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 [F1] 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.

[[F2](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;

[F3"avian influenza" shall be deemed to include a current or previous infection by a causative agent of avian influenza;**]**

[F4"authorised veterinary inspector" means a veterinary inspector authorised by the Scottish Ministers to receive information about diseased birds or carcases, or birds or carcases 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 **[**F5for Scotland**]**;

[F6"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,**]**

F7...

"Council Directive 92/66/EEC" means Council Directive 1992/66/EEC[F8] of 14th July 1992 introducing Community measures for the control of Newcastle disease **[**F9, 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 **[**F10the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008**]** for the purposes of this Order;

F11...

"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)**

[F12Notification 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)**

[F12Notification 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 **[**F13an 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 **[**F14an authorised veterinary inspector**]**.

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 carcases) 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, carcase 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 **[**F15Article 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.