
WELSH STATUTORY INSTRUMENTS

2022 No. 280 (W. 81)

ANIMALS, WALES

ANIMAL HEALTH

**The Avian Influenza (Wales)
(Amendment and Revocation) Order 2022**

Made - - - - at 8.47 p.m. on 10
March 2022
Coming into force in accordance with article 1(2)

The Welsh Ministers, in exercise of the powers conferred by sections 1, 7, 8(1), 11, 15(5), 17(1), 23, 25, 28, 35(1) and (3), 38(1), 65A(3) and 83(2) of the Animal Health Act 1981(1), make the following Order:

Title and commencement

1.—(1) The title of this Order is the Avian Influenza (Wales) (Amendment and Revocation) Order 2022.

(2) This Order comes into force immediately after it is made.

Amendments to the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006

2. The Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006(2) is amended in accordance with articles 3 to 23.

Amendments to article 2 (interpretation)

3. In article 2 (interpretation)—

(a) after the definition of “the Act” insert—

““appropriate minister” means—

(a) in relation to England, the Secretary of State;

(1) 1981 c. 22. Functions of “the Ministers” under the Animal Health Act 1981 (as defined in section 86(1) of that Act) are exercisable by the Welsh Ministers (in relation to Wales), by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(2) S.I. 2006/2927 (W. 262) to which there are amendments not relevant to this instrument.

- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;”;
- (b) after the definition of “border inspection post” insert—
 - ““brood-and-move Galliformes” means Galliformes that have been, are being or are to be moved for the purposes of growing or fattening to premises other than those where they were reared;”;
- (c) for the definition of “commercial premises” substitute—
 - ““commercial premises” means premises where any poultry or other captive birds are kept for commercial purposes;”;
- (d) after the definition of “designated” insert—
 - ““diagnostic manual” means the diagnostic manual set out in the Annex to Commission [Decision 2006/437/EC](#) approving a Diagnostic Manual for avian influenza as provided for in Council [Directive 2005/94/EC\(3\)](#);”;
- (e) 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 wrapped or wrapped in a controlled atmosphere;”;
- (f) after the definition of “mammal carcass” insert—
 - ““meat product” means a processed product resulting from the processing of meat or from the further processing of such a processed product, so that the cut surface shows that the product no longer has the characteristics of fresh meat;”;
- (g) after the definition of “National Assembly” insert—
 - ““non-commercial premises” means premises where all poultry or other captive birds, or their eggs, are kept by their keeper for the purposes of the keeper’s personal consumption or use, or as pets;”;
- (h) after the definition of “premises” insert—
 - ““primary outbreak” means an outbreak which is not epidemiologically linked with a previous outbreak in Wales;
 - “processed fresh meat” means any of the following—
 - (a) minced meat, being boned meat which has been minced into fragments and contains less than 1% salt;
 - (b) a meat preparation, being fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus eliminate the characteristics of fresh meat;
 - (c) meat mechanically removed from flesh-bearing bones using means resulting in the loss or modification of the muscle fibre structure;”;
- (i) after the definition of “racing pigeon” insert—
 - ““ready-to-lay poultry” means birds, which are intended for use as productive egg layers, and for these purposes, includes both female and male birds;”;
- (j) after the definition of “wild birds” insert—
 - ““wild game bird” means a bird which lives freely in the wild and is hunted for human consumption;

“wild game bird product” means any wild game bird carcase, egg or any other thing originating or made (whether in whole or in part) from a wild game bird or from a wild game bird carcase and includes bird by-products from wild birds.”

Amendment to article 11 (derogations from restrictions applicable at suspect premises)

4. In article 11, omit paragraph (5).

Amendment to article 12 (veterinary inquiries and sampling)

5. In article 12, after paragraph (2) insert—

“(3) The Welsh Ministers must ensure that any veterinary inquiry conducted under paragraph (1) or (2) is conducted in accordance with the procedures set out in the diagnostic manual.”

Amendment to article 22 (measures on special category premises)

6. In article 22—

- (a) for paragraph (2) substitute—

“(2) A veterinary inspector must not license a movement to a place in the territory for which another administration within the British Islands is responsible unless the movement is authorised by the appropriate minister for that administration.”;

- (b) for paragraph (3)(g) substitute—

“(g) premises or parts of premises where only officially registered rare breeds of poultry or other captive birds are kept.”;

- (c) omit paragraph (4);

- (d) at the appropriate place insert—

“(5) In this article, “officially registered rare breeds of poultry or other captive birds” means any poultry or other captive birds that have been officially recognised on the “UK breeds at risk” list published on 20 December 2021(4).”

