

Welsh Statutory Instrument 2003 No. 1079 (W.148)

The Diseases of Poultry (Wales) Order 2003

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STATUTORY INSTRUMENTS

2003 No. 1079 (W.148)

ANIMALS, WALES

ANIMAL HEALTH

The Diseases of Poultry (Wales) Order 2003

Made

9th April 2003

Coming into force

12th April 2003

The National Assembly for Wales and the Secretary of State for Environment, Food and Rural Affairs, acting jointly in exercise of their powers under sections 1, 7, 8(1), 15(5), 17(1), 23, 25, 28, 35(1), 83(2), 87(5)(a) and 88(4) of the

Animal Health Act 1981^[1] make the following Order:

Title, commencement, and application

1. - (1) This Order may be cited as the Diseases of Poultry (Wales) Order 2003 and comes into force on 12th April 2003.

(2) This Order applies in relation to Wales only.

Extension of definition of "poultry" and "disease"

2. - (1) The definition of "poultry" in section 87(4) of the Animal Health Act 1981 is extended to include all birds.

(2) The definition of "disease" in section 88(3) of the Act is extended to include all diseases of birds.

Interpretation

3. - (1) In this Order -

"bird" ("*aderyn*") includes poultry, unless the context otherwise requires;

"carcase" ("*carcas*") means the carcase of poultry or of any bird other than poultry, as the context requires, and includes part of a carcase;

"Chief Veterinary Officer" ("*Prif Swyddog Milfeddygol*") means the Chief Veterinary Officer of the Department for Environment, Food and Rural Affairs;

"designated disease" ("*clefyd dynodedig*") means paramyxovirus 1 in pigeons, avian influenza and Newcastle disease;

"disinfect" ("*dihentio*") means disinfect with a disinfectant approved under the Diseases of Animals (Approved Disinfectants) Order 1978^[2] for the purposes of this Order;

"Divisional Veterinary Manager" ("*Rheolwr Milfeddygol Rhanbarthol*") means the veterinary inspector appointed for the time being by the Secretary of State to receive information about diseased or suspected birds or carcasses in the area in which such birds or carcasses are located;

"holding" ("*daliad*") means premises used for the rearing or keeping of breeding or productive poultry which have one county parish holding number recognised by the National Assembly for Wales and the Secretary of State as identifying that holding;

"poultry" ("*dofednod*") means domestic fowls, turkeys, geese, ducks, guinea fowls, quails, pigeons, ratites, pheasants and partridges;

"premises" ("*saflle*") includes land, buildings and any other place; and

"racing pigeon" ("*colomen rasio*") means any pigeon transported or intended for transport from its pigeon house (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.

(2) Any notice or licence served or issued under this Order or under a declaratory Order made under article 9 below must be in writing, may be general or specific, may be the subject of conditions and may be amended, suspended or revoked by notice in writing at any time.

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

4. - (1) A person who has in his or her possession or under his or her charge any bird or carcase having, or suspected of having, a designated disease must -

(a) immediately inform the Divisional Veterinary Manager, and

(b) take all reasonable steps to ensure that the restrictions and requirements set out in Part I of Schedule 1 to this Order are complied with.

(2) A person who examines or inspects any bird or carcase or who analyses any sample taken from any bird or carcase, and who suspects the presence of a designated disease in the bird, carcase or sample must immediately inform the Divisional Veterinary Manager.

Restrictions where disease is suspected

5. - (1) If a veterinary inspector has reasonable grounds for suspecting that either -

(a) a designated disease exists or has existed on any premises (whether or not notification has been made under article 4), or

(b) that poultry on any premises have been exposed to the risk of a designated disease,

(c) he or she shall, subject to paragraph (3), serve a notice on the occupier of the premises or on the keeper of any birds on the premises requiring him or her to comply with the requirements contained in Part 1 of Schedule 1 to this Order.

(2) If a veterinary inspector has reasonable grounds for suspecting that birds on any premises have been exposed to the risk of any disease, he or she may serve a notice on the occupier of the premises or on the keeper of any birds on the premises requiring him or her to comply with the requirements contained in Part I of Schedule 1 to this Order.

(3) In the case of any notice served under paragraphs (1)(b) or (2) a veterinary inspector may -

(a) disapply one or more of the requirements contained in Part 1 of Schedule 1 to this Order,

(b) limit the requirements that apply to a part of the premises and to the birds contained there, provided that the birds have been housed, kept and fed separately from birds kept in other parts of the premises and kept and fed by separate staff.

(4) For the purposes of paragraph (1)(a) "veterinary inspector" includes an inspector.

