1995 No. 464

ANIMALS

Diseases of Poultry Scheme Order (Northern Ireland) 1995

Made . . . . . 14th December 1995

Coming into operation . . 15th January 1996

The Department of Agriculture, in exercise of the powers conferred on it by Article 8(1) and (2) of the Diseases of Animals (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, having consulted with the bodies which appeared to it to be substantially representative of the interests concerned and with the approval of the Department of Finance and Personnel(**b**), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Diseases of Poultry Scheme Order (Northern Ireland) 1995 and shall come into operation on 15th January 1996.

Diseases of Poultry Scheme

2. For the purpose of keeping poultry, so far as practicable, free from avian influenza and Newcastle disease and pigeons free from paramyxovirus 1 infection and, so far as practicable, reducing the incidence of those diseases, the Department hereby makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department of Agriculture on 14th December 1995.

(L.S.) *P. T. Toal*

Assistant Secretary

The Department of Finance and Personnel hereby approves.

Sealed with the Official Seal of the Department of Finance and Personnel on 14th December 1995.

(L.S.) *J. G. Sullivan*

Assistant Secretary

(a) S.I. 1981/1115 (N.I. 22) to which there are amendments not relevant to this Order
(b) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3

Diseases of Poultry Scheme Order (Northern Ireland) 1995

Citation and interpretation

1.—(1) This Scheme may be cited as the Diseases of Poultry Scheme (Northern Ireland) 1995.

(2) In this Scheme—

"approved laboratory" means the laboratory of the Department situated at Stoney Road, Belfast BT4 3SD;

"authorised officer" means an inspector or other officer of the Department authorised by it to exercise powers under this Scheme;

"disease" means avian influenza, Newcastle disease and, in the case of pigeons, paramyxovirus 1 infection;

"Diseases of Poultry Order" means the Diseases of Poultry Order (Northern Ireland) 1995(**a**);

"holding" means a holding used for the rearing or keeping in captivity of poultry for breeding, the production of meat or eggs for consumption or for re-stocking supplies of game or for any other purposes;

"poultry" means domestic fowls, turkeys, geese, ducks, guinea fowls, quails, pigeons, pheasants, partridges and ratites reared or kept for any purpose;

"premises" includes land;

"racing pigeon" means any pigeon transported or intended for transport from its pigeon house (that is, any installation used for keeping or breeding racing pigeons) to be released so that it may freely fly back to its pigeon house or to any other destination;

"vaccination area" means an area declared by the Department to be a vaccination area under paragraph 7(1).

Notices and licences

2. Any notice published or served on, or licence granted to, any person by the Department under this Scheme—

(*a*) shall be in writing; and

(*b*) may be amended, suspended or revoked at any time by notice or further notice published in the like manner or served on the same person, as the case may be.

Isolation of poultry

3. Where a notice in writing has been served under Article 6 (Restrictions on movement of poultry) of the Diseases of Poultry Order on the occupier or person in charge of any premises, that person shall ensure that—

(*a*) any pigeons kept on the premises shall be isolated in their pigeon house; and

(*b*) any other birds (including any poultry) kept in captivity on the premises are kept in their living quarters or some other place where they can be isolated;

until the notice has been suspended or revoked.

(**a**) S.R. 1995 No. 465

Prohibition on vaccination or re-vaccination

4. A person shall not vaccinate or re-vaccinate any poultry kept on premises subject to a notice served under Article 6 of the Diseases of Poultry Order.

Veterinary enquiry as to the existence of disease

5. For the purposes of ascertaining whether or not a disease exists or has existed on any premises and in particular for the purpose of establishing—

(*a*) the length of time the disease has existed on the premises;

(*b*) the possible origin of the disease on the premises;

(*c*) the extent to which a disease has been spread from the premises under enquiry,

an inspector may carry out such enquiries and examinations and apply such tests and collect such samples as are necessary for the purposes.

