Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Diseases of Poultry (Wales) Order 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2003 No. 1079 (W.148)

ANIMALS, WALES

ANIMAL HEALTH

The Diseases of Poultry (Wales) Order 2003

Made - - - -	*9th April 2003*
Coming into force - -	*12th April 2003*

The National Assembly for Wales and the Secretary of State for Environment, Food and Rural Affairs, acting jointly in exercise of their powers under sections 1, 7, 8(1), 15(5), 17(1), 23, 25, 28, 35(1), 83(2), 87(5)(a) and 88(4) of the Animal Health Act 1981 [F1] make the following Order:

F1 1981 c. 22. Functions conferred under the 1981 on "the Ministers" (as defined in section 86 of that Act) were transferred so far as exercisable by the Secretary of State for Wales in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The joint functions of "the Ministers" exercisable by the Secretary of State for Scotland in relation to Wales were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). All functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

Title, commencement, and application

Title, commencement, and application

1.—(1) This Order may be cited as the Diseases of Poultry (Wales) Order 2003 and comes into force on 12th April 2003.

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

[[F2](3) This Order does not apply in relation to avian influenza.**]**

F2 Art. 1(3) inserted (6.7.2006) by The Avian Influenza and Influenza of Avian Origin in Mammals (Wales) Order 2006 (S.I. 2006/1762), **arts. 1**, 88(1) (with art. 3(3))

Extension of definition of "poultry" and "disease"

2.—(1) The definition of "poultry" in section 87(4) of the Animal Health Act 1981 is extended to include all birds.

(2) The definition of "disease" in section 88(3) of the Act is extended to include all diseases of birds.

Interpretation

3.—(1) In this Order —

"bird" ("*aderyn*") includes poultry, unless the context otherwise requires;

"carcase" ("*carcas*") means the carcase of poultry or of any bird other than poultry, as the context requires, and includes part of a carcase;

"Chief Veterinary Officer" ("*Prif Swyddog Milfeddygol*") means the Chief Veterinary Officer of the Department for Environment, Food and Rural Affairs;

[F3"Council Directive 2005/94/EC" ("*Cyfarwyddeb y Cyngor 2005/94/EC*") means Council Directive 2005/94/EC on Community measures for the control of avian influenza;**]**

"designated disease" ("*clefyd dynodedig*") means paramyxovirus 1 in pigeons, avian influenza and Newcastle disease;

"disinfect" ("*dihentio*") means disinfect with a disinfectant approved under **[**F4the Diseases of Animals (Approved Disinfectants) (Wales) Order 2007**]** for the purposes of this Order;

F5...

"holding" ("*daliad*") means premises used for the rearing or keeping of breeding or productive poultry which have one county parish holding number recognised by the National Assembly for Wales and the Secretary of State as identifying that holding;

"poultry" ("*dofednod*") means domestic fowls, turkeys, geese, ducks, guinea fowls, quails, pigeons, ratites, pheasants and partridges;

"premises" ("*safle*") includes land, buildings and any other place; and

"racing pigeon" ("*colomen rasio*") means any pigeon transported or intended for transport from its pigeon house (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.

(2) Any notice or licence served or issued under this Order or under a declaratory Order made under article 9 below must be in writing, may be general or specific, may be the subject of conditions and may be amended, suspended or revoked by notice in writing at any time.

F3 Words in art. 3(1) inserted (17.12.2018) by The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/1216), regs. 1(3), **27(2)(a)**

F4 Words in art. 3(1) substituted (17.12.2018) by The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/1216), regs. 1(3), **27(2)(b)**

F5 Words in art. 3(1) revoked (1.4.2010) by The Animal Health (Divisional Veterinary Managers) (Wales) Order 2010 (S.I. 2010/618), arts. 1, 2(2), **Sch. 2**

Notification procedures and precautions to be taken where the presence of a designated disease is suspected

4.—(1) A person who has in his or her possession or under his or her charge any bird or carcase having, or suspected of having, a designated disease must —

(a) immediately inform the **[**F6Welsh Ministers**]**, 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) A 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 must immediately inform the **[**[F7]Welsh Ministers**]**.

