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ANIMALS

ANIMAL HEALTH

**The Avian Influenza and Influenza of Avian Origin in Mammals
Regulations (Northern Ireland) 2007**

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The Department of Agriculture and Rural Development, being designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community, makes the following Regulations in exercise of the powers conferred on it by that section.

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as The Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007 and come into operation on 10th February 2007.

Interpretation

2.—(1) In these Regulations—

“avian influenza prevention zone” means an avian influenza prevention zone declared under regulation 6(1)(a);

(a) S.I. 2000/2812
(b) 1972 c. 68

“avian influenza (restrictions on mammals) zone” means an avian influenza (restrictions on mammals) zone declared under regulation 61(1)(b);

“bird carcase” means the carcase of any bird and includes any part of a bird carcase;

“border inspection post” means a border inspection post in Northern Ireland as defined in Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries(a);

“carcase” means any bird carcase or mammal carcase;

“commercial poultry premises” means commercial premises where poultry are kept;

“commercial premises” means premises where poultry or other captive birds are kept for commercial purposes but does not include premises where birds and their eggs are kept by their owners for their own consumption or use or as pets;

“contact premises”—

(a) in Part IV, has the meaning given in regulation 26(2);

(b) in Part VI, has the meaning given in regulation 53(2);

(c) in Part VII, has the meaning given in regulation 61(2); and

(d) in Part VIII, has the meanings given in regulations 26(2), 53(2) and 61(2);

“controlled zone” means a protection zone, a surveillance zone, a restricted zone, a temporary movement restriction zone, a temporary control zone, a low pathogenic avian influenza restricted zone, an avian influenza prevention zone, or an avian influenza (restrictions on mammals) zone;

“designated” means designated by the Department in accordance with regulation 71;

“the Department” means the Department of Agriculture and Rural Development;

“the Directive” means Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC(b);

“egg processing plant” means an establishment for the manufacture of egg products, as referred to in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (c);

“infected premises” means—

(a) in Part IV, premises where the Department has confirmed that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists;

(b) in Part VI, premises where the Department has confirmed that low pathogenic avian influenza or low pathogenic avian influenza virus exists;

(c) in Parts VIII and IX and in Schedule 3, premises where the Department has confirmed that highly pathogenic avian influenza, highly pathogenic avian influenza virus, low pathogenic avian influenza or low pathogenic avian influenza virus exists;

“inspector” means a person appointed by the Department to be an inspector for the purposes of these Regulations and includes a veterinary inspector;

“keeper” means any person responsible for birds or animals, whether on a permanent or temporary basis, but does not include a person responsible for them solely because he is transporting them;

“low pathogenic avian influenza restricted zone” means a low pathogenic avian influenza restricted zone declared under regulation 55;

“mammal” means any mammal, except man;

(a) O.J. No. L24, 30.1.1998, p 9

(b) O.J. No. L10, 14.1.2006, p 16

(c) O.J. No. L 139, 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.22)

“mammal carcase” means the carcase of any mammal and includes any part of a mammal carcase;

“non-commercial premises” means premises where poultry or other captive birds are kept by their owners for their own consumption or use or as pets;

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981(a);

“premises” includes any land, building or other place;

“protection zone” means a protection zone declared under regulation 28(1) to (4);

“racing pigeon” means any pigeon transported or intended for transport from its pigeon house so that it may be released and freely fly back there or to another destination;

“regulated place” means a slaughterhouse or border inspection post;

“restricted zone” means a restricted zone declared under regulation 28(5);

“slaughterhouse” means an establishment used for slaughtering poultry, the meat of which is intended for human consumption;

“special category premises” has the meaning given in regulation 22(3);

“surveillance zone” means a surveillance zone declared under regulation 28(1) to (4);

“suspect premises” means premises subject to restrictions under regulations 9 or 10;

“temporary control zone” means a temporary control zone declared under regulation 13(c);

“temporary movement restriction zone” means a temporary movement restriction zone declared under regulation 13(a);

“unregulated period of infection” has the meaning given in regulation 23(3);

“vehicle” includes any means of transport and includes—

- (a) a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle;
- (b) a detachable part of any vehicle;
- (c) a container or other structure designed or adapted to be carried on a vehicle;

(2) Expressions that are not defined in these Regulations and occur in the Directive have the same meaning in these Regulations as they have for the purposes of the Directive.

(3) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Scope of these Regulations

3.—(1) These Regulations do not apply to—

- (a) anything done on any premises in accordance with a licence granted under Article 4 of the Specified Animal Pathogens Order (Northern Ireland) 1999(c).
- (b) quarantine centres and quarantine facilities approved under regulation 17 of The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006(d).

(2) A reference in these Regulations to paragraph 11 of Part I of Schedule 2 to the 1981 Order are to that paragraph as it applies to avian influenza.

Declarations, licences, notices and designations

4.—(1) A declaration of a controlled zone—

- (a) must be in writing;
- (b) must specify the date on which it shall come into operation;

(a) S.I. 1981/1115 (N.I.22) as amended by S.I. 1984/702 (N.I.2) Article 17, S.I. 1994/1891 (N.I.6) Articles 20, 22 and 23
(b) 1954 c. 33 (N.I.)
(c) S.R. 1999 No. 434
(d) S.R. 2006 No. 401 as amended by S.R. 2007 No. 59

- (c) may be amended by a further declaration at any time;
 - (d) must designate the extent of the controlled zone being declared;
 - (e) must list or refer to the measures which apply in such a zone and if they apply in only part of the zone, state in which part they apply; and
 - (f) may be withdrawn by a further declaration.
- (2) A licence granted under these Regulations—
- (a) must be in writing;
 - (b) may be either a general licence or a specific licence;
 - (c) may, in addition to any conditions required by these Regulations, be made subject to such conditions as the Department considers necessary to control avian influenza; and
 - (d) may be amended, suspended or revoked, in writing, at any time.
- (3) A general licence shall apply to all persons or movements, or any class of persons or movements specified therein.
- (4) A person moving any thing under the authority of a general licence must—
- (a) keep with him, at all times during the movement so authorised, a consignment note that contains details of—
 - (i) what is moved including its quantity,
 - (ii) the date of the movement,
 - (iii) the name of the consignor,
 - (iv) the address of the premises from which the movement started,
 - (v) the name of the consignee, and
 - (vi) the address of the premises of destination;
 - (b) on demand by an inspector produce the consignment note and allow a copy or extract to be taken; and
 - (c) on such demand, provide his name and address.
- (5) A specific licence shall apply to the applicant therefor.
- (6) A person moving any thing under the authority of a specific licence must—
- (a) keep the licence or a copy of it with him at all times during the movement so authorised;
 - (b) on demand made by an inspector, produce the licence or copy and allow a copy or extract to be taken; and
 - (c) on such demand, provide his name and address.
- (7) A notice served under these Regulations—
- (a) must be in writing
 - (b) may be subject to conditions and may be amended, suspended or revoked, by a further notice, at any time;
 - (c) must specify whether it applies to all or to part of the premises to which it relates; and
 - (d) must, if it applies to part of a premises, specify to which part it applies.
- (8) A designation of premises—
- (a) must be in writing;
 - (b) must, if it applies to only part of the premises, specify to which part it applies;
 - (c) may be made subject to such conditions as the Department considers necessary to control avian influenza; and
 - (d) may be amended, suspended or revoked in writing at any time.

(9) The Department must ensure that the extent of any zone declared under these Regulations, the nature of the restrictions and requirements applicable within it and the dates of its declaration and withdrawal are publicised in such manner as the Department considers necessary.

(10) Unless the Department states otherwise in a declaration of a controlled zone or by notice served on the occupier of any premises or on the owner or occupier of any vehicle, any movement which has already started when such a declaration comes into operation may be completed.

Controlled zones

5.—(1) Subject to paragraphs (2) and (4), premises which are only partly in a controlled zone are deemed to be wholly within the controlled zone.

(2) Premises in any controlled zone other than an avian influenza (restrictions on mammals) zone which are partly in one of the following zones and partly in another are deemed to be wholly in the zone furthest up the list—

- (a) protection zone;
- (b) surveillance zone;
- (c) restricted zone;
- (d) temporary control zone;
- (e) temporary movement restriction zone;
- (f) low pathogenic avian influenza restricted zone; or
- (g) avian influenza prevention zone.

(3) Nothing in paragraph (1) shall deem any part of a premises outside Northern Ireland to be within a controlled zone.

(4) Premises which are in any of the controlled zones set out in paragraph (2) and also in an avian influenza (restriction on mammals) zone are subject to the restrictions and requirements applicable in both zones.

(5) A controlled zone, other than an avian influenza prevention zone, is an infected area for the purposes of the 1981 Order.

PART II

PREVENTIVE MEASURES

Measures to reduce the risk of the transmission of avian influenza

6.—(1) If, after carrying out a risk assessment, the Department considers that action is necessary to reduce the risk of the transmission of avian influenza to poultry or other captive birds from wild birds or from any other source, it must—

- (a) declare an avian influenza prevention zone in all or any part of Northern Ireland; or
- (b) serve a notice on the occupier of a premises where poultry, other captive birds or any categories of poultry or captive birds specified in the notice are kept.

(2) A declaration or notice under paragraph (1) must impose such measures as the Department considers necessary to reduce the risk of transmission of avian influenza.

(3) When deciding the measures to impose under paragraph (2), the Department must consider whether measures are necessary—

- (a) to prevent direct or indirect contact which wild birds might otherwise have with poultry and other captive birds;
- (b) to reduce the risk of feed and water provided to poultry and other captive birds being contaminated with avian influenza virus; and
- (c) to reduce the risk of the spread of avian influenza between premises.

(4) The power of the Department to impose measures by declaration or notice under this regulation includes the power—

- (a) to require poultry and other captive birds to be housed or otherwise kept separate from wild birds;
- (b) to require poultry or other captive birds or categories of such birds specified in the declaration or notice to be housed or otherwise kept separate from other poultry and captive birds;
- (c) to require that poultry and other captive birds are provided with feed and water to which wild birds have no access;
- (d) to require keepers of poultry and other captive birds and others who come into contact with such birds to cleanse and disinfect their footwear and take such other biosecurity measures as an inspector may require;
- (e) to prohibit or regulate the collection together of poultry or other captive birds at any fair, market, show, exhibition, race or other gathering under the authority of and in accordance with the conditions of a licence granted by the Department;
- (f) to ban or limit the use of birds of the orders *Anseriformes* (including ducks, geese and swans) and *Charadriiformes* (including gulls, murrets, terns, avocets, puffins, woodcock, oystercatchers, sandpipers, plovers, surfbirds, snipes and skimmers) as decoys during bird-hunting.

Surveillance for avian influenza

7.—(1) The Department shall carry out surveillance at such premises and of such birds as it considers necessary—

- (a) to detect the prevalence in different species of poultry of infection with avian influenza virus subtypes H5 and H7; and
- (b) to assess the risk of the spread of influenza of avian origin by wild birds.

(2) The Department shall give notice to the occupier of premises selected by it for the purposes of such a survey.

PART III

MEASURES ON SUSPICION OF AVIAN INFLUENZA

Disapplication of measures to a regulated place

8. Regulations 9(1)(b) and 10 to 17 do not apply to a regulated place.

Notification procedures and precautions to be taken where avian influenza is suspected

9.—(1) A person who has in his possession or under his charge any bird or bird carcase which has, or which he suspects may have, avian influenza must—

- (a) immediately notify the Divisional Veterinary Officer; and
- (b) take all reasonable steps to ensure that the measures in Schedule 1 are complied with.