Submission and testing of samples

6.—(1) Where an inspector has collected a sample under paragraph 5 he shall submit it to an approved laboratory and shall inform the laboratory of the name and address of the owner of the bird from which it was taken.

(2) The collection of samples and the laboratory testing thereof shall be carried out in accordance with Annex III of Council Directive 92/40/EEC(**a**) (in relation to avian influenza), and Annex III of Council Directive 92/66/EEC(**b**) (in relation to Newcastle disease and paramyxovirus 1 infection in pigeons).

(3) Where a sample from a bird has reacted positively to any test to which it was subjected in pursuance of sub-paragraph (2) the Department shall notify the owner of the bird from which the sample was taken.

Vaccination areas

7.—(1) The Department may, by notice, declare the whole or any part of Northern Ireland to be a vaccination area.

(2) A declaration under sub-paragraph (1)—

(*a*) shall be in writing and published in such manner and to such extent as it appears to the Department to be sufficient to bring the terms of the declaration to the attention of those persons likely to be affected by it;

(*b*) shall specify the date on which it shall come into operation and shall remain in operation until revoked by a further declaration made by the Department;

(*c*) shall apply in relation to such species of birds as may be specified in the declaration.

(3) Where a declaration under sub-paragraph (1) only applies in relation to a specified species of birds, any reference in this paragraph and in paragraphs 8, 9 and 11 to any bird shall be construed as a reference to a bird of that species.

(4) Subject to paragraphs 4 and 11 every person owning or having under his charge any birds within a vaccination area shall—

(*a*) on a date notified to him by the Department present all such birds for vaccination and shall comply with all reasonable requirements of an authorised officer for the purpose of vaccination, including collection and penning of the birds;

(*b*) ensure that, subject to sub-paragraph (6) and paragraph 9, those birds which are kept on premises inside the vaccination area must remain there.

(**a**) O.J. No. L167, 22.6.92, p. 1
(**b**) O.J. No. L260, 5.9.92, p. 1

(5) Every person owning or having under his charge any hatching eggs which originate from breeding poultry shall, subject to paragraph 9, ensure that those eggs are not moved out of the vaccination area.

(6) Nothing in paragraph (4) shall prevent a person from moving, under the authority of a licence issued by the Department—

(*a*) day-old poultry chicks for vaccination from his holding to another holding inside the vaccination area;

(*b*) other poultry for immediate slaughter direct to a slaughterhouse—

(i) within the vaccination area; or

(ii) if an authorised officer has carried out a health inspection of the holding from which they are being moved, outside the vaccination area.

Prohibition on movement

8.—(1) The Department may by notice, published in such manner as it sees fit, prohibit the movement of any carcases of birds, eggs, equipment, feeding stuffs, dung or other thing out of or into or within a vaccination area.

(2) Notwithstanding any prohibition under sub-paragraph (1) the Department may by licence authorise the movement of any thing referred to in that sub-paragraph subject to such conditions as may be specified in the licence.

Movement after vaccination

9. When the vaccination operations specified in paragraph 7(4)(*a*) have been completed in the vaccination area a person may, in accordance with a licence issued by the Department move out of the vaccination area—

(*a*) day-old chicks intended for meat production, to a holding where they shall be vaccinated provided that the holding in question is kept under official surveillance until the chicks which have been moved, have been slaughtered;

(*b*) poultry vaccinated more than 21 days previously and intended for immediate slaughter; and

(*c*) hatching eggs which originate from breeding poultry vaccinated at least 21 days previously provided that the eggs and their packing are disinfected before the movement.

Record keeping

10. The owner or person in charge of any birds which have been vaccinated (whether under and in accordance with this Scheme or otherwise) shall keep a record of the movement of all such birds and their hatching eggs on to or out of the premises for a period of six months from the date of such vaccination. Such records shall at all reasonable times be produced on demand to an authorised officer who shall be permitted to take an extract from such records if so required.

