STATUTORY RULES OF NORTHERN IRELAND

2007 No. 68

ANIMALS

ANIMAL HEALTH

The Avian Influenza and Influenza of Avian Origin in Mammals 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.

PART I

INTRODUCTION

Citation and commencement

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

Interpretation

2.—(1) In these Regulations—

"avian influenza prevention zone" means an avian influenza prevention zone declared under regulation 6(1)(a);

"avian influenza (restrictions on mammals) zone" means an avian influenza (restrictions on mammals) zone declared under regulation 61(1)(b);

"bird carcase" means the carcase of any bird and includes any part of a bird carcase;

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68

"border inspection post" means a border inspection post in Northern Ireland as defined in Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(**3**);

"carcase" means any bird carcase or mammal carcase;

"commercial poultry premises" means commercial premises where poultry are kept;

"commercial premises" means premises where poultry or other captive birds are kept for commercial purposes but does not include premises where birds and their eggs are kept by their owners for their own consumption or use or as pets;

"contact premises"—

(a) in Part IV, has the meaning given in regulation 26(2);

(b) in Part VI, has the meaning given in regulation 53(2);

(c) in Part VII, has the meaning given in regulation 61(2); and

(d) in Part VIII, has the meanings given in regulations 26(2), 53(2) and 61(2);

"controlled zone" means a protection zone, a surveillance zone, a restricted zone, a temporary movement restriction zone, a temporary control zone, a low pathogenic avian influenza restricted zone, an avian influenza prevention zone, or an avian influenza (restrictions on mammals) zone;

"designated" means designated by the Department in accordance with regulation 71;

"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(**4**);

"egg processing plant" means an establishment for the manufacture of egg products, as referred to in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (**5**);

"infected premises" means—

(a) in Part IV, premises where the Department has confirmed that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists;

(b) in Part VI, premises where the Department has confirmed that low pathogenic avian influenza or low pathogenic avian influenza virus exists;

(c) in Parts VIII and IX and in Schedule 3, premises where the Department has confirmed that highly pathogenic avian influenza, highly pathogenic avian influenza virus, low pathogenic avian influenza or low pathogenic avian influenza virus exists;

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

"keeper" means any person responsible for birds or animals, whether on a permanent or temporary basis, but does not include a person responsible for them solely because he is transporting them;

"low pathogenic avian influenza restricted zone" means a low pathogenic avian influenza restricted zone declared under regulation 55;

"mammal" means any mammal, except man;

(**3**) O.J. No. L24, 30.1.1998, p 9
(**4**) O.J. No. L10, 14.1.2006, p 16
(**5**) O.J. No. L 139, 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.22)

"mammal carcase" means the carcase of any mammal and includes any part of a mammal carcase;

"non-commercial premises" means premises where poultry or other captive birds are kept by their owners for their own consumption or use or as pets;

"the 1981 Order" means the Diseases of Animals (Northern Ireland) Order 1981(**6**);

"premises" includes any land, building or other place;

"protection zone" means a protection zone declared under regulation 28(1)to (4);

"racing pigeon" means any pigeon transported or intended for transport from its pigeon house so that it may be released and freely fly back there or to another destination;

"regulated place" means a slaughterhouse or border inspection post;

"restricted zone" means a restricted zone declared under regulation 28(5);

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

"special category premises" has the meaning given in regulation 22(3);

"surveillance zone" means a surveillance zone declared under regulation 28(1) to (4);

"suspect premises" means premises subject to restrictions under regulations 9 or 10;

"temporary control zone" means a temporary control zone declared under regulation 13(c);

"temporary movement restriction zone" means a temporary movement restriction zone declared under regulation 13(a);

"unregulated period of infection" has the meaning given in regulation 23(3);

"vehicle" includes any means of transport and 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;

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

(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(**7**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Scope of these Regulations

3.—(1) These Regulations do not apply to—

(a) anything done on any premises in accordance with a licence granted under Article 4 of the Specified Animal Pathogens Order (Northern Ireland) 1999(**8**).

(b) quarantine centres and quarantine facilities approved under regulation 17 of The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(**9**).

(2) A reference in these Regulations to paragraph 11 of Part I of Schedule 2 to the 1981 Order are to that paragraph as it applies to avian influenza.

(**6**) S.I. 1981/1115 (N.I.22) as amended by S.I. 1984/702 (N.I.2) Article 17, S.I. 1994/1891 (N.I.6) Articles 20, 22 and 23
(**7**) 1954 c. 33 (N.I.)
(**8**) S.R. 1999 No. 434
(**9**) S.R. 2006 No. 401 as amended by S.R. 2007 No. 59

Declarations, licences, notices and designations

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

(a) must be in writing;

(b) must specify the date on which it shall come into operation;

(c) may be amended by a further declaration at any time;

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

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

(f) may be withdrawn by a further declaration.

(2) A licence granted under these Regulations—

(a) must be in writing;

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

(c) may, in addition to any conditions required by these Regulations, be made subject to such conditions as the Department considers necessary to control avian influenza; and

(d) may be amended, suspended or revoked, in writing, at any time.

(3) A general licence shall apply to all persons or movements, or any class of persons or movements specified therein.

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

(a) keep with him, at all times during the movement so authorised, 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 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.

(5) A specific licence shall apply to the applicant therefor.

(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 movement so authorised;

(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 notice served under these Regulations—

(a) must be in writing

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

(c) must specify whether it applies to all or to part of the premises to which it relates; and

(d) must, if it applies to part of a premises, specify to which part it applies.

(8) A designation of premises—

(a) must be in writing;

(b) must, if it applies to only part of the premises, specify to which part it applies;

(c) may be made subject to such conditions as the Department considers necessary to control avian influenza; and

(d) may be amended, suspended or revoked in writing at any time.

(9) The Department must ensure that the extent of any zone declared under these Regulations, the nature of the restrictions and requirements applicable within it and the dates of its declaration and withdrawal are publicised in such manner as the Department considers necessary.

(10) Unless the Department states otherwise in a declaration of a controlled zone or by notice served on the occupier of any premises or on the owner or occupier of any vehicle, any movement which has already started when such a declaration comes into operation may be completed.

Controlled zones

5.—(1) Subject to paragraphs (2) and (4), premises which are only partly in a controlled zone are deemed to be wholly within the controlled zone.

(2) Premises in any controlled zone other than an avian influenza (restrictions on mammals) zone which are partly in one of the following zones and partly in another are deemed to be wholly in the zone furthest up the list—

(a) protection zone;

(b) surveillance zone;

(c) restricted zone;

(d) temporary control zone;

(e) temporary movement restriction zone;

(f) low pathogenic avian influenza restricted zone; or

(g) avian influenza prevention zone.

(3) Nothing in paragraph (1) shall deem any part of a premises outside Northern Ireland to be within a controlled zone.

(4) Premises which are in any of the controlled zones set out in paragraph (2) and also in an avian influenza (restriction on mammals) zone are subject to the restrictions and requirements applicable in both zones.

(5) A controlled zone, other than an avian influenza prevention zone, is an infected area for the purposes of the 1981 Order.

PART II

PREVENTIVE MEASURES

Measures to reduce the risk of the transmission of avian influenza

6.—(1) If, after carrying out a risk assessment, the Department considers that action is necessary to reduce the risk of the transmission of avian influenza to poultry or other captive birds from wild birds or from any other source, it must—

(a) declare an avian influenza prevention zone in all or any part of Northern Ireland; or