(2) A person who examines or inspects any bird or bird carcase or who analyses any sample taken from any bird or bird carcase must immediately inform the Divisional Veterinary Officer if—

- (a) he suspects the presence of avian influenza in the bird or bird carcase; or
- (b) he detects evidence of antibodies to avian influenza virus in the bird or bird carcase.

(3) A person who examines or inspects any mammal or mammal carcase, or who analyses any sample taken from any mammal or mammal carcase, must immediately inform the Divisional Veterinary Officer if—

- (a) he suspects the presence of influenza of avian origin in the mammal or mammal carcase; or
- (b) he detects evidence of antibodies to influenza virus of avian origin in the mammal or mammal carcase.

(4) In this regulation “Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department.

Notice of restrictions where avian influenza is suspected on premises

10.—(1) Subject to regulation 11 and whether or not notification has been made under regulation 9, the Department must serve a notice of restrictions on the occupier of any premises where it suspects that avian influenza, influenza of avian origin or a virus causing such a disease exists or may have existed within the preceding 56 days.

(2) Subject to regulation 11, the notice of restrictions must require the occupier of the premises to comply with the measures in Schedule 1.

Derogations from restrictions applicable at suspect premises

11.—(1) The Department may, in a notice served under regulation 10 on the occupier of a laboratory where low pathogenic avian influenza virus is kept, impose such of the measures in Schedule 1 and such measures relating to the operation of the laboratory as it considers necessary.

(2) The Department may, by licence or in a notice served under regulation 10 grant derogations from paragraphs 2, 3, 4 and 6 of Schedule 1 to the occupier of any premises other than those referred to in paragraph (1).

(3) The Department shall not grant such a derogation unless it has considered—

- (a) the risk of the possible spread of avian influenza were the derogation to be granted;
- (b) any precautionary measures which have been or could be taken; and
- (c) the destination of any birds or things which would be moved were the derogation to be granted.

(4) The Department may, by licence or in a notice served under regulation 10, also grant a derogation from the disinfection requirement in paragraph 9 of Schedule 1 if—

- (a) the premises which are the subject of the derogation are non-commercial premises;
- (b) the premises contain other captive birds but no poultry;
- (c) it has considered the risk of the possible spread of avian influenza were the derogation to be granted and any precautionary measures which have been or could be taken.

Veterinary inquiries and sampling

12.—(1) The Department must ensure that a veterinary inquiry is started at suspect premises as soon as reasonably practicable if it suspects that poultry or other captive birds on or moved from those premises may be infected with avian influenza.

(2) The Department must when taking samples from poultry or other captive birds—

- (a) on premises other than those which are the subject of a veterinary inquiry under paragraph (1); or
- (b) for purposes other than such an inquiry,

direct by notice served on the occupier of the premises in question that all or any of the requirements and restrictions set out in Schedule 1 apply to the premises.

Measures to minimise the risk of the spread of avian influenza from suspect premises

13. If the Department considers such a measure necessary to minimise the risk of the spread of avian influenza or of avian influenza virus from suspect premises in Northern Ireland, Great Britain or the Republic of Ireland, it must take one or more of the following measures—

- (a) declare a temporary movement restriction zone in such part of Northern Ireland as it considers necessary;
- (b) serve a notice on the owner or occupier of suspect premises in Northern Ireland requiring him to comply with such of the measures in Schedule 2 as are specified in the notice;
- (c) declare a temporary control zone in such part of Northern Ireland and of such size as it considers necessary around suspect premises.

Measures to be taken into account in respect of vehicles

14. In exercising powers under regulations 10 to 13 the Department must take into account any measures taken in respect of vehicles under regulations 38, 42, 43 and 45.

Measures in a temporary movement restriction zone

15.—(1) In a declaration of a temporary movement restriction zone and in relation to all or such part of the zone as it thinks fit, the Department must ban or restrict the movement of such of the following as it considers necessary—

- (a) poultry;
- (b) other captive birds;
- (c) eggs;
- (d) vehicles used to transport poultry, other captive birds, eggs or any thing else likely to transmit avian influenza;
- (e) mammals.

(2) If the Department bans or restricts the movement of mammals within a temporary movement restriction zone, it must lift the ban or restriction within 72 hours of it being imposed unless (notwithstanding any continuing restrictions on the movement of other things listed in paragraph (1)) it is satisfied that its continuation is necessary to minimise the risk of the spread of avian influenza.

(3) If the ban or restriction on the movement of mammals continues for more than 72 hours from when it was originally declared, the Department must review each decision to continue it within 72 hours.

Additional restrictions at suspect premises

16. In a notice served under regulation 13(b), the Department must state if the measures specified in the notice apply—

- (a) to all poultry and other captive birds on the premises;
- (b) only to certain categories of poultry or other captive birds;
- (c) only to poultry or other captive birds which it suspects are infected;
- (d) to all or only a specified part of the premises.

Declaration of a temporary control zone

17. In a declaration of a temporary control zone, the Department must impose in relation to premises in all or such part of the zone as it thinks fit, such measures as it considers necessary to reduce the risk of the spread of avian influenza.

PART IV

MEASURES ON CONFIRMATION OF HIGHLY PATHOGENIC AVIAN INFLUENZA AT PREMISES OTHER THAN A REGULATED PLACE

Disapplication of measures to a regulated place

18. This Part does not apply to a regulated place.

Restrictions on confirmation of highly pathogenic avian influenza

19.—(1) Paragraph (2) applies if the Department confirms that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists on any premises.

(2) The Department must impose by notice served on the occupier of the infected premises the measures in Schedule 2 in addition to the measures in Schedule 1.

(3) Until such time as a notice under paragraph (2) is served, a person who has in his possession or under his charge any poultry or other captive bird confirmed under paragraph (1) to have highly pathogenic avian influenza or highly pathogenic avian influenza virus shall take all steps to ensure that the restrictions and requirements contained in Schedule 2 are complied with.

Killing of birds on premises

20. Subject to regulation 21, the Department must ensure that poultry and other captive birds to be killed on infected premises under paragraph 11 of Part I of Schedule 2 to the 1981 Order are killed there without delay.

Movement of birds off premises for killing

21. If the Department considers that killing birds other than on infected premises would limit the risk of the spread of avian influenza more effectively, it may—

- (a) direct, by notice served on the occupier of the infected premises that killing of the birds specified in the notice be carried out at a place specified in the notice; and
- (b) licence the movement of those birds to that place.

Measures on special category premises

22.—(1) The Department must not licence the movement of any bird which is not killed under paragraph 11 of Part I of Schedule 2 to the 1981 Order from infected premises which are special category premises unless it is satisfied, following tests on the bird, that it is not infectious.

(2) The Department must not licence a movement to another member State unless the movement is authorised by the competent authority of that member State.

(3) The following are special category premises—

- (a) non-commercial premises;
- (b) circuses;
- (c) zoos;
- (d) pet shops;
- (e) wildlife parks;
- (f) fenced areas where poultry or other captive birds are kept for scientific purposes or for purposes related to the conservation of endangered species;
- (g) premises or parts of premises where only breeds of poultry or other captive birds which the Department considers to be rare are kept.

Tracing of meat and eggs from infected premises

23.—(1) Subject to paragraph (2) the Department, or any person authorised by it must endeavour to trace the following from infected premises—

- (a) the meat of all poultry slaughtered during the unregulated period of infection;
- (b) poultry eggs laid at the premises during that period; and
- (c) poultry hatched from such eggs.

(2) The Department need not trace or require the tracing of meat or poultry eggs once they have moved from wholesale or retail premises.

(3) The “unregulated period of infection” in relation to any premises means the period from the date when, in the opinion of the Department, avian influenza may first have been introduced to the premises to the date when measures were imposed in relation to the premises under regulation 10.

(4) In paragraph (1) “authorised” means authorised by notice in writing.

Measures when meat and eggs have been traced

24.—(1) The Department, or any person authorised by it, must—

- (a) dispose of meat traced from infected premises under regulation 23; or
- (b) require its disposal, by notice served on the person in possession of the meat.

(2) The Department, or any person authorised by it, must—

- (a) dispose of eggs traced from infected premises under regulation 23;
- (b) require their disposal, by notice served on the person in possession of the eggs; or
- (c) licence the movement of the eggs directly to an egg processing plant.

(3) The Department must require, by notice served on the occupier of any premises to which poultry already hatched from eggs traced under regulation 23 have been moved, that the poultry are not moved off those premises for at least 21 days from the date they arrived there.

(4) A person moving eggs under a licence granted under paragraph (2)(c) must ensure that—

- (a) each consignment of eggs is sealed by an inspector, or in accordance with the instructions of an inspector, before dispatch;
- (b) vehicles used to transport the eggs to the plant have been cleansed and disinfected before the eggs are loaded.

(5) A person shall not tamper with a seal attached under paragraph (4)(a) or remove it before the consignment arrives at its destination.

Veterinary inquiry at infected premises

25. The Department must ensure that veterinary inquiries continue at all infected premises for such period as it considers necessary.

Identification of contact premises

26.—(1) The Department must serve a notice on the occupier of any premises if it suspects that highly pathogenic avian influenza may have been carried—

- (a) there from other premises; or
- (b) to other premises from there.

(2) Premises in respect of which a notice is served are contact premises for the purposes of this Part.

Restrictions at contact premises

27.—(1) Subject to paragraph (2), the measures in Schedule 1 apply to contact premises until the Department notifies the occupier that those measures are revoked or that the premises are infected premises.

(2) The Department may, by licence or in a notice served on the occupier of contact premises, grant the same derogations in respect of contact premises as it can in respect of suspect premises under regulation 11.

(3) The Department may, by notice served on the occupier of contact premises, also require the occupier to comply with one or more of the measures in Schedule 2.

(4) When considering whether to require an occupier to comply with any of the measures in Schedule 2, the Department must take the following criteria into account—

- (a) the existence of any clinical signs of avian influenza in any birds on the contact premises;
- (b) the susceptibility to avian influenza of the species of poultry on the contact premises;
- (c) any movements of poultry or other captive birds from infected premises to the contact premises after the earliest date an inspector considers avian influenza may have been introduced to the infected premises;
- (d) the density of poultry in the area where the contact premises are located;
- (e) the time passed since avian influenza was first confirmed and how far avian influenza has spread from infected premises;
- (f) the proximity of the contact premises to infected premises;
- (g) epidemiological links between the contact premises and infected premises;
- (h) the extent to which measures to control avian influenza are working.

(5) When considering the proximity of the contact premises to infected premises under paragraph (4)(f), the Department must give particular consideration to whether it should impose measures on premises which are—

- (a) within 500 metres of infected premises; or
- (b) 500 metres or more from infected premises but are in an area with a high density of poultry.

(6) When considering epidemiological links between the contact premises and infected premises in accordance with paragraph (4)(g), the Department must give particular consideration to whether it should impose measures on premises with links to more than one infected premises.

(7) If the Department requires poultry or other captive birds on a contact premises to be killed, it must ensure that samples are taken from the dead birds and tested for avian influenza.

Declaration of a protection, surveillance and restricted zone

28.—(1) On confirmation of highly pathogenic avian influenza on premises in Northern Ireland, the Department must declare a protection zone and a surveillance zone.

(2) On confirmation of highly pathogenic avian influenza in an area of the Republic of Ireland which is less than 3 kilometres from Northern Ireland, the Department must declare a protection zone and a surveillance zone in Northern Ireland of such area as is necessary to complete the protection zone and surveillance zone centered on the outbreak point in the Republic of Ireland.

(3) On confirmation of highly pathogenic avian influenza in an area of the Republic of Ireland which is 3 kilometres or more and up to 10 kilometres from Northern Ireland the Department must—

- (a) declare a surveillance zone in Northern Ireland of such area as is necessary to complete the surveillance zone centered on the outbreak point in the Republic of Ireland; and
- (b) declare a protection zone in Northern Ireland if it considers it necessary to prevent the spread of avian influenza.

