WELSH STATUTORY INSTRUMENTS

2008 No. 524 (W.50)

ANIMALS, WALES

ANIMAL HEALTH

The Control of Salmonella in Poultry (Wales) Order 2008

Made - - - -	*26 February 2008*
Coming into force - -	*25 March 2008*

The Welsh Ministers make this Order in exercise of powers conferred by sections 1 and 8 of the Animal Health Act 1981(**1**) and now vested in them(**2**).

PART 1

Introduction

Title, application and commencement

1. The title of this Order is the Control of Salmonella in Poultry (Wales) Order 2008, it applies in relation to Wales and comes into force on 25 March 2008.

Interpretation

2. In this Order—

"breeding flock" ("*haid fridio*") means a flock kept for the production of eggs intended for incubation;

"chick" ("*cyw*") means a bird less than 72 hours old that has not been fed;

"flock" ("*haid*") means poultry of the same health status kept on the same holding or in the same enclosure and constituting a single epidemiological unit and, in the case of housed poultry, includes all birds sharing the same airspace;

"layer breeder" ("*dodwywr fridiwr*") means poultry kept for the production of eggs intended for the incubation and hatching of chicks—

(**1**) 1981. c.22 .

(**2**) *See* section 86(1) for a definition of "the Ministers". The functions of "the Ministers" insofar as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of S.I.1999/672 and S.I. 2004/3044. Functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006.

(a) that will be grown to produce eggs for human consumption, or

(b) whose progeny will be grown to produce eggs for human consumption;

"laying flock" ("*haid ddodwy*") means a flock of poultry kept for the production of eggs intended for human consumption;

"meat breeder" ("*bridiwr cig*") means poultry kept for the production of eggs intended for the incubation and hatching of chicks—

(a) that will be grown to produce meat for human consumption, or

(b) whose progeny will be grown to produce meat for human consumption;

"occupier" ("*meddiannydd*") means, in relation to any hatchery or holding, the person in charge of the hatchery or holding;

"poultry" ("*dofednod*") means birds of the species *Gallus gallus*, turkey, ducks and geese.

Competent authority

3. The Welsh Ministers are the competent authority for the purposes of—

(a) Commission Regulation (EC) No. 1003/2005 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No. 2160/2003(**3**);

(b) Commission Regulation (EC) No. 1168/2006 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No. 1003/2005(**4**); and

(c) Commission Regulation (EC) No. 1177/2006 implementing Regulation (EC) No. 2160/2003 of the European Parliament and of the Council as regards requirements for the use of specific control methods in the framework of the national programmes for the control of salmonella in poultry(**5**).

PART 2

Poultry hatcheries

Notification of poultry hatcheries

4.—(1) The occupier of a poultry hatchery with a total incubator capacity of 1000 eggs or more must notify the Welsh Ministers of the information in this article—

(a) within three months of the coming into force of this Order; or

(b) in the case of such a hatchery established after the date this Order comes into force, within three months of the establishment of the hatchery.

(2) The occupier must notify the Welsh Ministers of any change or addition to that information within three months of the change or addition.

(3) This article does not apply to any occupier who has notified the Welsh Ministers of that information under any other enactment.

(**3**) OJ No L 170, 1.7.2005, p.12 as last amended by Commission Regulation (EC) No. 1168/2006 (OJ No. L 211, 1.8.2006, p. 4).
(**4**) OJ No L 211, 1.8.2006, p. 4.
(**5**) OJ No L 212, 2.8.2006, p.3.

(4) The information to be notified is—

(a) the name, address and telephone number of the occupier;

(b) the address and telephone number of the hatchery;

(c) the incubator capacity of the hatchery; and

(d) the species of poultry hatched at the hatchery.

Records in a hatchery incubating Gallus gallus

5. If a hatchery incubates eggs of the species *Gallus gallus* and has a capacity of 1000 eggs or more, when eggs or chicks are moved on to or off the hatchery the occupier must record—

(a) the date of the movement;

(b) the number of eggs or chicks moved;

(c) whether the movement is on to or off the hatchery;

(d) if the movement is off the holding, the holding of destination; and

(e) in the case of eggs brought on to the hatchery for incubation, the holding of origin.

PART 3

Breeding or laying flocks

Notification of breeding or laying flocks

6.—(1) The occupier of a holding on which one or more breeding flocks or laying flocks of at least 250 poultry of any single species are kept must notify the Welsh Ministers of the information in this article—

(a) within three months of the coming into force of this Order; or

(b) in the case of such a holding established after the date this Order comes into force, within three months of the establishment of the holding.

(2) The occupier must notify the Welsh Ministers of any change or addition to that information within three months of the change or addition.

(3) This article does not apply to any occupier who has notified the Welsh Ministers of that information under any other enactment.

(4) The information to be notified is—

(a) the name, address and telephone number of the holding;

(b) the name, address and telephone number of the occupier and of the person who owns each flock on the holding;

(c) the number of flocks on the holding;

(d) for each flock—

(i) the identification of the flock;

(ii) whether it is a breeding flock or a laying flock;

(iii) the species;

(iv) the number of poultry;

(e) for each breeding flock—

(i) whether the flock is a flock of layer breeders or meat breeders; and

(ii) the status in the breeding pyramid of the flock.

Breeding or laying flocks of the species *Gallus gallus*

7. The Schedule (breeding or laying flocks of the species *Gallus gallus*) has effect.

Prohibition on the use of antimicrobials

8. No person may administer any antimicrobial to any bird of the species *Gallus gallus* as a specific method to control salmonella in breach of Article 2 of Commission Regulation (EC) No. 1177/2006 (use of antimicrobials).

Prohibition on the use of vaccines

9. No person may administer any live salmonella vaccine to any bird of the species *Gallus gallus* in breach of Article 3(1) of Commission Regulation (EC) No.1177/2006 (use of vaccines).

PART 4

Miscellaneous

Records

10. Any person required to keep a record under this Order must keep it for two years from the date it is made and must produce it on demand to an inspector or officer of the Welsh Ministers and allow a copy of it to be made or an extract from it to be taken.

Tampering with samples

11. A person must not tamper with a sample or do anything to it that is likely to affect the result of any test required to be carried out under this Order, except as provided for in this Order.

Powers of the Welsh Ministers in cases of default

12. If any person fails to take any action required by this Order, an inspector may arrange for such action to be taken at the expense of the person in default.

Enforcement

13.—(1) This Order is enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to cases of a particular description or any particular case, that the Welsh Ministers will enforce this Order instead of the local authority.

Revocation

14. The Poultry Breeding Flocks and Hatcheries (Wales) Order 2007(**6**) is revoked.

(**6**) S.I. 2007/1708 (W.147).