Amendments relating to restrictions on the movement of wild game bird products

7. After article 31 insert—

“Restrictions on the movement of wild game bird products

31A.—(1) The Welsh Ministers may, on the basis of a risk assessment, prohibit the movement of wild game bird products intended for human consumption.

(2) Where movement of wild game bird products is prohibited under paragraph (1), a veterinary inspector or an inspector acting under the direction of a veterinary inspector may by licence authorise the movement—

- (a) of meat products, from wild game birds originating in a protection, surveillance or restricted zone, which have been heated throughout the product in question to a minimum temperature of 70°C;
- (b) of fresh meat and meat products from wild game birds originating in a protection, surveillance or restricted zone, to an unrestricted area in Wales, provided the meat, or meat products has, or have been—

(4) The list is published on www.gov.uk and details can be found at “FAnGR resources for farmers and livestock breeders”.

- (i) marked in accordance with Schedule 8, paragraph 2;
 - (ii) cut and stored in the handling establishment separately from other products which have originated outside the protection, surveillance or restricted zone;
 - (c) of fresh meat from wild game birds originating outside the protection, surveillance or restricted zone, which has been—
 - (i) produced in accordance with section 4 of Annex 3 to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽⁵⁾;
 - (ii) subject to the official controls set out in Article 18 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed laws, rules on animal health and welfare, plant health and plant protection products⁽⁶⁾;
 - (d) of processed fresh meat and products containing such meat from wild game birds originating outside the protection, surveillance or restricted zone, produced in accordance with Sections 5 and 6 of Annex 3 to Regulation (EC) No 853/2004.
- (3) The measures in Schedule 8 apply in respect of movements covered by this article.”

Amendment to article 34 (measures in restricted zones)

8. In article 34(2), for “Schedules 4 and 5 and article 35” substitute “Schedules 4, 5 and 8 and articles 31A, 35 and 64”.

Amendments to article 36 (ending of protection, surveillance and restricted zones)

9. In article 36—

- (a) in paragraph (1), after “but” insert “, subject to paragraph (4)”;
- (b) after paragraph (3) insert—

“(4) The restrictions that would otherwise apply by virtue of paragraph (1)(a) or (3) do not apply where the Welsh Ministers are satisfied that their application is not necessary to reduce the risk of the spread of avian influenza.”

Amendment to article 41 (measures at border inspection posts)

10. In article 41(4), after “instructions” insert “and kept under official supervision until the investigation is completed in accordance with the requirements set out in the diagnostic manual”.

Amendments to article 44 (reintroduction of poultry and other captive birds)

11. In article 44, for “has been carried out”, in each place it occurs, substitute “has been completed and at least 24 hours have elapsed since its completion”.

Amendments to article 47 (killing of poultry and other captive birds)

12. In article 47—

- (a) for paragraph (1) substitute—

(5) EUR 853/2004. Annex 3 is amended by S.I. 2019/640.

(6) EUR 625/2017. Article 18 is amended by S.I. 2020/1481.

“(1) The Welsh Ministers must ensure that all poultry and other captive birds of the species in which low pathogenic avian influenza has been confirmed on the holding are killed or slaughtered under official supervision in such a way as to prevent the spread of avian influenza.”;

- (b) in paragraph (2), after “The occupier of a” insert “designated”;
- (c) in paragraph (3), after “movement of birds to a” insert “designated”;
- (d) for paragraph (4) substitute—

“(4) The Welsh Ministers may require other captive birds on the premises to be killed or slaughtered on the basis of an assessment of the risk that they pose as regards the spread of avian influenza to birds on other premises that are determined on the basis of epidemiological inquiry to be contact premises.”

Amendment to article 48 (movement of eggs from premises where low pathogenic avian influenza is confirmed)

13. In article 48(2)(a), after “in disposable packaging” insert “or packaging which has been cleansed and disinfected in accordance with the instructions of a veterinary inspector”.

