STATUTORY RULES OF NORTHERN IRELAND

2011 No. 436

ANIMALS
AGRICULTURE

The Northern Ireland Poultry Health Assurance Scheme Order (Northern Ireland) 2011

Made - - - - 21st December 2011

Coming into operation 1st January 2012

The Department of Agriculture and Rural Development is a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to the common agricultural policy of the European Union(**2**).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Agriculture and Rural Development that it is expedient for references in this Order to Council Directive 2009/158/EC on animal conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(**3**) to be construed as references to those instruments as amended from time to time.

The Department of Agriculture and Rural Development makes the following Order in exercise of the powers conferred on it by Article 8(1), (2) and (5) of the Diseases of Animals (Northern Ireland) Order 1981(**4**) and section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972 having consulted with bodies which appeared to it to be substantially representative of the interests concerned and with the approval of the Department of Finance and Personnel.

Citation and commencement

1. This Order may be cited as the Northern Ireland Poultry Health Assurance Scheme Order (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

The Northern Ireland Poultry Health Assurance Scheme

2. For the purposes of approving and monitoring poultry establishments engaging in trade between Member States of poultry and hatching eggs as required by Article 6 of, and Annex II

(**1**) 1972 c.68. paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51)
(**2**) S. I. 2000/2812
(**3**) O.J. No.L343, 22.12.2009, p.74
(**4**) S.I. 1981/1115 (N.I. 22)

to, Council Directive 2009/158/EC (on animal conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs) the Department hereby makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 21st December 2011.

L.S.

C. McMaster
A senior officer of the Department of Agriculture and Rural Development

Sealed with the Official Seal of the Department of Finance and Personnel on 21st December 2011.

L.S.

Jack Layberry
A senior officer of the Department of Finance and Personnel

SCHEDULE Article 2

THE NORTHERN IRELAND POULTRY HEALTH ASSURANCE SCHEME

PART I

INTRODUCTION

Interpretation

1. For the purposes of this Schedule—

"audit inspection" means a supplementary check to verify application of hygiene measures and the operation of the establishment in accordance with the conditions laid down in Chapter II of Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs;

"designated laboratory" means a laboratory designated by the Department for the purposes of this Order;

"the Department" means the Department of Agriculture and Rural Development;

"the Directive" means Council Directive 2009/158/EC (on animal health conditions governing intra-Community trade in, and imports from third countries, of poultry and hatching eggs) as amended from time to time;

"Fees Order" means The Northern Ireland Poultry Health Assurance Scheme (Fees) Order (Northern Ireland) 2011; and

"inspector" means a person appointed to be an inspector for the purposes of this Order by the Department and includes a veterinary inspector.

Competent Authority

2. The Department is the competent authority for the purposes of the Directive.

Approvals and notices

3. Any approval granted or notice issued by the Department under this Order—

(a) may be subject to conditions;

(b) shall be in writing; and

(c) may be amended, suspended or withdrawn by a further notice in writing served on the same person at any time.

Exports

4.—(1) A person shall not export to another Member State any hatching eggs, day-old chicks or poultry to which Article 6 of the Directive applies unless they originate from an establishment that—

(a) is a member of the monitoring scheme, known as the Northern Ireland Poultry Health Assurance Scheme, operated by the Department in accordance with this scheme; and

(b) conforms with the requirements of Annex II to the Directive,