(4) The Department may declare protection and surveillance zones in Northern Ireland on confirmation of highly pathogenic avian influenza in an area of the Republic of Ireland which is 10 or more kilometres from Northern Ireland.

(5) The Department must, if it considers it necessary to reduce the risk of the spread of avian influenza, declare one or more restricted zones in addition to protection and surveillance zones.

(6) Paragraphs (1), (2) and (3) do not affect the power of the Department to disapply certain measures under regulations 30(3), 31(3) or to apply alternative measures under regulation 33.

Size of zone

29.—(1) A protection zone declared under paragraph (1) of regulation 28 must (subject to paragraph (8))—

- (a) be centred on the outbreak point; and
- (b) have a radius of at least 3 kilometres.

(2) A surveillance zone declared under paragraph (1) of regulation 28 must (subject to paragraph (8))—

- (a) be centred on the outbreak point; and
- (b) have a radius of at least 10 kilometres.

(3) A restricted zone must—

- (a) either—
 - (i) be centred on the outbreak point; or
 - (ii) be adjacent to the surveillance zone or to another restricted zone; and
- (b) be of such size as the Department considers necessary.

(4) The Department must take account of the criteria set out in paragraph (5) when deciding—

- (a) what size zones to declare under paragraphs (1), (2) or (3) of regulation 28; and
- (b) whether to declare a restricted zone under paragraph (5) of regulation 28.

(5) The criteria referred to in paragraph (4) are—

- (a) the results of veterinary inquiries;
- (b) the geographical features of the area around the infected premises;
- (c) the location and proximity of other premises containing poultry and other captive birds in the area;
- (d) patterns of movement of and trade in poultry and other captive birds in the area;
- (e) the facilities and personnel available to control movements within the zone (including any movement of poultry or other captive birds off premises for slaughter and disposal).

(6) A protection zone and surveillance zone declared under paragraph (4) of regulation 28 must be centred on the outbreak point and must be of such size as the Department considers necessary to reduce the risk of the spread of avian influenza.

(7) The “outbreak point” means, in relation to any premises where avian influenza has been confirmed, the part of the premises from which the Department considers controlled zones should be measured, given the nature of that case of avian influenza.

(8) Nothing in this regulation or regulation 55 which requires the Department to declare a zone of a minimum area has the effect of requiring the Department to include land in the Republic of Ireland in such a zone.

Measures in a protection zone

30.—(1) The measures in Schedule 4 apply in respect of a protection zone, subject to paragraph (2) and (3) and regulations 33 and 35.

(2) Paragraph (3) applies if the Department has carried out a risk assessment and does not believe that the disapplication of any measure under that paragraph would endanger disease control.

(3) In a declaration of a protection zone the Department may—

- (a) disapply one or more of the measures in Schedule 4 to movements of racing pigeons into, from and within the zone;
- (b) disapply one or more of the measures in paragraph 14 of Schedule 4 and in regulation 63(2) if—
 - (i) the premises where avian influenza has been confirmed are special category premises; and
 - (ii) avian influenza has been confirmed in poultry on those premises.

(4) The Department must ensure that—

- (a) premises containing poultry and other captive birds within a protection zone are identified as soon as possible; and
- (b) an inspector examines poultry and other captive birds at all such premises, carrying out examinations at commercial premises as soon as possible.

(5) The Department may, notwithstanding paragraph (4)(b), authorise a reduced level of surveillance to that provided for in that paragraph if—

- (a) the premises on which avian influenza is confirmed are special category premises; and
- (b) it is satisfied that reduced surveillance would not endanger disease control.

(6) The Department must ensure that such veterinary inquiries as it considers necessary to monitor for avian influenza are carried out at premises to which things are moved within and out of a protection zone.

Measures in a surveillance zone

31.—(1) The measures in Schedule 5 apply in respect of a surveillance zone, subject to paragraph (3) and regulations 33 and 35.

(2) Paragraph (3) applies if the Department has carried out a risk assessment and does not believe that its disapplication of any measure under that paragraph would endanger disease control.

(3) In its declaration of a surveillance zone, the Department may—

- (a) disapply one or more of those measures to movements of racing pigeons into, from and within the zone;
- (b) disapply one or more of the measures in paragraphs 6, 11 or 15 of Schedule 5 if—
 - (i) the premises where avian influenza has been confirmed are special category premises; and
 - (ii) avian influenza has been confirmed in poultry on those premises.

(4) The Department must ensure that all commercial poultry premises within a surveillance zone are identified as soon as possible.

Restrictions on trade in things from areas where measures have been disapplied

32. Unless licenced by the Department, a person shall not supply any of the following for intra-Community or international trade if it has come from premises in respect of which any of the measures in Schedules 4 or 5 have been disapplied under regulations 30 or 31—

- (a) poultry;
- (b) other captive birds;
- (c) hatching eggs;
- (d) used litter;

- (e) manure;
- (f) slurry.

Alternative measures where avian influenza is confirmed at a hatchery or in other captive birds on special category premises

33.—(1) If, following confirmation of highly pathogenic avian influenza at a hatchery or in other captive birds on special category premises, the Department is satisfied that applying less stringent measures than those in regulations 28 to 31 would not endanger disease control, it may decide—

- (a) not to make a declaration of a controlled zone around the premises;
- (b) to declare fewer zones than required under regulation 28;
- (c) to declare a controlled zone smaller in size than provided for in regulation 29;
- (d) to specify in its declaration of a controlled zone that one or more of the measures in Schedules 4 and 5 do not apply in that zone.

(2) The Department must carry out a risk assessment before reaching a decision under paragraph (1).

Measures in a restricted zone

34.—(1) The Department must, in a declaration of a restricted zone under regulation 28(5), apply, in each zone so declared, such measures as it considers necessary to reduce the risk of the spread of avian influenza.

(2) These measures may include some or all of the measures in Schedules 4 and 5 and regulation 35.

Additional measures in a protection and surveillance zone

35.—(1) If the Department considers that action is necessary to reduce the risk of the spread of avian influenza, it must impose by declaration measures additional to those in Schedules 4 and 5 in respect of a protection or surveillance zone.

(2) The power of the Department to declare additional measures includes the power to prohibit or restrict—

- (a) the movement of vehicles or people involved in—
 - (i) the supply of animal feed,
 - (ii) the supply of agricultural equipment,
 - (iii) the collection of eggs,
 - (iv) the transportation of poultry to a designated slaughterhouse,
 - (v) the collection of carcasses for disposal;
- (b) the movement of those working on premises including veterinary surgeons;
- (c) the movement of a person onto any premises including common, unenclosed and waste land and agricultural buildings, notwithstanding the existence of any public or private right of way or any other right of access to, or permission to gain access to, the premises.

(3) The power to prohibit or restrict movement under paragraph (2)(c) applies only in relation to a protection zone and does not include a power to prohibit or restrict movement onto premises by—

- (a) the owner or occupier of the premises;
- (b) a person whose principal residence or place of employment is those premises;
- (c) a person entering under the authority of and in accordance with the conditions of a licence granted by the Department.

(4) In this regulation “veterinary surgeon” means a person who is registered in the register of veterinary surgeons maintained by the Royal College of Veterinary Surgeons or in the supplementary register maintained by the College.

Ending of a protection or surveillance zone

36.—(1) The Department may, by declaration, end a protection zone but must not, in the case of a protection zone declared under paragraph (1), (2) or (3) of regulation 28, do so until—

- (a) at least 21 days have elapsed since the completion at all infected premises in the zone of the preliminary cleansing and disinfection measures referred to in Part II of Schedule 3; and
- (b) a veterinary enquiry has been completed on all premises within the zone identified as containing poultry or other captive birds.

(2) On the ending of a protection zone, the area which formed that protection zone shall become part of the surveillance zone centred on the same outbreak point as the protection zone.

(3) The Department may, by declaration, end a surveillance zone but, in the case of a zone declared under paragraph (1), (2) or (3) of regulation 28, must not do so until at least 30 days have elapsed since the completion at all infected premises in the zone of the preliminary cleansing and disinfection measures referred to in Part II of Schedule 3.

PART V

MEASURES ON SUSPICION OR CONFIRMATION OF HIGHLY PATHOGENIC AVIAN INFLUENZA IN A REGULATED PLACE AND VEHICLE

Veterinary measures at a slaughterhouse

37. If the Department suspects that highly pathogenic avian influenza exists at a slaughterhouse or has confirmed that it exists there it must —

- (a) serve a notice on the occupier of the slaughterhouse informing him of this and applying the measures set out in paragraphs 3, 4 and 5 of Schedule 1; and
- (b) ensure that a veterinary inquiry is carried out at the slaughterhouse.

Veterinary inquiry where avian influenza is suspected or confirmed in a vehicle

38. An inspector must ensure that a veterinary inquiry is carried out in relation to any vehicle on which he knows or suspects that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists.

Slaughter of poultry in a slaughterhouse where disease is suspected or confirmed

39. The occupier of a slaughterhouse where highly pathogenic avian influenza is suspected or has been confirmed must ensure that all poultry present on the premises at the date a notice is served on him under regulation 37(a) are slaughtered there without delay and in accordance with the instructions of an inspector.

Poultry meat and by-products in a slaughterhouse where disease is suspected or confirmed

40.—(1) The occupier of a slaughterhouse where highly pathogenic avian influenza is suspected or has been confirmed must, in accordance with the instructions of an inspector—

- (a) keep poultry referred to in regulation 39 separate from any other poultry subsequently arriving at the slaughterhouse; and
- (b) keep the following separate from other bird carcasses, poultry meat and by-products—

- (i) bird carcasses and poultry meat from poultry referred to in regulation 39;
 - (ii) the by-products of such poultry;
 - (iii) poultry meat from any other poultry which may have been contaminated with avian influenza at the slaughterhouse during the killing of such poultry or the production process;
 - (iv) the by-products of the poultry referred to in paragraph (1)(b)(iii).
- (2) Paragraph (1) applies to poultry moved to a slaughterhouse—
- (a) from a border inspection post in accordance with regulation 41(2), as if references to regulation 39 were to that regulation; and
 - (b) on a vehicle in accordance with regulation 42, as if references to regulation 39 were to that regulation.
- (3) The occupier of a slaughterhouse where highly pathogenic avian influenza is confirmed must dispose of the things set out in paragraph (1)(b) in accordance with the instructions of an inspector, or assist him in removing those things from the premises.

Measures at border inspection posts

41.—(1) The Department must, if it considers it necessary to reduce the risk of the spread of avian influenza—

- (a) require a veterinary inquiry to be carried out at a border inspection post where avian influenza is suspected or has been confirmed; and
- (b) impose (by notice served on the occupier of the border inspection post) such of the measures in Schedule 1 as it considers appropriate.

(2) The Department must, by notice served on the occupier of the border inspection post, direct where birds specified in the notice are to be killed, slaughtered or isolated.

(3) The Department must ensure that poultry and other captive birds at border inspection posts which are to be killed under paragraph 11 of Part I of Schedule 2 to the 1981 Order are killed or slaughtered without delay.

(4) The Department must ensure that poultry and other captive birds which are not to be so killed or slaughtered are kept isolated in accordance with the instructions of an inspector.

Control of vehicles

42.—(1) An inspector who knows or suspects that any poultry, other captive bird or any thing on a vehicle is infected or contaminated with highly pathogenic avian influenza may, by notice served on the owner or driver of the vehicle or on the occupier of any premises—

- (a) require the detention at such place, as the inspector directs, of any vehicle, equipment or other thing suspected of being contaminated; and
- (b) direct that the vehicle be moved to such premises as the inspector directs.