Exemptions

11. The Department may exempt certain flocks of particular scientific value from the requirements of paragraph 7(4), provided that all necessary steps are taken to ensure protection of their health and to subject them to periodic serological checks.

Racing pigeons

12. An organiser of a pigeon show or race which takes place wholly or partly in Northern Ireland shall ensure that all racing pigeons entered for the show or race have been vaccinated against paramyxovirus 1 infection in pigeons.

Powers of an authorised officer

13.—(1) For the purposes of carrying out his functions under this Scheme, an authorised officer may at any time, and upon production if so required of his authority, enter on or into any land, building, shed, pen or place where a bird or carcase of a bird is kept or is suspected on reasonable grounds to be kept.

(2) The owner or person in charge of any bird or carcase of a bird and the owner or occupier, and any person employed on or in, any land, building, shed, pen or place where it is kept shall provide such reasonable facilities and comply with such reasonable requirements of the officer as may be necessary to facilitate the exercise of his powers under sub-paragraph (1).

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order introduces a Scheme which in conjunction with the Diseases of Poultry Order (Northern Ireland) 1995 implements the requirements of Council Directive 92/40/EEC for the control of avian influenza and Council Directive 92/66/EEC for the control of Newcastle disease and for the prevention of these diseases. Specific requirements are introduced for the prevention and control of paramyxovirus 1 infection in pigeons.

The main provisions of the Scheme are as follows:—

(*a*) paragraph 3 requires that on premises where disease is suspected or confirmed pigeons must be isolated in their pigeon house and other birds (including poultry) must be kept in their living quarters or other place where they can be isolated;

(*b*) paragraph 4 prohibits the vaccination or re-vaccination of poultry on premises where disease is suspected or confirmed and a notice has been served under Article 6 of the Diseases of Poultry Order (Northern Ireland) 1995;

(*c*) paragraph 5 enables an inspector to carry out examinations and tests and take samples for the purpose of ascertaining if disease exists or has existed on any premises;

(*d*) paragraph 6 provides for the submission to and testing of official and other samples by the approved laboratory of the Department using one of the methods laid down in the Directive;

(*e*) paragraph 7 provides for the declaration of vaccination areas and requires persons who own or have charge of birds within a vaccination area to present birds of a designated species for vaccination. Birds of a species to which the declaration applies may not be moved from their premises other than in accordance with a licence issued by the Department;

(*f*) paragraph 8 allows the Department to prohibit by notice the movement of any carcases of birds, eggs, equipment, feeding stuffs, dung or other thing in a vaccination area except in accordance with the conditions of a licence;

(*g*) paragraph 9 provides for the movement of certain categories of poultry and eggs out of a vaccination area after vaccination has taken place in accordance with the conditions of a licence;

(*h*) paragraph 10 requires the owner or person in charge of birds which have been vaccinated whether under the requirements of this Scheme or otherwise to keep records;

(*i*) paragraph 11 permits the Department to exempt from vaccination flocks deemed to be of particular scientific value;

(*j*) paragraph 12 requires the organiser of a pigeon show or race to ensure that all racing pigeons entered have been vaccinated against paramyxovirus 1 infection;

(*k*) paragraph 13 specifies the powers of an authorised officer to enter on or into premises where it is known or suspected that a bird or carcase of a bird is kept.

Any person who without lawful authority or excuse, proof of which shall lie on him, contravenes any provision of the Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981. The penalty on summary conviction, is a fine at level 5 on the standard scale (currently £5,000) or in the case of an offence committed with respect to more than 5 birds, a fine at level 3 on the standard scale (currently £1,000) for each bird; or in the case of an offence committed in relation to carcases or other inanimate things a fine at level 5 on the standard scale (currently £5,000) together with a further fine at level 3 on the standard scale (currently £1,000) in respect of every 508 kilogrammes in weight of the carcases or other things after the first 508 kilogrammes.