1995 No. 465

ANIMALS

Diseases of Poultry Order (Northern Ireland) 1995

Made . . . . . 14th December 1995

Coming into operation . . 15th January 1996

The Department of Agriculture, in exercise of the powers conferred on it by Articles 2(3), 5(1), 10(6), 12(1), 14, 18(7), 19(*e*), (*f*), (*g*), (*h*), (*i*) and (*k*), 44, 46(7A) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Diseases of Poultry Order (Northern Ireland) 1995 and shall come into operation on 15th January 1996.

Interpretation

2. In this Order—

"affected" means affected with disease;

"cleansing" includes the disposal of all litter, droppings and other matter in a manner which does not present a risk of the spread of disease;

"disease" means avian influenza, Newcastle disease and, in the case of pigeons, paramyxovirus 1 infection;

"Poultry Scheme" means the Diseases of Poultry Scheme (Northern Ireland) 1995(**b**);

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

"Divisional Veterinary Officer" means a Divisional Veterinary Officer of the Department;

"holding" means a holding used for the rearing or keeping in captivity of poultry for breeding, the production of meat or eggs for consumption or for re-stocking supplies of game or for any other purposes;

"poultry" means domestic fowls, turkeys, geese, ducks, guinea fowls, quails, pigeons, pheasants, partridges and ratites reared or kept for any purpose;

(**a**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17 and S.I. 1994/1891 (N.I. 6) Arts. 19, 20, 22 and 23

(**b**) S.R. 1995 No. 464

(**c**) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69 and S.R. 1995 No. 467

"premises" includes land;

"protection zone" means a protection zone established by the Department in accordance with Article 9;

"racing pigeon" means any pigeon transported or intended for transport from its pigeon house (that is, 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;

"surveillance zone" means a surveillance zone established by the Department in accordance with Article 9;

"suspected" means suspected of being affected;

"the 1981 Order" means the Diseases of Animals (Northern Ireland) Order 1981.

Notices and licences

3. Any notice served on, or licence granted to, any person by the Department under this Order—

(*a*) shall be in writing; and

(*b*) may be amended, suspended or revoked at any time by notice or further notice served on that person.

Extension of definition of birds

4. For the purpose of the 1981 Order in its application to this Order, or to the Poultry Scheme, the list of birds specified in Part II of Schedule 1 to the 1981 Order is hereby extended so as to comprise birds of any kind.

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

5.—(1) A person who has in his possession or under his charge, or who examines or inspects, an affected or suspected bird or carcase of a bird shall immediately notify the Divisional Veterinary Officer, an inspector or a member of the Royal Ulster Constabulary.

(2) A person who, following analysis by him of a sample taken from any bird or carcase of a bird, reasonably suspects the presence of disease in the sample shall immediately notify either the Divisional Veterinary Officer, an inspector or a member of the Royal Ulster Constabulary.

Restrictions on movement of poultry

6.—(1) Where, following notification given to it under Article 5 or otherwise, the Department knows or suspects that disease exists or has existed on any premises, it shall, by notice served on the occupier or person in charge of the premises impose the restrictions and requirements contained in Part I of Schedule 1.

(2) Where, as a result of a laboratory test or clinical diagnosis the Department confirms that disease exists on any premises it—

(*a*) shall, where poultry (other than racing pigeons) are kept on the premises; and

(*b*) may, where any other captive birds (including racing pigeons) are kept on the premises;

by notice, served on the occupier or person in charge of the premises, impose in addition to the restrictions and requirements contained in Part I of Schedule 1, the restrictions and requirements contained in Part II of Schedule 1.

(3) The person upon whom a notice under this Article has been served shall take all reasonable steps to ensure that the notice is complied with unless he is authorised by licence granted by the Department to do anything which would otherwise be a breach of that notice.

(4) If any person fails to comply with any restriction or requirement imposed by a notice under this Article then, unless he has been authorised in that behalf under paragraph (3) the Department may, without prejudice to any proceedings for an offence arising out of such contravention—

(*a*) seize or cause to be seized an affected or suspected bird and detain it at such place as it shall consider appropriate until the notice is withdrawn; and

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

(5) The amount of any expenses reasonably incurred by the Department in the exercise of the powers under paragraph (4) in connection with the seizure and detention of an affected or suspected bird shall be recoverable as a civil debt by the Department from the owner of such a bird.

(6) Until such time as a notice under this Article is served, a person who has in his possession or under his charge any suspected or affected bird shall take all reasonable steps to ensure that the restrictions and requirements contained in Part I of Schedule 1 are complied with.