(5) In this article, exposure to risk of disease means exposure, either directly

or indirectly, as a result of the movement of persons, animals or vehicles or in any other way.

Veterinary inquiry as to the existence of a disease

6. - (1) Where a notice has been served in accordance with sub-paragraph (1)(a) of article 5, a veterinary inspector shall enter the premises that are subject to the notice and carry out such inquiries, examinations and tests and take such samples (including live birds and carcasses), as are necessary to ascertain whether disease exists or has existed there and, in particular, to establish

- (i) the length of time the disease has existed on the premises,
- (ii) the possible origin of the disease on the premises,
- (iii) which premises may have been exposed to contamination by the disease from the premises under inquiry, and
- (iv) the extent to which a disease has been carried to or from the premises under inquiry.

(2) Where a notice has been served in accordance with sub-paragraph (1)(b) of article 5 or paragraph (2) of article 5, a veterinary inspector shall -

- (a) carry out such inquiries as are necessary in order to detect any reasonable grounds for suspicion of a disease and, in doing so, may conduct examinations, tests and take samples as he or she sees fit;
- (b) count the poultry; and
- (c) monitor their movements.

(3) A veterinary inspector may mark, or cause to be marked, for identification purposes any bird, carcase or other thing in relation to which any of the powers under paragraphs (1) and (2) have been exercised.

(4) Collection of samples and laboratory testing under paragraph (2) shall be carried out (in relation to avian influenza) in accordance with Annex III of Council Directive 92/40/EEC and (in relation to Newcastle disease and paramyxovirus in pigeons), with Annex III of Council Directive 92/66/EEC.

(5) The occupier of the premises or the keeper of any birds on the premises or any person in his or her employment shall provide such reasonable assistance to a veterinary inspector as he or she may require for the exercise of his or her powers under paragraphs (1), (2) and (3) above.

Measures where a designated disease is confirmed

7. - (1) Upon the presence of a designated disease on premises being confirmed by the Chief Veterinary Officer or by a person authorised by him or her, a veterinary inspector -

- (a) in the case of poultry shall, and
- (b) in the case of other captive birds or racing pigeons, may

by notice served on the occupier of the premises or the keeper of any birds on the premises, impose the requirements contained in Part II of Schedule 1 to this Order in addition to the conditions imposed by virtue of notices issued under article 5.

(2) A veterinary inspector may also serve such a notice on the occupier of premises or keeper of birds on premises which, because of their location, configuration or contact with premises (in Wales or elsewhere) where the presence of a designated disease has been confirmed by the Chief Veterinary Officer or by a person authorised by him or her, contain poultry, other captive birds or racing pigeons which may, in the opinion of the veterinary inspector, have been exposed to the risk of a designated disease.

Duties of occupiers and persons in charge of premises served with notices

8. - (1) A person served with a notice under this Order shall -

(a) take all reasonable steps to ensure that the notice is complied with unless he or she is authorised to do otherwise by a licence issued by a veterinary inspector; and

(b) provide such reasonable assistance as the veterinary inspector may require for the purpose of exercising his or her powers under article 5, 6 and 7.

(2) If any person fails to comply with any restriction or requirement imposed by a notice served under this Order, an inspector or other officer of the Secretary of State or the National Assembly for Wales or an inspector of the local authority may

(a) seize or cause to be seized anything which has been moved in contravention of the notice and detain it at such place as he shall consider appropriate until the notice is withdrawn; or

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

(3) Any action taken under paragraph (2) shall be without prejudice to any proceedings for an offence arising out of contravention of a notice served under this Order.

(4) A person failing to comply with a notice served under this Order shall be liable for any costs incurred under paragraph (2) above.

Declaration of infected area

9. - (1) Upon the presence in any area in Wales or elsewhere of a designated disease in poultry being confirmed by the Chief Veterinary Officer or by a person authorised by him or her, the National Assembly for Wales or the Secretary of State shall, by declaratory Order, declare such of that area as is in Wales to be an infected area.

(2) Upon the presence in any area in Wales or elsewhere of a designated

disease in captive birds other than poultry or in racing pigeons being confirmed by the Chief Veterinary Officer or by a person authorised by him or her and upon the National Assembly for Wales or the Secretary of State being satisfied that the presence of that disease in such birds constitutes a serious risk to poultry, the National Assembly for Wales or the Secretary of State may, by declaratory Order, declare such of that area as is in Wales to be an infected area.

(3) An area shall remain an infected area until such date as may be stated in the declaratory Order, or, if none, until the declaratory Order is withdrawn.