(2) Any expenses arising from the movement or detention of any bird or any thing (including the cost of feeding and watering any bird) must be paid by its owner.

Cleansing and disinfection of a regulated place and vehicle

43.—(1) The occupier of any regulated place where highly pathogenic avian influenza is suspected or confirmed must cleanse and disinfect those premises and any equipment and vehicles on those premises which may be contaminated in accordance with the instructions of an inspector.

(2) The owner or driver of a vehicle on which highly pathogenic avian influenza is suspected or confirmed must cleanse and disinfect the vehicle.

Reintroduction of poultry and other captive birds

44.—(1) A person shall not reintroduce poultry to a slaughterhouse where highly pathogenic avian influenza was suspected or confirmed for at least 24 hours after an inspector has confirmed that the cleansing and disinfection referred to in regulation 43 has been carried out.

(2) A person shall not reintroduce poultry or other captive birds to a border inspection post where highly pathogenic avian influenza was suspected or has been confirmed for at least 24 hours after an inspector has confirmed that the cleansing and disinfection referred to in regulation 43 has been carried out.

(3) If the Department considers it necessary to reduce the risk of the spread of avian influenza, it may, by notice served on the occupier of a border inspection post, prohibit the introduction of animals other than birds onto the premises until the cleansing and disinfection referred to in regulation 43 has been carried out.

Measures at other premises and for vehicles

45.—(1) If the Department suspects that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists at a slaughterhouse or in a vehicle or if it has confirmed that it exists there, it must—

- (a) apply the measures in Schedule 1 to the premises of origin;
- (b) apply the measures in Schedule 1 to premises which it considers to be suspect premises (because of their epidemiological link with the premises of origin); and
- (c) apply the measures in Schedule 2 to the premises of origin, unless it is satisfied (having considered the results of veterinary inquiries) that this is not necessary.

(2) If the Department suspects that highly pathogenic avian influenza exists at any border inspection post or has confirmed that it exists there, it must apply the measures in Schedule 1 to premises which it considers to be suspect premises because of their epidemiological link with the border inspection post.

(3) The Department must apply measures under this regulation by notice served on the occupier of the relevant premises.

(4) In this regulation, “premises of origin” means any premises from which poultry or other captive birds which may be infected with avian influenza were moved to the slaughterhouse or any vehicle on which such poultry or other captive birds were transported.

PART VI

MEASURES ON CONFIRMATION OF LOW PATHOGENIC AVIAN INFLUENZA

Measures when low pathogenic avian influenza is confirmed

46.—(1) If the Department confirms that low pathogenic avian influenza or low pathogenic avian influenza virus exists on any premises other than a regulated place, it must—

- (a) apply, by notice served on the occupier of the infected premises, such of the measures in Part I of Schedule 6 as it considers necessary to reduce the risk of the spread of avian influenza; and
- (b) ensure that a veterinary inquiry continues at the infected premises.

(2) If the Department confirms that low pathogenic avian influenza or low pathogenic avian influenza virus exists at a regulated place, it may apply, by notice served on the occupier of that place, such of the measures in Part I of Schedule 6 as it considers necessary to reduce the risk of the spread of avian influenza.

(3) The Department shall not grant a licence for any movement otherwise prohibited under Part I of Schedule 6 unless it is satisfied that it would not significantly increase the risk of the spread of low pathogenic avian influenza.

(4) When reaching a decision under paragraph (3), the Department must, in particular, take into account the criteria in Part II of Schedule 6.

(5) An inspector who knows or suspects that any poultry, other captive bird or any thing on a vehicle is infected or contaminated with low pathogenic avian influenza, may by notice served on the owner or driver of the vehicle or on the occupier of any premises—

- (a) require the detention at such place as the inspector directs of any vehicle, equipment or other thing suspected of being contaminated; and
- (b) direct that the vehicle be moved to such premises as the inspector directs.

(6) Any expenses arising from the movement or detention of any bird or any thing (including the cost of feeding and watering any bird) must be paid by its owner.

Killing of poultry and other captive birds

47.—(1) The Department must ensure that poultry and other captive birds on infected premises which are to be killed on the premises under paragraph 11 of Part I of Schedule 2 to the 1981 Order are killed as soon as possible.

(2) The occupier of a designated slaughterhouse must ensure that poultry from infected premises are slaughtered as soon as possible.

(3) The Department must not authorise the movement of birds to a designated slaughterhouse unless it is satisfied that the movement would not significantly increase the risk of the spread of low pathogenic avian influenza.

(4) The Department must ensure that birds are killed or slaughtered in such a way as to minimise the risk of the spread of avian influenza.

Movement of eggs from premises where low pathogenic avian influenza is confirmed

48.—(1) If the Department directs that poultry on infected premises are to be slaughtered at a designated slaughterhouse, it must not grant a licence for the movement of eggs off the premises prior to the poultry being sent for slaughter unless it is satisfied that the movement would not significantly increase the risk of the spread of low pathogenic avian influenza.

(2) The Department may only grant a licence for the movement of such eggs—

- (a) to a designated egg packing centre, in disposable packaging;
- (b) to an egg processing plant; or
- (c) for disposal.

Veterinary surveillance of poultry

49. The Department must carry out such veterinary surveillance as it considers necessary at premises where poultry are kept before being sent to a designated slaughterhouse under regulation 47.

Measures on special category premises

50.—(1) The occupier of infected premises which are special category premises where poultry and other captive birds are not killed under paragraph 11 of Part I of Schedule 2 to the 1981 Order must ensure that—

- (a) poultry and other captive birds are—
 - (i) housed, or

- (ii) isolated (if so directed by an inspector on the basis that housing is impractical or would adversely affect the welfare of the birds to a significant degree);
- (b) poultry or other captive birds are not moved from the premises except—
 - (i) to a designated slaughterhouse or other premises under and in accordance with the conditions of a licence granted by the Department, or
 - (ii) to a designated slaughterhouse in another member State, or other premises in another member State, if the movement is under and in accordance with the conditions of a licence granted by the Department and is authorised by the competent authority of that member State.

(2) The occupier of the premises must take all reasonable steps to minimise contact between birds isolated under paragraph (1)(a)(ii) and wild birds.

(3) The Department shall not grant a licence under paragraph (1)(b) unless it is satisfied, following tests on the birds, that there is not a significant risk that the proposed movement would spread highly pathogenic avian influenza.

Veterinary surveillance of birds

51. The Department must ensure that birds, on infected premises which are special category premises, not killed under paragraph 11 of Part I of Schedule 2 to the 1981 Order are monitored for avian influenza.

Tracing of poultry and eggs

52.—(1) The Department, or any person authorised by it, must endeavour to trace from infected premises hatching eggs from poultry laid during the unregulated period of infection and shall ensure that such eggs are hatched under Departmental supervision.

(2) The Department, or any person authorised by it, must endeavour to trace from infected premises poultry hatched from eggs laid during the unregulated period of infection and restrict the poultry under the instructions of an inspector.

(3) The Department must ensure that such veterinary enquiries as it considers necessary to monitor for avian influenza are carried out at any premises to which eggs and poultry are so traced.

Identification of contact premises

53. (1) The Department must serve a notice on the occupier of any premises other than a regulated place if it suspects that low pathogenic avian influenza may have been carried—

- (a) there from other premises; or
- (b) to other premises from there.

(2) Premises in respect of which a notice is served are contact premises for the purposes of this Part.

Restrictions at contact premises

54.—(1) The Department must, by notice served on the occupier of contact premises, apply such of the measures in Schedule 1 as it considers necessary to reduce the risk of the spread of avian influenza.

(2) If the Department considers it necessary to prevent the spread of low pathogenic avian influenza it must—

- (a) direct that contact premises be deemed to be infected premises; and
- (b) state, in its direction, which measures in this Part and in Schedule 6 apply to the contact premises.

(3) A direction under paragraph (2) must be by notice served on the occupier of the contact premises and the Department must not serve such a notice unless it has taken into account the criteria set out in paragraph (4) of regulation 27, as read with paragraphs (5) and (6) of regulation 27.

(4) If the Department requires poultry or other captive birds on contact premises for the purposes of this Part to be killed, it must ensure that samples are taken from the dead birds and tested for avian influenza.

Declaration of a low pathogenic avian influenza restricted zone

55.—(1) Subject to paragraph (4), the Department must, on confirmation of low pathogenic avian influenza on premises other than a regulated place, declare a low pathogenic avian influenza restricted zone with a radius of at least 1 kilometre from the premises.

(2) The Department must, on confirmation of low pathogenic avian influenza in an area of the Republic of Ireland which is less than 1 kilometre from Northern Ireland, declare a low pathogenic avian influenza restricted zone in Northern Ireland of such area as is necessary to complete the low pathogenic avian influenza restricted zone centered on the outbreak point in the Republic of Ireland.

(3) The Department may declare a low pathogenic avian influenza restricted zone on confirmation of low pathogenic avian influenza in an area of the Republic of Ireland which is 1 kilometre or more from Northern Ireland.

(4) The Department may, on the basis of a risk assessment, decide not to declare a low pathogenic avian influenza restricted zone under paragraph (1) if the premises where low pathogenic is confirmed are—

- (a) a hatchery; or
- (b) special category premises.

Size of zones

56.—(1) A low pathogenic avian influenza restricted zone must—

- (a) be centred on the outbreak point; and
- (b) subject to regulation 29(8), have a radius of at least 1 kilometre.

(2) “Outbreak point” has the meaning specified in regulation 29.

Measures in a low pathogenic avian influenza restricted zone

57.—(1) Subject to paragraphs (2) and (3), the measures in Schedule 7 apply in respect of a low pathogenic avian influenza restricted zone.

(2) The Department may, in a declaration under regulation 55, disapply some or all of the measures in Schedule 7 if—

- (a) the infected premises is a hatchery or special category premises; and
- (b) it has carried out a risk assessment and does not believe that the disapplication would endanger disease control.

(3) The Department may, if it considers it necessary to reduce the risk of the spread of avian influenza, impose, by declaration, measures additional to those in Schedule 7 in respect of the low pathogenic avian influenza restricted zone.

(4) The Department must ensure that—

- (a) commercial premises in the low pathogenic avian influenza restricted zone are identified as soon as possible;
- (b) tests for avian influenza are carried out on commercial poultry premises within a radius of at least 1 kilometre of the boundary of the infected premises or, if it thinks it more appropriate, of the part of the infected premises where avian influenza was found.

PART VII

MEASURES TO REDUCE THE RISK OF THE SPREAD OF INFLUENZA VIRUSES OF AVIAN ORIGIN TO OTHER SPECIES

Tests on animals at premises where avian influenza is confirmed

58.—(1) The Department must ensure that any pigs kept on premises where avian influenza is confirmed are tested for infection with influenza virus of avian origin.

(2) The Department may, if it thinks it necessary to prevent the spread of avian influenza, or influenza of avian origin require such tests to be carried out on other mammals kept on the premises.

Killing of mammals

59. The Department must ensure that mammals to be killed under paragraph 10 of Part I of Schedule 2 to the 1981 Order^(a) because they are affected or suspected of being affected with influenza virus of avian origin or have been exposed to such disease are—

- (a) killed as soon as possible, in accordance with the instructions of a veterinary inspector; or
- (b) transported in accordance with the instructions of a veterinary inspector (if they are moved off the premises for slaughter) to a designated slaughterhouse.

Movements off the premises

60.—(1) Subject to paragraph (2), a person shall not move any mammal tested under regulation 58 off the premises where they are kept until the Department has confirmed that the mammal is not infective and authorises the movement in accordance with the conditions of a licence.