Additional powers to prevent spread of disease

7.—(1) If an inspector has reason to believe that—

(*a*) the movement of any person, animal, carcase, equipment or thing to or from any premises may entail the risk of spreading disease; or

(*b*) any animal, carcase, premises, equipment or thing has been exposed to the possibility of infection with disease,

he may, for the purpose of preventing the spread of the disease, by notice served on the owner of any animal, carcase, equipment or thing, prohibit the movement thereof to or from any place except under the authority of and subject to the conditions of a licence issued by the Department.

(2) For the purpose of this Article the expression "animal" shall include any four-footed animal and any bird.

(3) Where a notice is served on any person under this Article, he shall comply with the requirements or restrictions thereof.

Marking for identification purposes

8. An inspector may, for identification purposes, paint, stamp or clip any mark on any bird or carcase of a bird or other thing or may permanently mark a bird or carcase.

Declaration of infected area

9.—(1) If the Department has reasonable grounds for suspecting that a disease exists in poultry (other than racing pigeons) within Northern Ireland or within such part of the Republic of Ireland as may entail the risk of the introduction or spread of that disease into Northern Ireland, it may declare Northern Ireland or such area therein as may be specified in the declaration to be an infected area.

(2) If the Department has reasonable grounds for suspecting that a disease exists in racing pigeons or in any captive birds other than poultry within Northern Ireland or within such part of the Republic of Ireland as may entail the risk of the introduction or spread of that disease into Northern Ireland, and upon being satisfied that the presence of that disease in any such birds constitutes a serious risk to poultry, it may declare Northern Ireland, or such area therein as may be specified in the declaration, to be an infected area.

(3) A declaration under paragraphs (1) and (2)—

(*a*) shall be made in writing and published in such manner and to such extent as it appears to the Department to be sufficient to bring the terms of the declaration to the attention of those persons likely to be affected by it;

(*b*) shall specify the date on which it shall come into operation and shall remain in operation until revoked by a further declaration made by the Department declaring the area concerned to be free from disease;

(*c*) shall apply in relation to such species of bird as may be specified in the declaration;

(*d*) shall provide for the establishment of surveillance and protection zones as appropriate, within the infected area and such zones shall be of such radius as the Department may declare.

(4) In relation to any infected area, each protection zone shall have a minimum radius of 3 kilometres and shall itself be contained in a surveillance zone which shall have a minimum radius of 10 kilometres, and the centre of each protection and surveillance zone shall be any premises which are the subject of a notice under Article 6.

(5) Any premises partly within a protection or surveillance zone shall be deemed to be wholly within that protection or surveillance zone as the case may be.

(6) Any premises partly within an infected area shall be deemed to be wholly within that area.

(7) Nothing in paragraphs (5) or (6) shall deem any area outside Northern Ireland to be part of an infected area.

(8) The Department may exhibit placards, handbills or warning notices in, or in the immediate neighbourhood of, an area declared to be infected under paragraphs (1) or (2) advising of the fact of such declaration.

(9) A person shall not alter, remove, obliterate or deface any placard, handbill or warning notice referred to in paragraph (8).

(10) A declaration under paragraphs (1) or (2) may be varied by the Department and such variation shall be in writing and published, so far as practicable, in the same manner as the declaration.

(11) Where any area is declared to be infected under paragraphs (1) or (2), the provisions of Schedule 2 shall apply in relation to that area unless the declaration specifies otherwise, or unless the Department authorises by licence under this Order anything which would otherwise be a breach of the requirements or restrictions imposed by virtue of that Schedule.

Cleansing and disinfection

10.—(1) The occupier or person in charge of premises on which birds 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 for sale or exhibition of such birds on the premises as soon as practicable after use and in any event before they are used again.

(2) The person in charge of any vehicle or receptacle in which birds are to be carried shall thoroughly cleanse and disinfect the vehicle or receptacle before it is so used and as soon as practicable before the receptacle is used again.

(3) An inspector may, by notice served on the person in charge of any premises, vehicle or receptacle on or in which any birds are or have been—

(*a*) require that person to cleanse and disinfect the premises, vehicle or receptacle and their fittings in such manner as the inspector requires; and

(*b*) in the case of premises prohibit the movement thereto of vehicles, receptacles or birds until the cleansing and disinfection has been completed to the satisfaction of the inspector.

(4) Where a notice has been served on any person under this Article, he shall comply with its requirements.

(5) Where a person on whom a notice is served under this Article fails to comply with the requirements thereof the Department may, without prejudice to any proceedings for an offence arising out of such contravention, carry out or cause to be carried out such cleansing and disinfection as is required by the notice.

Records

11.—(1) A person who owns any flock of birds (other than racing pigeons) consisting of at least 250 birds of any species kept on a single premises shall keep a record in respect of birds and eggs entering or leaving his premises.