

2003 No. 401

ANIMALS

**Diseases of Poultry (Amendment) Order
(Northern Ireland) 2003**

Made - - - - - *9th September 2003*

Coming into operation *15th September 2003*

The Department of Agriculture and Rural Development(a), 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(b) and of every 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 (Amendment) Order (Northern Ireland) 2003 and shall come into operation on 15th September 2003.

Amendments to the Diseases of Poultry Order (Northern Ireland) 1995

2.—(1) The Diseases of Poultry Order (Northern Ireland) 1995(c) shall be amended in accordance with paragraphs (2) to (6).

(2) For paragraph 1 of Article 6 there shall be substituted the following paragraphs –

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

(1A) Where premises containing poultry may, in the opinion of the Department, have been exposed to the risk of disease because of the location or configuration of those premises or their contact with premises in Northern Ireland or the Republic of Ireland where the presence of disease has been confirmed, the Department may, by notice served on the occupier or person in charge of the premises, impose the restrictions and requirements contained in Part I of the Schedule and in addition it may, by notice served on the occupier or person in charge of the premises, impose the restrictions and requirements contained in Part II of the Schedule.”.

(3) For paragraph (2) of Article 7 there shall be substituted the following paragraph –

“(2) For the purpose of this Article the expression “animal” shall include any four-footed animal and any bird and the expression “disease” shall include all diseases of birds.”.

(a) Formerly the Department of Agriculture: *see* S.I. 1999/283 (N.I. 1), Art. 3(4)

(b) 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

(c) S.R. 1995 No. 465

(4) For paragraph (4) of Article 9 there shall be substituted the following paragraphs –

“(4) In relation to an infected area declared under paragraph (1), 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.

(4A) In relation to an infected area declared under paragraph (2), the protection and surveillance zone shall be of such minimum radii as the Department may declare.”.

(5) For paragraph 10 of Part II of Schedule 1 there shall be substituted the following paragraph –

“10. After the operations described in paragraphs 7 and 8 are completed, the buildings used for housing poultry, their surroundings, the vehicles used for transport and all equipment likely to be contaminated by disease shall, under the supervision of an inspector, be subject to preliminary and final cleansing 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 an inspector. The occupier, or person in charge, of the premises shall not re-stock the premises until at least 21 days after completion of the cleansing and disinfection.”.

(6) In Schedule 2 –

(a) for paragraph 1 there shall be substituted the following paragraph –

“1. Paragraphs 2 to 4 shall apply within the protection zone for a period of at least 21 days after the preliminary cleansing and disinfection of the infected premises required by paragraph 10 of Schedule 1 and thereafter until the Department declares the protection zone to have become part of a surveillance zone.”.

(b) for paragraph 5 there shall be substituted the following paragraph –

“5. Paragraphs 6 to 10 shall apply within each 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 10 of Schedule 1 and thereafter until the Department declares the area to be free from disease.”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 9th September 2003.

(L.S.)

Liam McKibben

A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Diseases of Poultry Order (Northern Ireland) 1995, by –

- (a) providing additional powers to impose restrictions on premises where poultry may have been exposed to the risk of disease;
- (b) extending the provisions of Article 7 to provide powers to prevent the spread of all diseases of birds;
- (c) making provision for protection and surveillance zones in respect of the presence of disease in racing pigeons and captive birds other than poultry to be of such minimum radii as the Department may declare;
- (d) making specific provision, in accordance with Annex II of Council Directive 92/40/EEC (O.J. No. L167, 22.6.92, p. 1) or 92/66/EEC (O.J. No. L260, 5.9.92, p. 1), as the case may be, for preliminary and final cleansing and disinfection of premises where disease has been confirmed;
- (e) requiring that controls in protection and surveillance zones shall apply for a minimum period from the date of preliminary cleansing and disinfection of infected premises within the zones.

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