STATUTORY RULES OF NORTHERN IRELAND

2007 No. 69

ANIMALS

ANIMAL HEALTH

The Avian Influenza (Vaccination) 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 (Vaccination) Regulations (Northern Ireland) 2007 and come into operation on 10th February 2007.

Interpretation

2.—(1) In these Regulations—

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

"the Directive" means Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC(**3**);

"disinfect" means disinfect with a disinfectant approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(**4**) for the purposes of avian influenza;

"emergency vaccination notice" has the meaning given by regulation 6(1)(b);

"emergency vaccination plan" has the same meaning as it has in Article 53 of the Directive;

"emergency vaccination zone" has the meaning given by regulation 6(1)(a);

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68
(**3**) O.J. No. L 10, 14.1.2006, p. 16
(**4**) 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

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

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

"the1981 Order" means the Diseases of Animals (Northern Ireland) Order 1981(**5**);

"premises" includes any land, building or place;

"preventive vaccination notice" has the meaning given by regulation 7(1)(b)(ii);

"preventive vaccination plan" has the same meaning as it has in Article 56 of the Directive;

"preventive vaccination zone" has the meaning given by regulation 7(1)(b)(i);

"slaughterhouse" means an establishment used for slaughtering poultry, the meat of which is intended for human consumption;

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

"vaccination licence" has the meaning given by regulation 7(1)(a);

"vaccination notice" means either an emergency vaccination notice or a preventive vaccination notice;

"vaccination plan" means either an emergency vaccination plan or a preventive vaccination plan;

"vaccination zone" means either an emergency vaccination zone or a preventive vaccination zone.

(2) Expressions that are not defined in these Regulations and occur in the Directive have the same meaning in these Regulations as they have for the purposes of the Directive.

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

Scope of the Regulations

3. These Regulations do not apply to birds kept in a zoo within the meaning of the Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007(**7**).

Declarations, notices and licences

4.—(1) A declaration of a vaccination zone—

(a) must be in writing;

(b) must state the date on which it shall come into operation and must remain in operation until withdrawn by a further declaration made by the Department;

(c) may be subject to conditions and may be amended or withdrawn, by a further declaration, at any time;

(d) must designate the extent of the zone being declared;

(e) must list or refer to the measures that apply in the zone and if they apply only in part of the zone, specify to which part they apply; and

(f) must state to which categories of birds the measures apply.

(2) A notice served under these Regulations—

(**5**) S.I. 1981/1115 (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 22
(**6**) 1954 c. 33 (N.I.)
(**7**) S.R. 2007 No. 70

(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.

(3) A vaccination notice served under these Regulations—

(a) must list or refer to the measures that apply on the premises and, if they apply only on part of the premises, specify to which part they apply; and

(b) must state to which categories of birds the measures apply.

(4) A licence granted under these Regulations—

(a) must be in writing;

(b) may be either a general licence or a specific licence;

(c) may be subject to such conditions as the Department considers necessary to reduce the risk of the spread of avian influenza;

(d) may be amended, suspended or revoked at any time—

(i) 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,

(ii) in the case of a specific licence, by a notice served on the person to whom the licence was granted; and

(e) must specify, in the case of a vaccination licence, the matters set out in paragraph (3).

(5) The Department shall ensure that the extent of any vaccination zone declared, the nature of the restrictions and requirements applicable within it and the dates of its declaration and withdrawal are publicised.

(6) 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 to be taken; and

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

(7) 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 movement started,

(v) the name of the consignee, and

(vi) the address of the premises of destination;

(b) on demand made 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.

Prohibition on vaccination

5.—(1) A person must not vaccinate any bird against avian influenza 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(**8**); 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(**9**).

Emergency vaccination

6.—(1) Where the condition in paragraph (2) is fulfilled, the Department must, if it considers it necessary to reduce the risk of the spread of avian influenza—

(a) declare a zone, in all or any part of Northern Ireland where there are poultry or other captive birds, within which emergency vaccination against avian influenza is required to be carried out (an "emergency vaccination zone"); or

(b) serve a notice on the occupier of any premises, where there are poultry or other captive birds, on which emergency vaccination against avian influenza is required to be carried out (an "emergency vaccination notice").

