparagraph (1) insert—

“(2) The occupier of premises to which poultry are moved, shall not move any of that poultry from those premises for a period of at least 21 days from the day on which that poultry was moved onto the premises.”;
  - (d) in paragraph 15(2)(d), for “Galliformes” substitute “poultry”;
  - (e) for paragraph 17, substitute—

“17. Poultry must not be moved from premises in the zone to a designated slaughterhouse outside the zone unless—

    - (a) the movement commences within 24 hours of the completion of a veterinary inspection of the poultry at the premises; and
    - (b) the appropriate minister responsible for the designated slaughterhouse has authorised the movement of that poultry.”.
- (12) In schedule 7, in paragraph 7(2)(f)—
- (a) after “centre” omit “in disposable packaging and”;
  - (b) after “veterinary inspector” insert “and in disposable packaging or packaging which has been cleansed and disinfected in accordance with the instructions of a veterinary inspector”.

26th October 2022

*Benyon*  
Parliamentary Under Secretary of State  
Department of Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

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

This Order applies in relation to England only and amends the Specified Diseases (Notification and Slaughter) (England) Order (S.I. 1992/1382) (“the Specified Diseases (Notification and Slaughter) Order”), the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No. 2) Order 2006 (S.I. 2006/2702) (“the Avian Influenza Order No. 2”) and the Foot-and-Mouth Disease (England) Order 2006 (S.I. 2006/182) (“the Foot-and Mouth Disease Order”).

Amendments to the Specified Diseases (Notification and Slaughter) Order are contained in article 2 of this Order. These amendments introduce three equine exotic notifiable diseases to the disease list.

Amendments to the Foot-and-Mouth Disease Order are contained in article 3 of this Order. These amendments correct an error to remove definitions of “wild game bird” and “wild game bird product”.

Amendments to the Avian Influenza Order No. 2 are contained in article 4 of this Order. These include amendments to the definition of “poultry” to provide alignment with the World Organisation for Animal Health (WOAH) definition, amendments to the definition of “non-commercial premises” to provide alignment with the WOAH definition and to provide clarity in relation to poultry or captive birds which are kept as pets but also produce eggs, requirements relating to wildlife and rehabilitation centres as special category premises, allows the use of cleansed and disinfected egg packaging material in certain circumstances and extends the definition of game birds to include ducks bred for shooting for the purposes of this Order. The amendments also provide for the Food Standards Agency to enforce in relation to designated slaughterhouses.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.