(2) The Department may licence the movement of pigs and other mammals in which infection with influenza virus of avian origin is confirmed to other premises (including a designated slaughterhouse) if it is satisfied (as a result of further tests on the animals) that the movement will not significantly increase the risk of the spread of avian influenza.

Other measures to control the spread of virus in mammals

61.—(1) If the Department considers it necessary to monitor or control the spread of avian influenza or influenza of avian origin in mammals it may—

- (a) do any of the following, after serving a notice on the occupier of the premises—
 - (i) test pigs and other mammals on contact premises for influenza virus of avian origin,
 - (ii) prohibit the movement of mammals or categories of mammals off contact premises except under the authority of and in accordance with the conditions of a licence granted by the Department,
 - (iii) carry out surveillance or require surveillance to be carried out at any premises where mammals are kept; and
- (b) impose such measures additional to those in regulations 58 and 60 and sub-paragraph (a) as it considers necessary, by declaration of an avian influenza (restrictions on mammals) zone or by notice served on the occupier of any premises.

(2) Premises are contact premises for the purposes of this Part if, in the view of the Department, they are premises—

- (a) to which influenza virus of avian origin may have been carried from premises where the virus has been confirmed; or

(a) S.I. 1981/1115 (N.I.22) as amended by S.R. 1986 No. 79, S.R. 1994 No. 11, S.R. 1995 No. 44, S.R. 1995 No. 368 and S.R. 1996 No. 399

- (b) from which the virus may have been carried to premises where the virus has been confirmed.

PART VIII

GENERAL MEASURES ON SUSPICION OR CONFIRMATION OF AVIAN INFLUENZA

Restrictions relating to things moved from Great Britain

62.—(1) Subject to paragraph (2), measures in these Regulations applying in respect of any thing moved from a controlled zone or from any of the premises referred to in paragraph (3) apply in respect of any such thing moved from an equivalent zone or equivalent premises in Great Britain.

(2) Paragraph (1) only applies if the person to whom the measure applies is aware or should reasonably have been aware that the thing moved is from such an equivalent zone or equivalent premises.

(3) The premises referred to in paragraph (1) are—

- (a) suspect premises;
- (b) contact premises;
- (c) infected premises; and
- (d) premises subject to restrictions under Part VII.

Measures relating to slaughter and to poultry meat

63.—(1) The occupier of a designated slaughterhouse to which poultry from premises in a protection zone are sent must ensure that—

- (a) the poultry are kept separate from poultry from outside the zone;
- (b) the poultry are slaughtered separately or at different times from poultry from outside the zone; and
- (c) the part of the designated slaughterhouse and any equipment and any other thing which has been used for the slaughter or subsequent processing of the poultry are cleansed and disinfected in accordance with the instructions of an inspector before poultry from outside the zone are slaughtered.

(2) A person shall not move poultry meat from poultry originating in a protection zone except under the authority of and in accordance with the conditions of a licence granted by the Department and the poultry meat—

- (a) bears a mark (or is in packaging which bears a mark) approved by the Department and which—
 - (i) identifies the poultry meat as coming from a protection zone, and
 - (ii) complies with paragraphs 9, 10, 11 and 13 of section 1(C) of Annex II to Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin^(a); and
- (b) is obtained, cut, transported and stored separately from poultry meat from outside the zone.

(3) A person shall not move poultry meat from poultry from outside a protection zone unless the meat—

(a) O.J. No. L 139, 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.22)

- (a) is obtained, cut, transported and stored separately from meat produced from poultry originating in the protection zone; and
- (b) in the case of meat produced from poultry from an area which subsequent to such production becomes a protection zone—
 - (i) was produced at least 21 days before the date an inspector estimates as the date of earliest infection at premises in the protection zone; and
 - (ii) has been obtained, cut, transported and stored separately from meat produced after that date.

(4) Poultry meat from poultry outside a protection zone which does not meet the requirements of paragraph (3)(b) is subject to the measures in paragraphs (2) and (5) applicable to meat from poultry originating in a protection zone.

(5) A person shall not supply poultry meat from poultry originating in a protection zone for intra-Community or international trade.

(6) A person, other than the final consumer of meat marked with a mark referred to in paragraph (2)(a), shall not deface, obliterate or remove that mark, unless under the authority of and in accordance with the conditions of a licence granted by the Department.

(7) In this regulation, “poultry meat” means poultry meat, and any product containing it, which has not been heat treated at a minimum temperature of 70°C, which temperature must be reached throughout the meat or product.

Poultry moved to premises outside a controlled zone other than for slaughter

64.—(1) The occupier of any premises not in a protection or surveillance zone to which day-old chicks are moved must ensure that they are not moved off the premises for at least 21 days from the date they arrive there if those chicks were—

- (a) hatched from eggs originating in a protection and surveillance zone or from eggs which have come into contact with such eggs; and
- (b) moved from a designated hatchery in a protection and surveillance zone.

(2) The occupier of any premises not in a protection or surveillance zone to which ready-to-lay poultry from a protection or surveillance zone are moved must ensure that they are not moved off the premises for at least 21 days from the date they arrived there.

(3) The occupier of any premises outside a low pathogenic avian influenza restricted zone to which poultry are moved from such a zone must ensure that poultry other than day-old chicks hatched from eggs originating outside the zone are not moved off the premises for at least 21 days from the date they arrived there.

(4) The occupier of any premises to which any thing is moved under this regulation must, for at least 21 days from the date the thing was moved to the premises, make the following daily records—

- (a) the number or approximate number of poultry on the premises;
- (b) the number of poultry falling ill on the premises;
- (c) the number of poultry dying on the premises;
- (d) the amount of feed and, where possible, water being consumed by any poultry on the premises;
- (e) details of any egg production on the premises.

(5) Records made under paragraph (4) must be kept for at least 6 weeks from the date the last record was made.

(6) The Department must ensure that such veterinary inquiries as it considers necessary to monitor for avian influenza take place at the premises to which things are moved.

Movements to egg processing plants

65.—(1) The occupier of an egg processing plant to which eggs are moved from suspect premises (under paragraph 6 of Schedule 1) or from infected premises during the unregulated period of infection (under regulation 24(2)(c)) must ensure that—

- (a) the eggs are kept separate from other eggs at the plant from the time they arrive until they are processed;
- (b) the shells of the eggs are disposed of;
- (c) the packaging used to transport the eggs is destroyed or cleansed and disinfected; and
- (d) any person involved in the handling and processing of eggs takes appropriate biosecurity measures.

(2) The owner or driver of any vehicle used to transport eggs to an egg processing plant must ensure that it is cleansed and disinfected before the eggs are loaded and after they are unloaded.

(3) A person involved in the transportation of eggs to an egg processing plant must take such biosecurity measures as he considers necessary to prevent the spread of disease.

Cleansing, disinfection and treatment

66.—(1) A person who is required under these Regulations to cleanse, disinfect or treat any premises (other than a regulated place) or any thing (including any vehicle under his control) on those premises must do so in accordance with Schedule 3.

(2) A person who is required under these Regulations to cleanse, disinfect or treat a regulated place, any thing on those premises or any vehicle not referred to in paragraph (1) must do so in accordance with the instructions of an inspector.

(3) The occupier of any premises required to be cleansed or disinfected under these Regulations, or on which cleansing and disinfection of any vehicle is so required, must provide adequate facilities, equipment and materials to carry out such cleansing and disinfection.

(4) An inspector may, by notice served on the occupier of premises referred to in paragraph (1), provide that part of the premises which is the subject of that notice and which would otherwise be subject to the measures in Schedule 3 may be subject instead to the measures in paragraph (2).

(5) A person who is required to disinfect under these Regulations must—

- (a) use disinfectants approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972^(a) for the purposes of avian influenza;
- (b) use them at the concentrations approved under that Order; and
- (c) use them in accordance with—
 - (i) the instructions of the manufacturer (if any), or
 - (ii) (if different) the instructions of an inspector.

(6) An inspector may, by notice served on the occupier of any premises where avian influenza has been confirmed—

- (a) prohibit the keeping of poultry or other captive birds on the premises or on any part of the premises where he believes avian influenza virus may still exist; and
- (b) prohibit the entry of a person, vehicle, poultry, other captive birds, mammals or thing onto a premises or part of premises which he believes cannot be cleansed and disinfected.

(7) An inspector must not revoke a notice served under paragraph (6) unless—

- (a) at least a year has passed since the date the notice was served; or
- (b) (in the case of fields on the premises or of any other part of the premises which is not a building or part of a building), the Department has confirmed that he may do so.

(a) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69, S.R. 1995 No. 467 and S.R. 2006 No. 42

(8) An inspector may prohibit the movement of poultry, other captive birds, mammals or vehicles to or from any premises until cleansing and disinfection have been completed to the satisfaction of the inspector.

(9) An inspector may, in the case of vehicles, prohibit their movement until cleansing and disinfection have been completed to the satisfaction of the inspector.

Restocking

67.—(1) A person shall not restock with poultry or other captive birds, infected premises or contact premises if poultry or other captive birds kept on those premises have been killed under paragraph 11 of Part I of Schedule 2 to the 1981 Order.

(2) Paragraph (1) shall not apply to restocking carried out under the authority of and in accordance with the conditions of a licence granted by the Department.

(3) The Department shall not licence the restocking of commercial poultry premises until at least 21 days after the date final cleansing and disinfection was completed at the premises in accordance with Part II of Schedule 3.

(4) Where premises subject to measures in Schedules 1, 2 or 6 have been restocked an inspector may vary those measures, by notice served on the occupier of the premises.

Surveillance at restocked commercial poultry premises

68.—(1) The Department must ensure that the following measures are taken not more than 21 days after the date any poultry are brought onto commercial poultry premises for restocking—

- (a) the examination of any poultry on the premises by an inspector;
- (b) the taking from such poultry of such samples as the Department requires and the laboratory testing of such samples for avian influenza;
- (c) the testing for avian influenza of such poultry which die on the premises as an inspector considers necessary.

(2) An inspector who examines poultry under paragraph (1)(a) may carry out more than one examination of the birds and shall ensure that he carries out at least one examination as close as possible to the end of the 21 day period referred to in paragraph (1).

Additional measures at restocked commercial poultry premises

69.—(1) The occupier of commercial poultry premises which have been restocked must, for at least 21 days from the date of restocking, make the following daily records—

- (a) the number or approximate number of poultry on the premises;
- (b) the number of poultry falling ill on the premises;
- (c) the number of poultry dying on the premises;
- (d) the amount of feed and, where possible, water being consumed by poultry on the premises;
- (e) any egg production on the premises.

(2) The occupier of commercial poultry premises must ensure that a record made under paragraph (1) is kept for at least 6 weeks from the date the last record was made.

Measures at other restocked premises

70. The Department may, in relation to other restocked premises where poultry or other captive birds are kept,—

- (a) apply the measures in regulation 68; and
- (b) by notice served on the occupier of the premises, require him to carry out the measures in regulation 69.

Designation of premises to which things may be moved

71.—(1) On receipt of an application in writing by the occupier of the premises, the Department may designate the following premises for the following purposes—

- (a) a slaughterhouse for the purpose of receiving poultry, pigs or other mammals moved under a licence granted under these Regulations;
- (b) a hatchery for the purpose of receiving eggs moved under a licence granted under these Regulations;
- (c) an egg packing centre for the purpose of receiving eggs moved under a licence granted under these Regulations;
- (d) any premises for the purpose of receiving eggs moved under a licence granted under these Regulations for use for scientific, diagnostic or pharmaceutical purposes.

(2) The Department shall not make a designation unless it is satisfied that the risk of the transmission of avian influenza from the premises is minimal.

