

## SCHEDULE 3

Regulations 5(6), 30 and 32(1)

### THE NORTHERN IRELAND POULTRY HEALTH ASSURANCE SCHEME

For the purposes of this Schedule “audit inspection” is a supplementary check to verify application of hygiene measures and the operation of the establishment in accordance with the conditions laid down in Chapter II of Directive 1990/539.

## PART I

### MEMBERSHIP

1. Any reference to ‘the Directive’ in this Part of this Schedule is a reference to Council Directive [90/539/EEC](#) (on animal health conditions governing intra-Community trade in, and imports from third countries, of poultry and hatching eggs)(1).

2. An application for an establishment to become a member of the Northern Ireland Poultry Health Assurance Scheme must be accompanied by the registration fee as set out in Part 2 of this Schedule.

3. The Department shall only grant membership of the Northern Ireland Poultry Health Assurance Scheme to an establishment if—

- (a) it is satisfied, following an inspection by a veterinary inspector directly employed by the Department, that—
  - (i) the establishment meets the requirements regarding facilities in Chapter II of Annex II to the Directive; and
  - (ii) the operator of the establishment will comply, and ensure that the establishment complies, with the requirements of point 1 of Chapter I of Annex II to the Directive; and
- (b) the operator of the establishment, having been notified that the Department is satisfied that the requirements in sub-paragraph (a) are met and has paid the registration fee, which includes the first year membership fee, as set out in Part II and Part III of this Schedule.

4. The disease surveillance programme referred to in paragraph (b) of point 1 of Chapter I of Annex II to the Directive shall consist of the disease surveillance measures specified in Chapter III of Annex II to the Directive, together with any additional testing requirements that a veterinary inspector notifies in writing to an establishment as being requirements that he believes are necessary to avoid the spreading of contagious disease through intra-Community trade, taking into account the particular circumstances at that establishment.

5. On acceptance of membership to the Northern Ireland Poultry Health Assurance Scheme the Department shall issue the establishment’s membership certificate which shall include the establishment’s membership number.

6. The operator of an establishment that is a member of the Northern Ireland Poultry Health Assurance Scheme shall pay the annual membership fee each year and shall pay any re-inspection fee when it becomes due.

7. In order to ensure that operators and their establishments continue to meet the requirements for membership of the Northern Ireland Poultry Health Assurance Scheme, and generally to ensure compliance with the Directive, an Authorised Veterinary Inspector (AVI) shall carry out an annual inspection of the establishment, and any supplementary audit inspections to meet the requirements of Chapter I of Annex II to the Directive, will be carried out by a veterinary inspector directly employed

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(1) O.J. No. L303, 30.10.90, P.6 as amended by and as read with the provisions listed in para. 6 of Part I of Schedule 2

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

by the Department. The number of supplementary audit inspections to be carried out each year shall be determined by the Department.

8. Without prejudice to any action which may be taken under paragraph 9, where, at the annual veterinary inspection of an operator's establishment, that operator or his establishment do not appear to the Department to meet the requirements either for membership of the Scheme or of the Directive, a veterinary inspector directly employed by the Department shall carry out such additional inspections ("re-inspections") as the Department considers necessary to ensure compliance on the part of that operator and his establishment with those requirements. In which case a re-inspection fee shall—

- (a) be charged for each such re-inspection; and
- (b) become due upon the receipt by the operator concerned of an invoice for that fee.

9. The Department—

- (a) shall suspend, revoke or restore membership in accordance with Chapter IV of Annex II to the Directive (references to 'withdrawal' in that Chapter shall be read as references to 'revocation' for the purposes of this paragraph);
- (b) may suspend or revoke membership if—
  - (i) an establishment is in breach of any of the requirements regarding facilities in Chapter II of Annex II to the Directive;
  - (ii) the operator or the establishment is in breach of any of the requirements in point 1 of Chapter I of Annex II to the Directive;
  - (iii) if ownership or control of an establishment changes; or
  - (iv) if the operator has not paid the registration fee, the annual membership fee or if a re-inspection fee remains unpaid 30 days after becoming due.

## PART II

### REGISTRATION FEE

1. The Department shall—

- (a) determine the registration fee on the basis of the cost of inspection by a Departmental veterinary inspector and associated administrative costs; and
- (b) publish the current registration fee on the website of the Department of Agriculture and Rural Development<sup>(2)</sup>.

2. The registration fee shall be payable to the Department in respect of each establishment for which an application is made and shall be non-refundable.

## PART III

### ANNUAL MEMBERSHIP FEE

- 1. For first time applicants the registration fee will include the first year membership fee.
- 2. For subsequent annual inspections members inspections will be carried out by an AVI.
- 3. For inspections carried out by an AVI not directly employed by the Department of Agriculture and Rural Development—

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(2) [www.dardni.gov.uk](http://www.dardni.gov.uk)

- (a) the cost of the inspection is payable directly to the inspector by the operator;
  - (b) the Department shall determine the administration fee and the supplementary audit inspection fee associated with an inspection by an AVI; and
  - (c) publish the current administration fee and the supplementary audit inspection fee associated with an inspection by an authorised veterinary inspector on the website of the Department.
4. The administration fee and the supplementary audit inspection fee (referred to in para.3(b)) shall be payable to the Department in respect of each establishment and shall be non-refundable.

## PART IV

### RE-INSPECTION FEE

The Department shall—

- (a) determine the re-inspection fee on the basis of the cost of re-inspection by a Departmental veterinary inspector and associated administrative costs; and
- (b) publish the current re-inspection fee on the website of the Department of Agriculture and Rural Development.

## PART V

### SUPPLEMENTARY AUDIT INSPECTION FEE

1. In order to meet the requirement of Chapter I of Annex II to the Directive supplementary audit inspections will be carried out by a veterinary inspector directly employed by the Department.
2. The Department shall—
  - (a) determine the supplementary audit inspection fee on the basis of the cost of a supplementary audit inspection by a veterinary inspector directly employed by the Department and associated administrative costs;
  - (b) include the cost of a supplementary audit inspection with the annual membership fee; and
  - (c) publish the current supplementary audit inspection fee on the website of the Department of Agriculture and Rural Development.