Amendments relating to the duration of low pathogenic avian influenza restricted zones

14. After article 57 insert—

“Duration of low pathogenic avian influenza restricted zones

57A.—(1) The measures in article 57 must be maintained for at least the minimum period and until the Welsh Ministers, on the basis of investigations and laboratory tests carried out in the restricted zone in accordance with the diagnostic manual and a risk assessment, have determined that the risk of the spread of low pathogenic avian influenza is negligible.

(2) In paragraph (1), “the minimum period” means—

- (a) in a case where preliminary cleansing and disinfection at the infected premises has been carried out in accordance with one or more of the procedures in article 66, 21 days following completion of that preliminary cleansing and disinfection;
- (b) in any other case, 42 days following the date on which the outbreak is confirmed.”

Amendment to article 64 (poultry moved to premises outside controlled zones other than for slaughter)

15. In article 64(2), after “ready-to-lay poultry” insert “or brood-and-move Galliformes”.

Amendment to article 68 (surveillance at restocked commercial poultry premises)

16. In article 68(1)(b), after “avian influenza” insert “in accordance with the diagnostic manual”.

Amendment to article 81 (veterinary investigations)

17. In article 81, after paragraph (7) insert—

“(8) Any person who carries out an investigation under this Order must do so in accordance with the diagnostic manual.”

Amendment to Schedule 1 (measures where avian influenza or avian influenza virus is suspected on premises)

18. In Schedule 1, in paragraph 4, after “veterinary inspector” insert “, and observes appropriate biosecurity measures in order to minimise the risk of spread of disease”.

Amendment to Schedule 2 (measures on premises where highly pathogenic avian influenza is confirmed)

19. In Schedule 2, after paragraph 6 insert—

“Primary outbreak

7. In the case of a primary outbreak—

- (a) the Welsh Ministers must submit the virus isolate to the national reference laboratory as soon as practicable;
- (b) the national reference laboratory must subject that virus isolate to the laboratory procedures specified within the diagnostic manual for the purpose of identifying the genetic subtype.”

Amendments to Schedule 4 (measures in a protection zone)

20. In Schedule 4—

(a) in paragraph 16—

(i) in sub-paragraph (f), after “ready-to-lay poultry” insert “or brood-and-move Galliformes”;

(ii) after sub-paragraph (l) insert—

“(m) poultry and other captive birds to a veterinary surgery for treatment, or return to the premises of origin following such a movement.”;

(b) in paragraph 17—

(i) after sub-paragraph (a) omit “and”;

(ii) after sub-paragraph (b) insert—

“(c) where appropriate, laboratory tests have been carried out on poultry on the premises of origin in accordance with the diagnostic manual; and

(d) where the movement is within Great Britain, the appropriate minister responsible for the designated slaughterhouse has been informed and has agreed to receive the poultry.”;

(c) for paragraph 20 (including the heading) substitute—

“Day-old chicks

20.—(1) Day-old chicks hatched from eggs produced in the zone, or hatched from eggs which had contact with such eggs, must not be moved unless—

- (a) they are transported in vehicles sealed by a veterinary inspector or in accordance with their instructions;
- (b) appropriate biosecurity measures are applied during transport and are to be applied at the premises of destination;
- (c) if moved outside the protection or surveillance zone, the poultry are to remain on the premises of destination for at least 21 days.

- (2) The occupier of premises to which day-old chicks are transported in accordance with sub-paragraph (1) must not move the day-old chicks from those premises for a period of 21 days following movement of the chicks onto the premises.”;
- (d) in paragraph 22—
- (i) for the heading substitute “Requirements for the movement of ready-to-lay poultry or brood-and-move Galliformes”;
 - (ii) in the words before sub-paragraph (a), after “Ready-to-lay poultry” insert “or brood-and-move Galliformes”;
 - (iii) in sub-paragraph (b), after “ready-to-lay poultry” insert “or brood-and-move Galliformes”;
- (e) in paragraph 24(a), after “packaging” insert “or packaging which is cleansed and disinfected in accordance with the instructions of a veterinary inspector.”

