STATUTORY RULES OF NORTHERN IRELAND

2007 No. 70

ANIMALS

ANIMAL HEALTH

The Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007

Made - - - -	*9th February 2007*
Coming into operation	*10th February 2007*

The Department of Agriculture and Rural Development, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, makes the following Regulations in exercise of the powers conferred on it by that section.

Citation and commencement

1. These Regulations may be cited as The Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007 and come into operation on 10th February 2007.

Interpretation

2.—(1) In these Regulations—

"avian influenza" means an infection of poultry or other captive birds caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six week old chickens greater than 1.2;

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

"disease" means avian influenza;

"disinfect" means disinfect with a disinfectant approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(**3**) for the purposes of disease;

"general licence" means a licence granted under these Regulations which applies to all persons, or any class of persons specified therein;

(**1**) S.I. 2000/2812
(**2**) 1972 c.68
(**3**) S.R. & O. (N.I.) 1972 No 16 as amended by S.R. 1975 No. 69, S.R. 1995 No. 467 and S.R. 2006 No. 42

"inspector" means a person appointed by the Department to be an inspector for the purpose of these Regulations;

"keeper" means the person with day to day responsibility for poultry or other captive birds at a premises;

"the 1981 Order" means the Diseases of Animals (Northern Ireland) Order 1981(**4**);

"other captive bird" means any bird kept in captivity which is not poultry and includes a pet bird and any bird kept for shows, races, exhibitions, competitions, breeding or for sale;

"poultry" means all birds that are reared or kept in captivity for—

(a) the production of meat or eggs for consumption;

(b) the production of other commercial products;

(c) restocking supplies of game; or

(d) the purposes of any breeding programme for the production of these categories of birds;

"premises" includes any land, building or place;

"specific licence" means a licence granted under these Regulations which only applies to the applicant therefor;

"vaccinate" means treat poultry or other captive birds with vaccine against disease;

"vehicle" includes—

(a) a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle;

(b) a detachable part of any vehicle; and

(c) a container or other structure designed or adapted to be carried on a vehicle;

"zoo" means either—

(a) a permanent establishment where animals of wild species are kept for exhibition to the public for seven or more days a year, with the exception of circuses and pet shops; or

(b) an approved body, institute or centre, as defined in point (c) of Article 2(1) of Council Directive 92/65/EEC(**5**) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

Notices and licences

3.—(1) A notice served by the Department under these Regulations—

(a) must be in writing; and

(b) may be subject to conditions and may be amended, suspended or revoked, by a further notice, at any time.

(2) Where a notice is served on any person under these Regulations, he shall comply with the requirements or restrictions thereof.

(3) A licence granted under these Regulations—

(a) must be in writing;

(**4**) 1981 No. 1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17 and S.I.1994/1891 (N.I. 6) Articles 19 to 23

(**5**) O.J. No. L 268, 14.9.1992, p. 54, as last amended by Corrigendum to Council Directive 2004/68/EC (O.J. No. L 226 25.6.2004, p. 128)

(**6**) 1954 c.33 (N.I.)

(b) may be subject to conditions; and

(c) may be either a general licence or a specific licence.

(4) A general licence shall be issued by the publication of it in such manner and to such extent as appears to the Department to be sufficient to bring it to the notice of those persons likely to be affected by it.

(5) The Department may amend, suspend or revoke any licence under these Regulations—

(a) in the case of a general licence, by a notice published so far as is practicable, in the same manner and to the same extent as the licence; and

(b) in the case of a specific licence, by a notice served on the person to whom the licence was granted.

(6) The Department may amend, suspend or revoke a general licence insofar as it applies to any particular person by notice served on that person.

Production of a licence

4.—(1) A person moving any thing under the authority of a specific licence must—

(a) keep the licence or a copy of it with him at all times during the licenced movement;

(b) on demand made by an inspector produce the licence or copy and allow a copy or extract of it to be taken; and

(c) on such demand, provide his name and address.

(2) A person moving any thing under the authority of a general licence must—

(a) keep with him, at all times during the licenced movement, a consignment note that contains details of—

(i) what is moved (including its quantity),

(ii) the date of the movement,

(iii) the name of the consignor,

(iv) the address of the premises from which the thing was moved,

(v) the name of the consignee, and

(vi) the address of the premises of destination;

(b) on demand by an inspector produce the consignment note and allow a copy or extract to be taken; and

(c) on such demand, provide his name and address.