(4) Any premises which are partly inside and partly outside an infected area shall be deemed to be wholly inside that area.

(5) A declaratory Order may apply to all birds or to designated species.

(6) A declaratory Order shall provide for the division of the infected area into protection and surveillance zones, the protection zone being based on a minimum radius of three kilometres, itself contained in a surveillance zone based on a minimum radius of ten kilometres, based on the centre of premises where disease has been confirmed, or such lesser radii as the National Assembly for Wales or the Secretary of State may declare.

(7) The provisions of Schedule 2 shall apply in an area declared an infected area except to the extent that they are varied or excepted by the declaratory order or to the extent that anything which would otherwise be a breach of this Order is authorised by a licence issued by a veterinary inspector.

Vaccination areas

10. Upon an Order being made under article 9(1) above, the National Assembly for Wales or the Secretary of State may, by notice published in such manner as either of them thinks fit, require the vaccination of any species of poultry against a designated disease in such territorial area and for such period as either of them thinks fit and it shall be the duty of every owner and every person in charge of poultry in that area to comply with that notice.

Racing pigeons

11. - (1) An organiser of a show or race which takes place wholly or partly in Wales shall ensure that all racing pigeons entered for the race or show have been vaccinated against paramyxovirus 1 in pigeons.

(2) Every person who owns or keeps racing pigeons shall keep a record of every race or show for which he or she enters pigeons.

Disinfection

12. - (1) The person in charge of premises on which poultry or racing pigeons 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 or exhibition of such birds as soon as practicable after use and in any event before they are used again.

(2) An inspector may, by notice in writing served on the person in charge of any premises or vehicle on or in which any birds are or have been, require that person on whom the notice is served to cleanse and disinfect the premises or vehicle and any fittings or receptacle in such manner as he or she requires and prohibit the movement into the premises or vehicle of birds until the cleansing and disinfection has been completed to the satisfaction of the inspector.

(3) Without prejudice to the bringing of proceedings under the Animal Health Act 1981, where a notice under this article is not complied with, any person authorised by the National Assembly for Wales, the Secretary of State or the local authority may enter the premises or vehicle to which the notice relates and carry out the work of cleansing and disinfection required and the cost of such work shall be recoverable from the person on whom the notice was served.

(4) For the purposes of this Order "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.

Records

13. - (1) Every person who owns or keeps on a holding any flock of poultry consisting of at least 250 birds of any species of poultry shall keep a record in respect of poultry entering or leaving his or her holding.

(2) Every person who is engaged in the transport or marketing of any poultry or eggs (including any slaughterer or auctioneer) shall keep a record in respect of all poultry and eggs transported or marketed by him or her.

(3) The record referred to in paragraphs (1) and (2) above shall include in respect of the relevant class of poultry and their eggs -

- (a) the date and place they were obtained;
- (b) their species and description;
- (c) the name and address of the person from whom they were obtained;
- (d) the date and manner of disposal;
- (e) the place of slaughter, if that was the manner of disposal; and
- (f) the name and address of the person to whom the poultry or eggs were transferred (if known), if that was the manner of disposal.

(4) A person who is required by this Order to keep a record shall retain it for at least twelve months from the date of the recorded transportation or marketing.

(5) A person who keeps any record required under this article shall at all reasonable times produce it on demand to an inspector and shall provide him or her with copies if so required.

Licences

14. A person moving anything under the authority of a licence issued under this Order shall -

- (a) keep the licence with him or her at all times during the licensed movement;
- (b) on demand made by an inspector or other officer of the National Assembly for Wales or Secretary of State or by an inspector of local

authority, produce the licence and allow a copy or extract to be taken,
and

(c) on such demand, furnish his or her name and address.

General powers of inspectors

15. A veterinary inspector who enters any premises under this Order may take with him or her for any purpose relating to the execution and enforcement of this Order such persons and such things as he or she considers necessary.

Enforcement

16. The provisions of this Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Revocations and amendments

17. The Diseases of Poultry Order 1994[3] and the Diseases of Poultry (Amendment) Order 1997[4] are revoked insofar as they apply to Wales.

Signed on behalf of the National Assembly for Wales

Mike German

Deputy First Minister, Minister for Rural Development and Wales Abroad

4th April 2003

E.A. Morley

Parliamentary Under-Secretary of State

Department for Environment, Food and Rural Affairs

9th April 2003

SCHEDULE 1

Articles 4, 5 and 7

REQUIREMENTS RELATING TO PREMISES WHERE A DISEASE IS SUSPECTED OR CONFIRMED

PART 1

Premises on which a disease is suspected

Record of Poultry

1. The occupier of the premises shall make and maintain an up to date record of the poultry on the premises showing in respect of each category the number of poultry which have died, which show clinical signs of disease and which show no signs. The record shall be produced to a veterinary inspector on

demand.