(3) The following premises are deemed to be designated under paragraph (1)(d), unless the Department directs otherwise by notice served on the occupier of the premises—

- (a) premises licenced to manufacture or assemble human vaccines under section 8(2) of the Medicines Act 1968(a);
- (b) premises authorised to manufacture animal vaccines under regulation 5 of The Veterinary Medicines Regulations 2006(b);
- (c) premises licenced under sections 4 or 5 of the Animals (Scientific Procedures) Act 1986(c);
- (d) premises licenced under Article 4 of the Specified Animal Pathogens Order (Northern Ireland) 1999(d).

Records of movements authorised by licence

72.—(1) A person moving poultry, other captive birds or their products under a licence granted under these Regulations must, as soon after the movement as is reasonably practicable, make a record of—

- (a) what is moved, including its quantity;
- (b) the date of the movement;
- (c) the name of the consignor;
- (d) the address of the premises from which the movement started;
- (e) the registration number of any vehicle used;
- (f) the name of the consignee; and
- (g) the address of the destination.

(2) The person making such a record must retain it for at least twelve months from the date the movement was completed.

Retention and production of records

73.—(1) A person who is required to keep a record must—

- (a) retain it for at least twelve months from the date the record is made (unless otherwise required under these Regulations); and
- (b) produce it on demand to an inspector and provide him with copies if required.

(a) 1968 c.67
(b) S.I. 2006/2407
(c) 1986 c.14 to which there are amendments not relevant to these Regulations
(d) S.R 1999 No. 434

(2) An inspector may enter any premises for the purpose of inspecting any records required to be kept and may—

- (a) copy such records (in whatever form they are held);
- (b) require any computer records to be produced in a form which can be taken away; and
- (c) remove any record and retain it until he has carried out his functions under these Regulations.

Change of occupation of premises under restriction

74.—(1) This regulation applies if the keeper of any poultry, other captive bird or mammal is unable to move it from premises on the termination of his right of occupation because of a movement restriction imposed under these Regulations and continues to apply for seven days after any such restriction has been removed.

(2) The person entitled to occupation of the premises following that termination must—

- (a) provide such facilities for feeding, tending or otherwise using the poultry, other captive bird or mammal (including selling it) as the keeper may reasonably require; and
- (b) allow entry to the premises to that keeper and any person authorised by him at reasonable times for feeding, tending or otherwise using the poultry, other captive bird or mammal.

(3) If the keeper is unable or unwilling to feed or tend the poultry, other captive bird or mammal, the person entitled to occupation of the premises must take such steps as are necessary to ensure it is properly fed and tended.

(4) The keeper of the poultry, other captive bird or mammal is liable to pay the reasonable costs incurred under these Regulations by any person feeding or tending it, or providing facilities for feeding, tending or otherwise using it.

Killing of birds and destruction of things which may be contaminated

75.—(1) Before causing poultry or other birds to be killed under paragraph 11 of Part I of Schedule 2 to the 1981 Order, the Department must give notice of its intention to do so to the occupier of the premises where the birds are kept or to their keeper.

(2) Before causing any mammal to be killed under paragraph 10 of Part I to Schedule 2 of the 1981 Order, the Department must give notice of its intention to do so to the occupier of the premises where the mammal is kept or to its keeper.

(3) Before causing the seizure of any thing under Article 6 of the 1981 Order, the Department must give notice of its intention to do so—

- (a) to the occupier of the premises where the thing is kept; or
- (b) to the owner or keeper of the thing.

Duty of the Department to erect signs

76.—(1) The Department shall, if reasonably practicable, ensure that the boundaries of a controlled zone other than an avian influenza (restrictions on mammals) zone are indicated by signs erected in a conspicuous position on roads entering the zone on which poultry are likely to be moved.

(2) The Department shall, if reasonably practicable, ensure that the boundaries of an avian influenza (restrictions on mammals) zone are indicated by signs erected in a conspicuous position on roads entering the zone on which mammals, or mammals specified in the declaration of the zone, are likely to be moved.

(3) The Department shall cause a notice of any restriction or prohibition on the movement of any person onto any premises in a protection zone declared under regulation 35(2)(c) (“a restriction notice”) to be displayed at—

- (a) every entrance to the premises;

- (b) such places on any public or private right of way the subject of the declaration as it considers appropriate; and
 - (c) any other location it considers appropriate.
- (4) A person shall not alter, remove, obliterate or deface any sign erected or notice displayed under this regulation.

PART IX

INSPECTION, ENFORCEMENT, OFFENCES AND AMENDMENTS

Disapplication of measures

77. Measures prohibiting or restricting the movement of any person or the use of any thing do not apply to the Department or a district council, or any person authorized by either of them to act, in the execution of these Regulations.

Veterinary investigations

78.—(1) An inspector may—

- (a) mark, or cause to be marked, for identification purposes any bird, mammal, carcase or other thing;
- (b) count birds and mammals;
- (c) take samples from any bird, mammal, carcase or other thing;
- (d) take with him such people and things as he considers necessary.

(2) Any person who enters premises under paragraph (1)(d) may return unaccompanied to take any further steps necessary to carry out the relevant functions.

(3) A person carrying out a veterinary investigation who suspects that avian influenza or influenza virus of avian origin exists or has existed on the premises must seek to establish—

- (a) the length of time avian influenza has existed on the premises or on any vehicle;
- (b) the possible origin of avian influenza on the premises;
- (c) which premises may have been exposed to contamination by avian influenza from the same origin or from the premises under investigation; and
- (d) the extent to which avian influenza may have been carried to or from the premises under investigation by the movement of birds, people, animals, vehicles, eggs, carcases, implements or any other thing.

(4) The occupier of the premises under investigation and any person appearing to the person carrying out the investigation to have charge of birds or mammals on the premises must provide such assistance as the person carrying out the investigation may reasonably require.

(5) A person shall not alter, remove, obliterate, or deface any mark applied under paragraph (1)(a) except with the written authority of an inspector.

(6) An inspector who carries out an investigation must keep a record of the dates he visits premises, of his findings at the premises and of any action he has required the occupier of the premises to take.

(7) A person who imposes any requirements or restrictions must take account of the results of any relevant veterinary inquiries of which he should reasonably be aware.

Powers of inspectors

79. An inspector may—

- (a) require the detention and isolation of any vehicle, equipment or other thing and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier of the premises where it is present, or on the person in charge of it;
- (b) cleanse and disinfect any premises and any thing;
- (c) require the cleansing and disinfection of any thing by serving a notice on the occupier of the premises where it is kept, or on the person in charge of it;
- (d) require the cleansing and disinfection of any premises by serving a notice on the occupier of the premises;
- (e) require the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him;
- (f) require, by notice, the occupier of any premises or the keeper of any animal or bird—
 - (i) to keep or isolate the animal or bird in a specified place, and
 - (ii) to separate the animal or bird from any other animal or bird.

Powers of inspectors in case of default

80.—(1) Where a person fails to comply with a requirement of these Regulations, an inspector may take any steps he considers necessary to ensure the requirement is met.

(2) Where a person acts in contravention of a requirement imposed by or under these Regulations, an inspector may take any steps he considers necessary to rectify the situation so as to prevent the spread of disease.

(3) In taking steps under paragraphs (1) or (2) an inspector may seize and detain any animal moved, kept or otherwise dealt with in contravention of a restriction or requirement imposed by or under these Regulations.

(4) In taking steps under paragraph (2), an inspector may direct any person to take or refrain from specified action in respect of any place, mammal, poultry, other captive bird, vehicle, or any thing.

(5) The person in default for the purposes of paragraph (1) or (2) shall reimburse any reasonable expenses incurred by the Department in taking any steps under this regulation and any such amount is recoverable summarily.

Duty to provide reasonable assistance

81.—(1) A person required to give assistance or information to a person executing these Regulations must, unless he has reasonable cause, do so without delay.

(2) The occupier of any premises from or to which he wishes any thing to be moved under licence under these Regulations must allow an inspector to enter those premises for the purposes of deciding whether or not such a licence should be granted or maintained.

(3) The occupier must give all reasonable assistance to an inspector who visits the premises to examine the birds and to take samples.

Provision of information

82. A person shall not provide information which he knows to be false or misleading to a person executing these Regulations.

Duty to comply with declarations, licences, notices and designations

83.—(1) A person to whom a requirement is imposed by virtue of a declaration, licence, notice or designation applies must comply with—

- (a) the requirement (unless authorised otherwise by licence); and

- (b) any request which an inspector may make to him to ensure that the requirement is met unless he has reasonable cause, must do so without delay.

(2) Subject to regulations 42(2), 46(6) and 74(4), the costs incurred by any person in taking any action required or of refraining from taking action prohibited under them, must be met by that person unless the Department directs otherwise in writing.

Enforcement, offences and proceedings

84. The following provisions of the 1981 Order shall apply as if these Regulations were an order made under the 1981 Order—

- (a) Article 6 (seizure and destruction of carcasses, etc., liable to spread disease);
- (b) Article 18 (6) (general provisions relative to slaughter and compensation) and the Diseases of Animals (Valuation) Order (Northern Ireland) 1989(a);
- (c) Article 42 (functions of constables);
- (d) Article 46 (general powers of inspectors);
- (e) Article 46A (powers of inspectors relating to Community obligations); and
- (f) Article 48 (power to detain vessels and aircraft)
- (g) Article 52 (offences);
- (h) Article 54 (defences and evidence);
- (i) Article 55 (extension of time for bringing summary proceedings);
- (j) Article 56 (venue); and
- (k) Article 57 (proceedings under Customs Acts for unlawful landing or shipping).

Powers to give directions

85.—(1) The Department shall issue directions in writing to a district council concerning the enforcement by the district council of any provisions of these regulations including the variation thereof.

(2) A district council shall comply with all relevant provisions of a direction issued under paragraph (1).

(3) Where a district council fails to execute or enforce any requirement of a direction under paragraph (1) the Department shall arrange for the requirement to be carried out.

(4) For the purposes of enforcement of a direction under this regulation an authorised officer of the district council shall have all the powers of an inspector.

Disapplication

86. The provisions of the Diseases of Poultry Order (Northern Ireland) 1995(b) are disapplied insofar as they apply to avian influenza.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 9th February 2007.



E. Redmond
A senior officer of the Department of Agriculture and Rural Development

(a) S.R. 1989 No. 5
(b) S.R. 1995 No. 465

SCHEDULE 1

Regulations 9(1), 10(2), 11,
12, 19(2), 27(1), 37,
41(4)(1), 45(1), 54(1), 65(1)

MEASURES WHERE AVIAN INFLUENZA OR AVIAN INFLUENZA VIRUS IS SUSPECTED ON PREMISES

Record of poultry, other captive birds and mammals

1. The occupier must make and update daily a record of poultry, other captive birds and mammals kept on the premises showing, for each species the number or approximate number—

- (a) alive;
- (b) which have died;
- (c) which show clinical signs of avian influenza;
- (d) he thinks are likely to be infected; and
- (e) born or hatched.

Housing or isolation of poultry and other captive birds

2.—(1) The occupier must ensure that poultry and other captive birds are—

- (a) brought inside a building on the premises; or
- (b) kept isolated on some other place on the same premises such that they do not have contact with other poultry or other captive birds on other premises (if so directed by an inspector on the basis that housing is impractical or would adversely affect the welfare of the birds to a significant degree).

(2) The occupier must take all reasonable steps to minimise contact with wild birds, in accordance with the instructions of an inspector.

Prohibition on the movement of poultry and other captive birds to or from the premises

3. A person shall not move any poultry or other captive birds to or from the premises, except under and in accordance with the conditions of a licence granted by the Department.

Prohibition on the removal of other things liable to transmit avian influenza

4. A person may not remove from the premises any carcase, poultry meat, poultry feed, utensils, material, waste, droppings, poultry or other captive bird manure, slurry, used litter or anything else liable to transmit avian influenza, except under and in accordance with the conditions of a licence granted by the Department.