F6 Words in art. 4(1)(a) substituted (1.4.2010) by The Animal Health (Divisional Veterinary Managers) (Wales) Order 2010 (S.I. 2010/618), arts. 1, 2(1), **Sch. 1**

F7 Words in art. 4(2) substituted (1.4.2010) by The Animal Health (Divisional Veterinary Managers) (Wales) Order 2010 (S.I. 2010/618), arts. 1, 2(1), **Sch. 1**

Restrictions where disease is suspected

5.—(1) If a veterinary inspector has reasonable grounds for suspecting that either —

(a) a designated disease exists or has existed on any premises (whether or not notification has been made under article 4), or

(b) that poultry on any premises have been exposed to the risk of a designated disease,

(c) he or she shall, subject to paragraph (3), serve a notice on the occupier of the premises or on the keeper of any birds on the premises requiring him or her to comply with the requirements contained in Part 1 of Schedule 1 to this Order.

(2) If a veterinary inspector has reasonable grounds for suspecting that birds on any premises have been exposed to the risk of any disease, he or she may serve a notice on the occupier of the premises or on the keeper of any birds on the premises requiring him or her to comply with the requirements contained in Part I of Schedule 1 to this Order.

(3) In the case of any notice served under paragraphs (1)(b) or (2) a veterinary inspector may —

(a) disapply one or more of the requirements contained in Part 1 of Schedule 1 to this Order,

(b) limit the requirements that apply to a part of the premises and to the birds contained there, provided that the birds have been housed, kept and fed separately from birds kept in other parts of the premises and kept and fed by separate staff.

(4) For the purposes of paragraph (1)(a) "veterinary inspector" includes an inspector.

(5) In this article, exposure to risk of disease means exposure, either directly or indirectly, as a result of the movement of persons, animals or vehicles or in any other way.

Veterinary inquiry as to the existence of a disease

6.—(1) Where a notice has been served in accordance with sub-paragraph (1)(a) of article 5, a veterinary inspector shall enter the premises that are subject to the notice and carry out such inquiries, examinations and tests and take such samples (including live birds and carcases), as are necessary to ascertain whether disease exists or has existed there and, in particular, to establish

(i) the length of time the disease has existed on the premises,

(ii) the possible origin of the disease on the premises,

(iii) which premises may have been exposed to contamination by the disease from the premises under inquiry, and

(iv) the extent to which a disease has been carried to or from the premises under inquiry.

(2) Where a notice has been served in accordance with sub-paragraph (1)(b) of article 5 or paragraph (2) of article 5, a veterinary inspector shall —

(a) carry out such inquiries as are necessary in order to detect any reasonable grounds for suspicion of a disease and, in doing so, may conduct examinations, tests and take samples as he or she sees fit;

(b) count the poultry; and

(c) monitor their movements.

(3) 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 paragraphs (1) and (2) have been exercised.

(4) Collection of samples and laboratory testing under paragraph (2) shall be carried out (in relation to avian influenza) in accordance with **[**[F8]Article 50 of Council Directive 2005/94/EC**]** and (in relation to Newcastle disease and paramyxovirus in pigeons), with Annex III of Council Directive 92/66/EEC.

(5) The occupier of the premises or the keeper of any birds on the premises or any person in his or her employment shall provide such reasonable assistance to a veterinary inspector as he or she may require for the exercise of his or her powers under paragraphs (1), (2) and (3) above.

F8 Words in art. 6(4) substituted (17.12.2018) by The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/1216), regs. 1(3), **27(3)**

Measures where a designated disease is confirmed

7.—(1) Upon the presence of a designated disease on premises being confirmed by the Chief Veterinary Officer or by a person authorised by him or her, a veterinary inspector —

(a) in the case of poultry shall, and

(b) in the case of other captive birds or racing pigeons, may

by notice served on the occupier of the premises or the keeper of any birds on the premises, impose the requirements contained in Part II of Schedule 1 to this Order in addition to the conditions imposed by virtue of notices issued under article 5.