Isolation of poultry

2. The occupier of the premises shall ensure that any poultry or birds kept in captivity on the premises are kept in their living quarters or some other place where they can be isolated. Pigeons shall be isolated in their pigeon house until restrictions have been removed.

Prohibition on movement of poultry to or from premises

3. No person shall move any poultry to or from the premises.

Prohibition on movement of persons, animals and vehicles to or from the premises

4. No person shall move to or from the premises and no person shall move any animal or vehicle to or from the premises.

Prohibition on removal or spreading of things liable to transmit disease

5. No person shall remove from the premises or spread in the premises any used poultry litter or poultry manure or anything liable to transmit disease.

Restriction on removal of eggs

6. No person shall move any eggs from premises except in accordance with the provisions of article 4.2(e) of and Annex I to Council Directive 92/40/EEC or article 4.2(e) of and Annex I to Council Directive 92/66/EEC as the case may be.

Disinfection at entrances and exits

7. The occupier of the premises shall provide and maintain an appropriate means of disinfection at the entrances and exits of the buildings housing poultry and of the premises.

PART 2

Premises on which a designated disease is confirmed

Slaughter and destruction

8. The occupier of the premises shall give all reasonable assistance to a veterinary inspector so as to ensure that poultry and such other birds as the veterinary inspector may require on the premises are killed there without delay and that carcasses and eggs are destroyed in such a way as will minimise the risk of spreading disease, in accordance with directions given by a veterinary inspector.

Destruction or treatment

9. The occupier of the premises shall ensure that all other material which may be contaminated is destroyed or treated in such a way as to destroy the disease, in accordance with directions given by a veterinary inspector.

Tracing

10. The occupier of the premises shall give all reasonable assistance to a veterinary inspector so as to ensure that -

(a) meat of all poultry slaughtered during the presumed incubation period,

- (b) eggs laid during the presumed incubation period, and
- (c) meat and eggs which are otherwise likely to be contaminated with the disease virus,

are traced and destroyed, except that table eggs need not be destroyed if they have previously been disinfected.

Disinfection and restocking

11. The buildings used for housing poultry, their surroundings, the vehicles used for transport and all equipment likely to be contaminated shall, under the supervision of an inspector, be subject to preliminary and final cleaning and disinfecting in accordance with Annex II of Council Directive 92/40/EEC or Annex II of Council Directive 92/66/EEC as the case may be and to the satisfaction of a veterinary inspector. The occupier of the premises shall not restock the premises until at least 21 days after completion of the cleaning and disinfection.

SCHEDULE 2

Article 9

INFECTED AREAS: PROTECTION AND SURVEILLANCE ZONES

Protection Zones

1. The following shall apply within the protection zone and shall continue to apply for a period of at least 21 days after the preliminary cleansing and disinfection of the infected premises required by paragraph 11 of Schedule 1 to this Order and thereafter until the National Assembly for Wales or the Secretary of State declares the protection zone to have become part of the surveillance zone.

2. The occupier of premises containing poultry shall ensure that -

- (a) any inspector who requires information as to the presence of poultry on such premises is supplied with such information as soon as practicable;
- (b) any veterinary inspector who visits the premises to examine the poultry and take samples is given all necessary assistance and information;
- (c) the poultry are kept in their living quarters or such other place where they can be isolated;
- (d) there is an appropriate means of disinfection at the entrance and exits of the premises;
- (e) poultry and hatching eggs are not moved from the premises except under a licence issued by a veterinary inspector -
 - (i) for the purpose of transport for immediate slaughter to a designated slaughterhouse, or

(ii) in the case of day old chicks or ready-to-lay pullets, to premises within the surveillance zone on which there are no other poultry, or

(iii) in the case of hatching eggs to a designated hatchery, subject to the eggs and their packing being disinfected before dispatch; and

(f) used litter and poultry manure are not removed or spread.

3. No person shall move any poultry, eggs or carcasses within the zone, except that poultry may be transported without stopping through the zone on a major highway or railway.

4. No person shall hold any fair, market, show or other gathering of poultry or other birds.

Surveillance Zone

5. The following shall apply within the surveillance zone and shall continue to apply for a period of at least 30 days after the preliminary cleansing and disinfection of the infected premises required by paragraph 11 of Schedule 1 to this Order and thereafter until the National Assembly for Wales or the Secretary of State declares the restrictions to be lifted.