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

5.—(1) A person shall not move to or from the premises and shall not move any mammal, vehicle or equipment to or from the premises except under and in accordance with the conditions of a licence granted by the Department.

(2) Sub-paragraph (1) does not apply to pet animals which—

- (a) only have access to that part of the premises where people live;
- (b) have no contact with poultry or other captive birds on the premises; and
- (c) have no access to any cages or areas on the premises where poultry or other captive birds are kept.

Restrictions on the movement of eggs

6. A person shall not move any eggs from the premises except, under the authority of and in accordance with the conditions of a licence granted by the Department—

- (a) directly to an egg processing plant; or
- (b) for disposal.

Conditions for the movement of eggs

7. A person moving eggs under paragraph 6(a) must ensure that—

- (a) each consignment of eggs is sealed by an inspector, or in accordance with the instructions of an inspector, before dispatch; and
- (b) vehicles used to transport the eggs to the plant have been cleansed and disinfected before the eggs are loaded;

Prohibition on tampering with sealed consignments of eggs

8. A person shall not tamper with a seal attached under paragraph 7 or remove it before the consignment arrives at its destination.

Disinfection at entrances and exits

9. The occupier must, in accordance with the instructions of an inspector, provide and maintain means of disinfection at the entrances and exits of the premises and of buildings housing poultry or other captive birds(a).

SCHEDULE 2

Regulations 19,
27(3) and (4) and 45(2)(1)

MEASURES ON PREMISES WHERE HIGHLY PATHOGENIC AVIAN INFLUENZA IS CONFIRMED

Killing and seizure

1. The occupier must give all reasonable assistance to an inspector exercising his duties relating to the killing of poultry and other captive birds under paragraph 11 of Part I of Schedule 2 to the 1981 Order or to the seizure of any thing seized under the 1981 Order.

Measures to minimise the risk of spread of avian influenza to wild birds

2. The occupier must take such action as an inspector reasonably requires to reduce the risk of the spread of avian influenza to wild birds.

Disposal of carcasses and eggs

3. The occupier must ensure that all carcasses and eggs not seized or disposed of by an inspector are disposed of in accordance with the instructions of an inspector (unless the inspector licences their use for diagnosis of disease).

(a) Disinfectants approved for the purposes of avian influenza are set out in the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972 (S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69, S.R. 1995 No. 467 and S.R. 2006 No. 42

Tracing

4. The occupier must give all reasonable assistance to an inspector in the tracing of any thing liable to transmit avian influenza to or from the premises.

Cleansing and disinfection

5. The occupier must cleanse and disinfect the infected premises in accordance with regulation 66 and Schedule 3.

Restocking

6. The occupier must not restock the premises except in accordance with regulation 67.

SCHEDULE 3

Regulations 36,
66, 67(3),
and Schedule 2

CLEANSING AND DISINFECTION OF PREMISES OTHER THAN A REGULATED PLACE AND OF ANY THING (INCLUDING ANY VEHICLE) ON THOSE PREMISES

PART I

GENERAL PROCEDURES FOR CLEANSING, DISINFECTION AND TREATMENT

1. A person carrying out cleansing, disinfection and treatment (including measures to control rodents and insects) must do so in accordance with this Part or (if different) with any instructions given by an inspector.

2. A person using a disinfectant or degreasing agent must ensure that they are used as effectively as possible and must, in particular, give consideration to the following in deciding which products to use and how to use them—

- (a) the nature of the premises to be cleansed or disinfected;
- (b) the type of vehicle or other thing to be cleansed or disinfected; and
- (c) any instructions from the manufacturer of the product (or of an inspector) as to pressure, minimum temperature and required contact time.

3. A person cleansing and disinfecting must ensure that—

- (a) bedding, litter and faecal matter are thoroughly soaked with disinfectant;
- (b) equipment and installations which would otherwise impair effective cleansing and disinfecting are, where possible, removed or dismantled and either cleansed and disinfected or destroyed if this is considered necessary by the person carrying out the cleansing and disinfecting or is required by an inspector; and
- (c) the ground, any floors, ramps and walls are washed and cleansed by thorough brushing and scrubbing.

4. A person washing with liquids applied under pressure must avoid recontaminating areas or parts previously cleansed.

5. A person who has cleansed and disinfected part of a premises must avoid recontaminating that part as he cleanses and disinfects other parts.

6. A person carrying out a cleansing or disinfecting procedure must ensure that a written record of that procedure is made, showing the date and time the procedure took place.

7. A person who makes such a record must keep it at the premises or (if he is a person in charge of a vehicle and the procedure involved cleansing or disinfecting that vehicle), with the vehicle.

PART II

SPECIFIC PROCEDURES FOR THE CLEANSING AND DISINFECTING OF INFECTED PREMISES

Scope of this Part

1. This Part applies to the cleansing and disinfecting of infected premises except to the extent that its requirements are varied by an inspector.

Cleansing and disinfection – timing

2. Cleansing and disinfecting must be carried out during and after the killing of poultry or other captive birds and in accordance with the instructions of an inspector.

Cleansing and disinfection precautions

3. A person carrying out a cleansing or disinfection procedure must take all appropriate measures to reduce the risk of avian influenza virus spreading and must, in particular—

- (a) use appropriate equipment;
- (b) wear protective clothing (which must be cleansed and disinfected or disposed of after use);
- (c) take a shower after the cleansing and disinfection;
- (d) cleanse and disinfect any equipment which may be contaminated before it is removed from the premises; and
- (e) turn off the power supply to any ventilation system, if required to do so by an inspector.

Preliminary cleansing and disinfecting

4. Following killing—

- (a) carcasses must be sprayed with disinfectant;
- (b) transportation of carcasses and of any tissue or blood spilled during killing or post-mortem examination from the infected premises for disposal must be in closed, leak-proof containers and in accordance with the instructions of an inspector;
- (c) the following parts of the infected premises must have disinfectant applied as soon as the killed poultry and other captive birds have been removed—
 - (i) parts where the poultry or other captive birds were housed,
 - (ii) parts contaminated during the killing of the poultry or other captive birds,
 - (iii) parts contaminated during any post-mortem examination;
- (d) any tissue or blood spilled during the killing or any post-mortem must be collected and disposed of with the killed poultry or other captive birds;
- (e) disinfectant must remain on the surfaces to which it has been applied for at least 24 hours.

Final cleansing and disinfecting

5. Following preliminary cleansing and disinfection—

- (a) manure and used bedding must be treated in accordance with Part III of this Schedule; and
- (b) all surfaces must be subjected to the following procedures—
 - (i) grease and dirt must be removed from them by the application of a degreasing agent,
 - (ii) they must then be cleansed with water,
 - (iii) they must be washed with cold water, following which further disinfectant must be applied, and
 - (iv) after seven days they must again be treated with a degreasing agent, rinsed with water, sprayed with disinfectant and rinsed again with water.

PART III

DISINFECTION OF LITTER, MANURE AND SLURRY WHICH MAY BE CONTAMINATED

1. Manure and used bedding which may be contaminated must be—
 - (a) steam treated at a temperature of at least 70°C;
 - (b) destroyed by burning;
 - (c) buried deep enough to prevent access by wild birds and animals; or
 - (d) stacked to heat, sprayed with disinfectant and left for at least 42 days.
2. Slurry which may be contaminated must be stored for at least 60 days after the last addition of infectious material unless, in the case of slurry which has been treated in accordance with the instructions of the Department, a shorter storage period is authorised.
3. Manure, litter and bedding which may be contaminated may, if licenced by the Department, be moved to—
 - (a) a treatment plant carrying out procedures for the destruction of avian influenza virus;
 - (b) storage prior to destruction; or
 - (c) such other place as the Department may licence.
4. The transport of such manure, litter or bedding must be in closed, leak-proof vehicles or containers and in accordance with the instructions of an inspector.

SCHEDULE 4

Regulations 30, 32,
33(1), 34(2), 35(1)

MEASURES IN A PROTECTION ZONE

Record of visitors

1. Subject to paragraph 5, the occupier of any premises in the zone where poultry or other captive birds are kept must make records of—
 - (a) the name and address of any person visiting the premises (unless the visit is only to a part of the premises where people live and where no poultry or other captive birds are kept);
 - (b) the date of the visit; and
 - (c) whether the person had any contact with poultry or other captive birds on the premises.

Record of poultry

2. The occupier of any premises in the zone must make a record of all poultry entering or leaving those premises as soon as reasonably practicable after the movement.

Record of poultry and egg movements

3. Subject to paragraph 5, any person who is engaged in the transport or marketing of poultry or poultry eggs in the zone must make a record as soon as reasonably practicable of all poultry and poultry eggs transported or marketed by him.

Poultry movements to be recorded

4. The records referred to in paragraphs 2 and 3 must include—
- (a) the quantity and description (including species of poultry or type of egg) transported or marketed;
 - (b) in the case of a movement from premises in the zone—
 - (i) the date of the movement off the premises,
 - (ii) the premises of destination, and
 - (iii) the name and address of the person to whom ownership or possession is being or has been transferred;
 - (c) in the case of a movement on to premises in the zone—
 - (i) the date of the movement,
 - (ii) the premises from which the movement originated, and
 - (iii) the name and address of the person from whom ownership or possession is being or has been transferred; and
 - (d) in the case of marketing without an associated movement, the identity and address of the person to whom and the date on which ownership was transferred.

Scope of record keeping duties

5. Paragraphs 1 and 3 do not apply in respect of—
- (a) a movement of eggs direct to retail premises, at or from such premises or subsequent to such a movement;
 - (b) the movement of people to zoos, wildlife parks or (unless required by the Department) any other premises open to the public, provided the public has no access to any area where birds are kept; and
 - (c) the movement of the following onto any premises where poultry or other captive birds are kept—
 - (i) any person on a public right of way or exercising a right of access to the premises;
 - (ii) trespassers;
 - (iii) any person executing these Regulations.

Isolation of poultry and other captive birds

6. The occupier of premises in the zone where poultry or other captive birds are kept must ensure that they are—

- (a) housed; or
- (b) kept isolated on some other place on the same premises such that they do not have contact with other poultry or other captive birds on other premises (if so directed by an inspector on the basis that housing is impractical or would adversely affect the welfare of the birds to a significant degree).

Measures where birds not housed

7. If birds are kept isolated but not housed, the occupier must—
- (a) ensure that they have no contact with poultry or other captive birds on other premises; and
 - (b) take all reasonable steps to minimise their contact with wild birds, in accordance with the instructions of an inspector.

Restrictions on the movement of poultry, other captive birds and mammals onto or off premises

8.—(1) Subject to sub-paragraph (2), a person shall not move poultry, other captive birds or mammals from or to premises in the zone, where poultry or other captive birds are kept, except under and in accordance with the conditions of a licence granted by the Department.

- (2) Sub-paragraph (1) does not apply to pet animals which—
- (a) only have access to that part of the premises where people live;
 - (b) have no contact with poultry or other captive birds on the premises; and
 - (c) have no access to any cages or areas on the premises where poultry or other captive birds are kept.

Disposal of carcasses

9. The occupier must ensure that all carcasses not seized or disposed of by an inspector are disposed of in accordance with his instructions (unless the Department licences their use for diagnosis of disease).

Biosecurity measures

10. The occupier and any person entering or leaving premises in the zone where poultry, other captive birds or eggs are kept must—

- (a) take such biosecurity measures as he considers necessary to reduce the risk of the spread of avian influenza to or from the premises; and
- (b) comply with any biosecurity requirements which an inspector, by notice, imposes.