(2) A veterinary inspector may also serve such a notice on the occupier of premises or keeper of birds on premises which, because of their location, configuration or contact with premises (in Wales or elsewhere) where the presence of a designated disease has been confirmed by the Chief Veterinary Officer or by a person authorised by him or her, contain poultry, other captive birds or racing pigeons which may, in the opinion of the veterinary inspector, have been exposed to the risk of a designated disease.

Duties of occupiers and persons in charge of premises served with notices

8.—(1) A person served with a notice under this Order shall —

(a) take all reasonable steps to ensure that the notice is complied with unless he or she is authorised to do otherwise by a licence issued by a veterinary inspector; and

(b) provide such reasonable assistance as the veterinary inspector may require for the purpose of exercising his or her powers under article 5, 6 and 7.

(2) If any person fails to comply with any restriction or requirement imposed by a notice served under this Order, an inspector or other officer of the Secretary of State or the National Assembly for Wales or an inspector of the local authority may

(a) seize or cause to be seized anything which has been moved in contravention of the notice and detain it at such place as he shall consider appropriate until the notice is withdrawn; or

(b) take such other action as may be necessary so as to ensure that any restriction or requirement imposed by the notice is complied with or carried out.

(3) Any action taken under paragraph (2) shall be without prejudice to any proceedings for an offence arising out of contravention of a notice served under this Order.

(4) A person failing to comply with a notice served under this Order shall be liable for any costs incurred under paragraph (2) above.

Declaration of infected area

9.—(1) Upon the presence in any area in Wales or elsewhere of a designated disease in poultry being confirmed by the Chief Veterinary Officer or by a person authorised by him or her, the National Assembly for Wales or the Secretary of State shall, by declaratory Order, declare such of that area as is in Wales to be an infected area.

(2) Upon the presence in any area in Wales or elsewhere of a designated disease in captive birds other than poultry or in racing pigeons being confirmed by the Chief Veterinary Officer or by a person authorised by him or her and upon the National Assembly for Wales or the Secretary of State being satisfied that the presence of that disease in such birds constitutes a serious risk to poultry, the National Assembly for Wales or the Secretary of State may, by declaratory Order, declare such of that area as is in Wales to be an infected area.

(3) An area shall remain an infected area until such date as may be stated in the declaratory Order, or, if none, until the declaratory Order is withdrawn.

(4) Any premises which are partly inside and partly outside an infected area shall be deemed to be wholly inside that area.

(5) A declaratory Order may apply to all birds or to designated species.

(6) A declaratory Order shall provide for the division of the infected area into protection and surveillance zones, the protection zone being based on a minimum radius of three kilometres, itself contained in a surveillance zone based on a minimum radius of ten kilometres, based on the centre of premises where disease has been confirmed, or such lesser radia as the National Assembly for Wales or the Secretary of State may declare.

(7) The provisions of Schedule 2 shall apply in an area declared an infected area except to the extent that they are varied or excepted by the declaratory order or to the extent that anything which would otherwise be a breach of this Order is authorised by a licence issued by a veterinary inspector.

Vaccination areas

10. Upon an Order being made under article 9(1) above, the National Assembly for Wales or the Secretary of State may, by notice published in such manner as either of them thinks fit, require the vaccination of any species of poultry against a designated disease in such territorial area and for such period as either of them thinks fit and it shall be the duty of every owner and every person in charge of poultry in that area to comply with that notice.

Racing pigeons

11.—(1) An organiser of a show or race which takes place wholly or partly in Wales shall ensure that all racing pigeons entered for the race or show have been vaccinated against paramyxovirus 1 in pigeons.

(2) Every person who owns or keeps racing pigeons shall keep a record of every race or show for which he or she enters pigeons.

Disinfection

12.—(1) The person in charge of premises on which poultry or racing pigeons are or have been exposed for sale or exhibited shall thoroughly cleanse and disinfect those premises, their fittings and any receptacle used for the exposure or exhibition of such birds as soon as practicable after use and in any event before they are used again.