Amendments to Schedule 5 (measures in a surveillance zone)

21. In Schedule 5—

- (a) for paragraph 2 substitute—

“Record of poultry

2. The occupier of any premises where poultry or other captive birds are kept in the zone must—

- (a) make a record of all poultry entering or leaving those premises as soon as reasonably practicable after the movement;
 - (b) immediately report to the Welsh Ministers any increased morbidity or mortality or significant drop in egg production or, where relevant, feed or water intake, or other relevant information relating to the production of eggs on the premises.”;
- (b) in paragraph 8—
- (i) the existing provision becomes sub-paragraph (1);
 - (ii) after that sub-paragraph insert—

“(2) The movement of poultry manure, with appropriate biosecurity measures in place, may be authorised, by a veterinary inspector, from premises situated in a surveillance zone to a designated plant, for treatment or immediate storage for subsequent treatment, to mitigate against the risk of the spread of avian influenza virus.”;
- (c) in paragraph 11, for “licensed by a veterinary inspector” substitute “they comply with all relevant biosecurity measures laid down by a veterinary inspector in licence conditions”;
- (d) in paragraph 15(2)—
- (i) in paragraph (d), after “ready-to-lay poultry” insert “or brood-and-move Galliformes”;
 - (ii) after paragraph (h) insert—

“(i) poultry to a veterinary surgery for treatment, or to the premises of origin on return following such a movement.”;
- (e) for paragraph 17 substitute—

“Requirements for the movement of poultry from premises in the zone to a designated slaughterhouse

17. Poultry must not be moved from premises in the zone to a designated slaughterhouse outside the zone unless the following requirements are met—

- (a) a veterinary inspector has examined the poultry at the premises no more than 24 hours before they leave the premises;
- (b) on the basis of a risk assessment, samples have been taken from the poultry and tested for avian influenza in accordance with the diagnostic manual;
- (c) the appropriate minister responsible for the designated slaughterhouse has been informed and has agreed to receive the poultry.”;
- (f) in paragraph 21(a), after “packaging” insert “or packaging which has been cleansed and disinfected in accordance with the instructions of a veterinary inspector”.

Amendment to Schedule 7 (measures in a low pathogenic avian influenza restricted zone)

22. In Schedule 7, in paragraph 7(2)(f), after “in disposable packaging” insert “or packaging which has been cleansed and disinfected in accordance with the instructions of a veterinary inspector”.

23. After Schedule 7 insert—

“Schedule 8

Articles 31A and 34

Wild Game Bird Products

Restrictions on the movement of wild game bird products

1.—(1) A person moving a wild game bird product referred to in article 31A(2)(b) must ensure that it does not come into contact with any other wild game bird product.

(2) Any wild game bird product which comes into contact with a wild game bird product moved under article 31A(2) is subject to the measures applicable to such products under article 31A(2) and under sub-paragraph (1) above.

Requirements for the marking of wild game bird meat and meat products

2.—(1) Fresh meat and meat products referred to in article 31A(2)(b) or their packaging must bear a mark which is—

- (a) the shape set out in sub-paragraph (2);
 - (b) of the dimensions referred to in sub-paragraph (2) or of proportionate dimensions; and
 - (c) legible to the naked eye.
- (2) The mark referred to in sub-paragraph (1) must be of the following shape and size—



- (a) UK – letters 8 mm high;
- (b) XXXX – numbers 11 mm high (where XXXX is the approval number of the premises, as referred to in point 7 of Part B of Section I of Annex II to Regulation (EC) No 853/2004);
- (c) diameter (to outer edge of border) - not less than 30 mm;
- (d) thickness of border - 3 mm.

(3) No person other than the final consumer of meat or meat products marked with a mark referred to in sub-paragraph (1) is to deface, obliterate or remove that mark, unless licensed by the Welsh Ministers.”

Revocation

24. The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006(7) is revoked.

At 8.47 p.m. on 10 March 2022

Lesley Griffiths
Minister for Rural Affairs and North Wales, and
Trefnydd, one of the Welsh Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in relation to Wales. It amends the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006 and revokes the Avian Influenza (H5N1 in Poultry) (Wales) Order 2006.

Articles 3 to 23 of this Order amend the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006. The amendments include provision relating to—

- (a) restrictions on movement of birds from special category premises (article 6),
- (b) restrictions on the movement of wild game bird products originating in and outside of protection, surveillance or restricted zones (articles 7, 8 and 23),
- (c) the early ending of protection and surveillance zones (article 9),
- (d) the killing of poultry and other captive birds where low pathogenic avian influenza is confirmed (article 12), and
- (e) the use of cleansed and disinfected egg packaging in certain circumstances (articles 20, 21 and 22).

Article 24 revokes the Avian Influenza (H5N1 in Poultry) (Wales) Order 2006.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.