6. The occupier of premises shall ensure that -

(a) any inspector who requires information as to presence of poultry on those premises is supplied with such information as soon as practicable;

(b) poultry are not moved from the premises out of the zone except under a licence issued by a veterinary inspector for the purpose of transport direct to a designated slaughterhouse outside the surveillance zone;

(c) hatching eggs are not moved from the premises out of the zone except under a licence issued by a veterinary inspector for the purpose of transport direct to a designated hatchery and subject to the eggs and their packing being disinfected before dispatch; and

(d) used litter and poultry manure are not moved out of the zone.

7. No person shall move any poultry or hatching eggs into or within the zone except that poultry may be transported without stopping through the zone on a major highway or railway.

8. No person shall hold any fair, market, show or other gathering of poultry or other birds.

Cleansing and disinfection of vehicles used for the conveyance of poultry

9. - (1) The owner of any vehicle used for the conveyance of poultry, poultry carcasses, poultry offal, poultry feathers or eggs originating in an infected area, before it is so used, as soon as practicable after each time it is so used and in any event before it is so used again, shall effectively clean and disinfect it.

(2) If any person fails to comply with this paragraph, an officer of the local authority may, without prejudice to any proceedings arising out of such failure, carry out or cause to be carried out the cleansing and disinfection and the person failing to carry out the operations shall be liable for any costs incurred.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order (read with the Animal Health Act 1981^[5]) further implements Council Directive 92/40/EEC introducing Community measures for the control of avian influenza^[6] and Council Directive 92/66/EEC introducing Community measures for the control of Newcastle disease^[7] ("the Directives"). The Directives were previously implemented by the Diseases of Poultry Order 1994^[8] ("the 1994 Order") and the Diseases of Poultry (Amendment) Order 1997^[9], both revoked by this Order.

The application of the Order is extended to ratites in accordance with the Directives. This Order also extends provisions in article 5A of the 1994 Order (relating to surveillance powers and movement restrictions) to diseases of birds and to species of birds not covered by the Directives. These provisions have been recast and are included in articles 5 and 6 of this Order.

Articles 1 to 3 of the Order contain introductory and interpretation provisions. Article 4 provides for the notification of certain diseases and for the taking of precautionary measures when disease is suspected. Article 5 sets out restrictions which may apply if any disease is suspected or known to exist or where birds are suspected of having been exposed to the risk of disease. Article 6 provides for veterinary inquiry into the existence of disease. Article 7 sets out restrictions which apply where disease is confirmed. Restrictions referred to in articles 4, 5 and 7 are set out in Schedule 1.

Article 8 sets out the duties of occupiers and persons in charge of premises served with a notice under the Order.

Article 9 provides for the declaration by the National Assembly for Wales or the Secretary of State of an infected area where disease has been confirmed. Restrictions applicable in an infected area are set out in Schedule 2.

Article 10 allows the National Assembly for Wales or the Secretary of State to require vaccination of poultry. Article 11 sets out restrictions applicable to racing pigeons. Article 12 contains provisions on cleansing and disinfection. Article 13 relates to the keeping of records and article 14 to licences. Article 15 sets out the general powers of veterinary inspectors under the Order. Article 16 provides for the Order to be enforced generally by local authorities. Article 17 revokes the Diseases of Poultry Order 1994^[10] and the Diseases of Poultry (Amendment) Order 1997^[11] insofar as they apply to Wales.

Failure to comply with this Order is an offence under section 73 of the Animal Health Act 1981.

A Regulatory Appraisal under the Government of Wales Act 1998 has not been prepared for this Order.

Notes:

[1] 1981 c.22. Functions conferred under the 1981 on "the Ministers" (as defined in section 86 of that Act) were transferred so far as exercisable by the Secretary of State for Wales in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The joint functions of "the Ministers" exercisable by the Secretary of State for Scotland in relation to Wales were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). All functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).[back](#)

[2] S.I. 1978/32.[back](#)

[3] S.I. 1994/3141.[back](#)

[4] S.I. 1997/150.[back](#)

[5] 1981 c.22.[back](#)

[6] O J L167, 22.6.1992, p.1.[back](#)

[7] O J L260, 05.9.1992, p.1.[back](#)

[8] S.I. 1994/3141.[back](#)

[9] S.I. 1997/150.[back](#)

[10] S.I. 1994/3141.[back](#)

[11] S.I. 1997/150.[back](#)

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ISBN 0 11090734 5

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