Identification of poultry premises

5.—(1) Subject to paragraph (4), a person who, on the date these Regulations come into force, is the keeper of poultry on any premises shall, within 30 days of that date give notice to the Department containing particulars of—

(a) the name and address of the owner and (if different) the keeper of the poultry;

(b) the address of the premises and—

(i) where cattle are kept on the premises, any unique identification code allocated under regulation 3(1)(b) of the Cattle Identification (No.2) Regulations (Northern Ireland) 1998(**7**),

(**7**) S.R. 1998 No. 279 as amended by S.R. 1999 No. 324 and S.R. 2004 No. 420

(ii) where pigs are kept on the premises, any holding number allocated under paragraph 3(3) of the Schedule of the Aujeszky's Disease Scheme Order (Northern Ireland) 1994(**8**),

(iii) where sheep are kept on the premises, any holding number allocated under Article 3(4) of the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005(**9**);

(c) the contact telephone number for the owner or keeper and (if different) the premises;

(d) the species kept at the premises;

(e) the husbandry system or systems in use at the premises, including whether poultry are kept for the production of—

(i) meat,

(ii) hatching eggs, or

(iii) eggs for consumption;

(f) the number of each species of poultry usually kept at the premises;

(g) the incubator capacity of any hatchery;

(h) details of any seasonal stocking variations which might result in significant differences in the numbers or species of poultry on the premises;

(i) the number of each species of poultry with access to the open air; and

(j) the presence on or in the vicinity of the premises of any body of water which attracts wild birds.

(2) Notwithstanding paragraphs (1), (3) and (4) the Department may, by notice, require any person, to give such other information or particulars as it requires to carry out functions under these Regulations or The Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007(**10**).

(3) Subject to paragraph (4), a person who becomes the keeper of poultry at any premises after the date these Regulations come into force must notify the information referred to in paragraph (1) to the Department in writing within 30 days of becoming so.

(4) Paragraph (1) does not apply to any person who notified the Department under regulation 6(1) of the Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2005(**11**).

(5) Where in relation to any premises on which poultry is kept there is a change in the number referred to in paragraph (1)(f) or (i), by an increase or decrease of 20% or more, unless this is due to usual management fluctuations, the keeper shall notify the Department within 30 days of such change occuring.

(6) Any person who is required to give particulars or information under this regulation shall keep a copy thereof for such period as the Department may require.

(7) In this regulation—

(a) "poultry" includes any other captive bird but does not include any caged pet bird kept in the owner's home; and

(b) "usual management fluctuations" means—

(i) the emptying of poultry houses or hatcheries for immediate restocking, or

(ii) seasonal stocking.

(**8**) S.R. 1994 No. 199
(**9**) S.R. 2005 No. 535 as amended by S.R. 2006 No. 508
(**10**) S.R. 2007 No. 68
(**11**) S.R. 2005 No. 485

Restriction on vaccination of zoo birds

6.—(1) A person shall not vaccinate any zoo bird except where required by an inspector or under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) The prohibition in paragraph (1) does not apply to—

(a) anything done under the authority of a licence granted under Article 4 of the Specified Animal Pathogens Order (Northern Ireland) 1999(**12**); or

(b) the administration of a vaccine for research purposes in accordance with an animal test certificate granted under regulation 8(2) of The Veterinary Medicines Regulations 2006(**13**).

Vaccination of zoo birds

7.—(1) If the condition in paragraph (2) is fulfilled, the Department may—

(a) vaccinate such birds in such zoos as it considers necessary (after giving notice to the occupier of such zoos);

(b) require (by notice served on the occupier of any zoo) the vaccination of any bird in the zoo; or

(c) licence the occupier of a zoo to vaccinate any bird in the zoo.

(2) The condition is that the Department has carried out a risk assessment and considers there is a risk that disease will be transmitted to zoo birds or to categories of such birds.

(3) As part of its risk assessment, the Department must consider whether a zoo is—

(a) on a migratory flyway;

(b) close to any body of water where migratory birds may gather;

(c) located in an area with a high density of migratory birds.

(4) The Department shall specify in a notice or licence under this regulation—

(a) the number and species of birds to be vaccinated;

(b) biosecurity conditions to be met at the zoo or any part of the zoo;

(c) conditions relating to the storage and administration of vaccine.

(5) The Department shall ensure that vaccination is carried out in accordance with the preventive vaccination plan approved by the European Commission under Article 5 of Commission Decision 2006/474/EC(**14**) concerning measures to prevent the spread of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 to birds kept in zoos and approved bodies, institutes and centres in the member States and repealing Decision 2005/744/EC.

Slaughter of vaccinated birds

8.—(1) The Department may slaughter or cause to be slaughtered any zoo bird which has been treated with vaccine for the purpose of preventing the spread of disease.

(2) The power conferred by this regulation extends to taking any action—

(a) which is required to enable any such bird to be slaughtered; or

(b) (including making provision for the disposal of carcases) which is otherwise required for the purposes of these Regulations in connection with the slaughter.

(**12**) S.R. 1999 No. 434
(**13**) S.I. 2006/2407
(**14**) O.J. No. L187, 8.7.2006, p. 37