1995 No. 464

ANIMALS

Diseases of Poultry Scheme 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 Article 8(1) and (2) of the Diseases of Animals (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, having consulted with the bodies which appeared to it to be substantially representative of the interests concerned and with the approval of the Department of Finance and Personnel(**b**), hereby makes the following Order:

Citation and commencement

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

Diseases of Poultry Scheme

2. For the purpose of keeping poultry, so far as practicable, free from avian influenza and Newcastle disease and pigeons free from paramyxovirus 1 infection and, so far as practicable, reducing the incidence of those diseases, the Department hereby makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department of Agriculture on 14th December 1995.

(L.S.) *P. T. Toal*

Assistant Secretary

The Department of Finance and Personnel hereby approves.

Sealed with the Official Seal of the Department of Finance and Personnel on 14th December 1995.

(L.S.) *J. G. Sullivan*

Assistant Secretary

(a) S.I. 1981/1115 (N.I. 22) to which there are amendments not relevant to this Order
(b) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3

Diseases of Poultry Scheme Order (Northern Ireland) 1995

Citation and interpretation

1.—(1) This Scheme may be cited as the Diseases of Poultry Scheme (Northern Ireland) 1995.

(2) In this Scheme—

"approved laboratory" means the laboratory of the Department situated at Stoney Road, Belfast BT4 3SD;

"authorised officer" means an inspector or other officer of the Department authorised by it to exercise powers under this Scheme;

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

"Diseases of Poultry Order" means the Diseases of Poultry Order (Northern Ireland) 1995(**a**);

"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;

"premises" includes land;

"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;

"vaccination area" means an area declared by the Department to be a vaccination area under paragraph 7(1).

Notices and licences

2. Any notice published or served on, or licence granted to, any person by the Department under this Scheme—

(*a*) shall be in writing; and

(*b*) may be amended, suspended or revoked at any time by notice or further notice published in the like manner or served on the same person, as the case may be.

Isolation of poultry

3. Where a notice in writing has been served under Article 6 (Restrictions on movement of poultry) of the Diseases of Poultry Order on the occupier or person in charge of any premises, that person shall ensure that—

(*a*) any pigeons kept on the premises shall be isolated in their pigeon house; and

(*b*) any other birds (including any poultry) kept in captivity on the premises are kept in their living quarters or some other place where they can be isolated;

until the notice has been suspended or revoked.

(**a**) S.R. 1995 No. 465

Prohibition on vaccination or re-vaccination

4. A person shall not vaccinate or re-vaccinate any poultry kept on premises subject to a notice served under Article 6 of the Diseases of Poultry Order.

Veterinary enquiry as to the existence of disease

5. For the purposes of ascertaining whether or not a disease exists or has existed on any premises and in particular for the purpose of establishing—

(*a*) the length of time the disease has existed on the premises;

(*b*) the possible origin of the disease on the premises;

(*c*) the extent to which a disease has been spread from the premises under enquiry,

an inspector may carry out such enquiries and examinations and apply such tests and collect such samples as are necessary for the purposes.

Submission and testing of samples

6.—(1) Where an inspector has collected a sample under paragraph 5 he shall submit it to an approved laboratory and shall inform the laboratory of the name and address of the owner of the bird from which it was taken.

(2) The collection of samples and the laboratory testing thereof shall be carried out in accordance with Annex III of Council Directive 92/40/EEC(**a**) (in relation to avian influenza), and Annex III of Council Directive 92/66/EEC(**b**) (in relation to Newcastle disease and paramyxovirus 1 infection in pigeons).

(3) Where a sample from a bird has reacted positively to any test to which it was subjected in pursuance of sub-paragraph (2) the Department shall notify the owner of the bird from which the sample was taken.

Vaccination areas

7.—(1) The Department may, by notice, declare the whole or any part of Northern Ireland to be a vaccination area.

(2) A declaration under sub-paragraph (1)—

(*a*) shall be 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;

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

(3) Where a declaration under sub-paragraph (1) only applies in relation to a specified species of birds, any reference in this paragraph and in paragraphs 8, 9 and 11 to any bird shall be construed as a reference to a bird of that species.

(4) Subject to paragraphs 4 and 11 every person owning or having under his charge any birds within a vaccination area shall—

(*a*) on a date notified to him by the Department present all such birds for vaccination and shall comply with all reasonable requirements of an authorised officer for the purpose of vaccination, including collection and penning of the birds;

(*b*) ensure that, subject to sub-paragraph (6) and paragraph 9, those birds which are kept on premises inside the vaccination area must remain there.

(**a**) O.J. No. L167, 22.6.92, p. 1
(**b**) O.J. No. L260, 5.9.92, p. 1