(2) The condition is that the Department has carried out a risk assessment which indicates that there is a significant and immediate threat of avian influenza spreading within or into Northern Ireland following—

(a) an outbreak of avian influenza within the United Kingdom;

(b) an outbreak of avian influenza within a nearby member State; or

(c) confirmation of the presence of avian influenza in poultry or other captive birds in a nearby third country.

(3) Where an emergency vaccination zone is declared, or an emergency vaccination notice is served, after an emergency vaccination plan has been submitted to and approved by the European Commission in accordance with Articles 53 and 54 of the Directive, the declaration or service of the notice must be in accordance with the provisions of that plan.

(4) Any premises that are partly inside and partly outside an emergency vaccination zone are deemed to be wholly within it.

(5) Nothing in paragraph (1)(a) should deem any part of a premises outside Northern Ireland to be within an emergency vaccination zone.

Preventive vaccination

7.—(1) Where the conditions in paragraph (2) are fulfilled, the Department may, in accordance with the preventive vaccination plan referred to in paragraph (2)(b)—

(a) grant a licence to the occupier of any premises to vaccinate poultry, other captive birds or any category of poultry or other captive birds on those premises (a "vaccination licence");

(b) if it considers it necessary to reduce the risk of the spread of avian influenza—

(i) declare a zone in all or any part of Northern Ireland where there are poultry or other captive birds, within which preventive vaccination against avian influenza is required to be carried out (a "preventive vaccination zone"), or

(ii) serve a notice on the occupier of any premises, where there are poultry or other captive birds, on which preventive vaccination against avian influenza is required to be carried out (a "preventive vaccination notice").

(**8**) S.R. 1999 No. 434
(**9**) S.I. 2006/2407

(2) The conditions are—

(a) a risk assessment has been carried out by the Department that indicates that any poultry or other captive birds in any part of Northern Ireland are exposed to a risk of avian influenza; and

(b) a preventive vaccination plan has been submitted to and approved by the European Commission in accordance with Articles 56 and 57 of the Directive.

(3) Any premises that are partly inside and partly outside a preventive vaccination zone are deemed to be wholly within it.

(4) Nothing in paragraph (1)(b)(i) should deem any part of a premises outside Northern Ireland to be within a preventive vaccination zone.

Declaration of a vaccination zone in the Republic of Ireland

8.—(1) This regulation applies where a programme of vaccination is to be undertaken in the Republic of Ireland.

(2) Where this regulation applies the Department may declare an emergency or preventive vaccination zone in Northern Ireland, or any part of it, of such size as it thinks fit to prevent the spread of disease.

(3) A declaration under this regulation must specify the extent of the emergency or preventive vaccination zone.

Measures applying in a vaccination zone or to premises that are the subject of a vaccination notice or vaccination licence

9.—(1) The Department must, in a declaration of a vaccination zone, a vaccination notice or a vaccination licence, specify who is to carry out the vaccination and that person shall do so in accordance with these Regulations.

(2) In a declaration of a vaccination zone, a vaccination notice or a vaccination licence, the Department may, in accordance with any relevant approved vaccination plan, impose any measures within the vaccination zone or premises which are the subject of a vaccination notice or a vaccination licence, necessary to—

(a) control the type and quantity of vaccine to be used;

(b) control the supply and storage of the vaccine and the disposal of any unused vaccine;

(c) control the administration of the vaccine;

(d) ensure the keeping of records;

(e) ensure that the necessary samples from birds are taken;

(f) ensure that vaccinated birds are identified;

(g) ensure that notification is given to the Department when vaccination has been completed;

(h) control the movement of any poultry, other captive birds or their products from one premises within a zone to another within a zone, into or out of the zone or into or out of premises which are the subject of the notice or licence;

(i) control the release of poultry or other captive birds into the wild;

(j) ensure adequate biosecurity when any poultry, other captive birds or their products are transported;

(k) ensure surveillance of poultry or other captive birds within the zone or the premises that are the subject of the notice or licence,