Litter, poultry manure and slurry

11. A person shall not remove from premises in the zone or spread used poultry litter, poultry manure or poultry slurry except under and in accordance with the conditions of a licence granted by the Department.

Gatherings of poultry

12. A person shall not permit any poultry or other captive birds to be collected together at any fair, market, show, exhibition or other gathering in the zone.

Release of game

13. A person shall not release game birds.

Restrictions on the movement of poultry, eggs, poultry meat and carcasses

14. A person shall not move any poultry, eggs, poultry meat or carcasses within or out of the zone unless the movement is—

- (a) set out in paragraph 16 and is—

- (i) direct, and
 - (ii) licenced by the Department; or
- (b) within the same premises.

Transport by road and rail

15. Poultry and eggs may be transported through the zone on a major highway or railway if no stop is made within the zone.

Movements which may be licenced by the Department

16. The movements referred to in paragraph 14(a) are the following—

- (a) poultry from premises in the zone for immediate slaughter at a designated slaughterhouse (if the requirements of paragraph 17 are met);
- (b) poultry meat (if the requirements of paragraph 18 are met);
- (c) poultry to a designated slaughterhouse in the zone from premises outside the zone (if the requirements of paragraph 19 are met);
- (d) day-old chicks hatched from eggs produced in the zone or from eggs which came into contact with such eggs (if the requirements of paragraph 20 are met);
- (e) day-old chicks hatched from eggs originating outside the protection zone kept separate from eggs produced in such a zone (if the requirements of paragraph 21 are met);
- (f) ready-to-lay poultry to premises or part of premises where no poultry are kept (if the requirements of paragraph 22 are met);
- (g) hatching eggs from outside the zone to a designated hatchery in the zone or to designated premises for use for scientific, diagnostic or pharmaceutical purposes;
- (h) hatching eggs from the zone—
 - (i) to a designated hatchery, or
 - (ii) to designated premises for use for scientific, diagnostic or pharmaceutical purposes, provided that, in both cases, the requirements of paragraph 23 are met;
- (i) eggs to a designated egg packing centre (if the requirements of paragraph 24 are met);
- (j) eggs to an egg processing plant;
- (k) eggs for disposal;
- (l) carcasses for disposal or diagnosis.

Requirements for the movement of poultry from premises in the zone to a designated slaughterhouse

17. Poultry must not be moved to a designated slaughterhouse unless the following requirements are met—

- (a) an inspector must have examined poultry at the premises no more than 24 hours before they leave the premises; and
- (b) the poultry are transported in vehicles sealed by an inspector, or in accordance with the instructions of an inspector.

Requirements for the movement of poultry meat from poultry sent to a designated slaughterhouse from premises within the zone

18. Poultry meat from poultry within the zone must not be moved from a designated slaughterhouse unless it meets the requirements of regulation 63(2).

Requirements for the movement of poultry to a designated slaughterhouse within the zone from premises outside the zone

19.—(1) Subject to the conditions set out in paragraph (2), poultry from premises outside the zone may be moved to a designated slaughterhouse in the zone.

(2) The conditions for the movement of poultry into a zone under (1) are—

- (a) such poultry shall not come into contact with any poultry originating within the zone; and
- (b) where contact between poultry occurs, contrary to paragraph (a), the meat of such poultry shall be subject to the requirements of paragraph 18.

Requirements for the movement of day-old chicks hatched from eggs produced in the zone or from eggs which had contact with such eggs

20. Day-old chicks hatched from eggs produced in the zone or from eggs which had contact with such eggs must not be moved unless they are transported in vehicles sealed by an inspector, or in accordance with the instructions of an inspector.

Requirements for the movement of day-old chicks hatched from eggs originating outside the zone

21. Day-old chicks from eggs originating outside the protection zone must not be moved unless the designated hatchery within the protection zone is operated in such a way that those eggs do not come into contact with eggs or day-old chicks from within the zone.

Requirements for the movement of ready-to-lay poultry

22. Ready-to-lay poultry must not be moved from premises within the zone unless—

- (a) poultry and other captive birds at the premises have been examined by an inspector; and
- (b) the ready-to-lay poultry are transported in vehicles sealed by the inspector, or in accordance with the instructions of an inspector.

Requirements for the movement of hatching eggs from the zone to a designated hatchery or to designated premises for use for scientific, diagnostic or pharmaceutical purposes

23. Hatching eggs must not be moved from the zone to a designated hatchery or to designated premises for use for scientific, diagnostic or pharmaceutical purposes unless—

- (a) an inspector has confirmed that he does not suspect avian influenza in the flocks from which the eggs derive;
- (b) the eggs and their packaging are disinfected before dispatch; and
- (c) the eggs are transported in vehicles sealed by an inspector, or in accordance with the instructions of an inspector.

Requirements for the movement of eggs to an egg packing centre

24. Eggs must not be moved to a designated egg packing centre unless—

- (a) they are packed in disposable packaging; and
- (b) any person transporting the eggs complies with any biosecurity requirements specified in a notice or licence issued by the Department.

Requirements at a slaughterhouse

25. The occupier of a slaughterhouse to which poultry from the zone is sent must ensure that the requirements of regulation 63 are met.

Requirements for poultry meat from the zone

26. Poultry meat in the zone from poultry originating in the zone is subject to the requirements in regulation 63(2).

Requirements for poultry meat from outside the zone

27. Poultry meat in the zone from poultry originating outside the zone is subject to the requirements in regulation 63(3)(a) and 63(4).

Cleansing and disinfection of vehicles carrying any thing which may be contaminated

28. A person who moves any poultry, other captive bird, meat, feed, manure, slurry, litter or any other thing which may be contaminated must cleanse and disinfect the vehicle and any equipment used to transport that thing as soon as it is unloaded, in accordance with regulation 66.

Cleansing and disinfection of vehicles

29. A person who enters or leaves premises in the zone by vehicle must cleanse and disinfect any part of the vehicle which may have been contaminated without delay in accordance with regulation 66.

Access to prohibited places

30. A person shall not enter any place which is the subject of a restriction notice under regulation 76 except in accordance with that notice or with regulation 35.

SCHEDULE 5

Regulations 31, 32, 33(1),
34(2), 35(1)

MEASURES IN A SURVEILLANCE ZONE

Record of visitors

1. Subject to paragraph 5, the occupier of any premises where poultry or other captive birds are kept must make a record of—

- (a) the name and address of any person visiting the premises (unless the visit is only to a part of the premises where people live and where no poultry or other captive birds are kept);
- (b) the date of the visit; and
- (c) whether the person had any contact with poultry or other captive birds on the premises.

Record of poultry

2. The occupier of any premises in the zone must make a record of all poultry entering or leaving those premises as soon as reasonably practicable after the movement.

Record of poultry movements

3. Subject to paragraph 5, any person who is engaged in the transport or marketing of poultry or poultry eggs in the zone must, as soon as is reasonably practicable, make a record of all poultry and poultry eggs transported or marketed by him.

Poultry movements to be recorded

4. The records referred to in paragraphs 2 and 3 must include—

- (a) the quantity and description (including species of poultry and type of egg) transported or marketed;
- (b) in the case of a movement from premises in the zone—
 - (i) the date of the movement off the premises,
 - (ii) the premises of destination (if known), and
 - (iii) the name and address of the person to whom ownership or possession is being or has been transferred;
- (c) in the case of a movement onto premises in the zone—
 - (i) the date of the movement,
 - (ii) the premises from which the movement originated (if known), and
 - (iii) the name and address of the person from whom ownership or possession is being or has been transferred; and
- (d) in the case of marketing without an associated movement, the identity and address of the person to whom and the date on which ownership was transferred.

Scope of record keeping duties

5. Paragraphs 1 and 3 do not apply in respect of the movement of—
- (a) eggs direct to retail premises, at or from such premises or subsequent to such a movement;
 - (b) people to zoos, wildlife parks or (unless required by the Department) any other premises open to the public, provided the public has no access to any area where birds are kept; and
 - (c) the following onto any premises where poultry or other captive birds are kept—
 - (i) any person on a public right of way or exercising any other right of access to the premises;
 - (ii) trespassers; or
 - (iii) any person executing these Regulations.

Restrictions on the movement of poultry, other captive birds and mammals onto or off premises

6.—(1) Subject to sub-paragraph (2), a person shall not move poultry, other captive birds or mammals from or to premises in the zone where poultry or other captive birds are kept, except under and in accordance with the conditions of a licence granted by the Department.

- (2) Sub-paragraph (1) does not apply to pet animals which—
- (a) only have access to that part of the premises where people live;
 - (b) have no contact with poultry or other captive birds on the premises; and
 - (c) have no access to any cages or areas on the premises where poultry or other captive birds are kept.

Biosecurity measures

7. The occupier and any person entering or leaving premises in the zone where poultry, other captive birds or eggs are kept must—

- (a) take such biosecurity measures as he considers necessary to reduce the risk of the spread of avian influenza to or from the premises; and
- (b) comply with any biosecurity requirements which an inspector, by notice, imposes.

Litter, poultry manure and slurry

8. A person shall not remove from premises in the zone or spread used poultry litter, poultry manure or poultry slurry except under and in accordance with the conditions of a licence granted by the Department.

Gatherings of poultry

9. A person shall not permit any poultry or other captive birds to be collected together at any fair, market, show, exhibition or other gathering in the zone.

Release of game

10. A person shall not release game birds.

Restrictions on the movement of poultry and eggs within the zone

11. Subject to paragraph 12, a person shall not move any poultry or eggs within the zone (other than through the zone by road or rail without stopping), except under and in accordance with the conditions of a licence granted by the Department.

Wholesale and retail distribution of eggs within the zone

12. Paragraph 11 does not apply to the movement of eggs direct to wholesale or retail premises, or subsequent to such a movement.

Biosecurity measures

13. The Department shall not grant a licence under paragraph 11 unless it is satisfied that the licensee will take appropriate biosecurity measures and the taking of such measures must be conditions of the licence.

Movement of poultry to a designated slaughterhouse

14. The Department may licence the movement of poultry from outside any avian influenza protection and surveillance zones to a designated slaughterhouse within the surveillance zone and subsequent movements of the meat derived from such poultry.

Restrictions on the movement of poultry and eggs out of the zone

15.—(1) Subject to paragraph 16, a person shall not move any poultry or eggs out of the zone, unless the movement is—

- (a) a movement set out in sub-paragraph (2); and
- (b) licenced by the Department.

(2) The movements referred to in sub-paragraph (1) are movements of—

- (a) poultry for slaughter (if the requirements of paragraph 17 are met);
- (b) day-old chicks hatched from eggs originating within the protection or surveillance zone or from eggs which came into contact with such eggs (if the requirements of paragraph 18 are met);
- (c) day-old chicks hatched from eggs originating outside the protection and surveillance zones kept separate from eggs produced in such a zone (if the requirements of paragraph 19 are met);
- (d) ready-to-lay poultry to premises or a part of any premises where poultry are not kept;
- (e) hatching eggs from the zone—
 - (i) to a designated hatchery, or

- (ii) to designated premises for use for scientific, diagnostic or pharmaceutical purposes, provided that, in both cases, the requirements of paragraph 20 are met;
- (f) eggs to a designated egg packing centre (if the requirements of paragraph 21 are met);
- (g) eggs to an egg processing plant;
- (h) eggs for disposal.

Wholesale and retail distribution of table eggs

16. Paragraph 15 does not apply to a movement of table eggs direct to wholesale or retail premises or subsequent to such a movement.

Requirements for the movement of poultry from premises in the zone to a designated slaughterhouse

17. Poultry may be moved from premises in the zone to a designated slaughterhouse but only within 24 hours of the completion of a veterinary inspection of the premises.

Requirements for the movement of day-old chicks hatched from eggs produced within the protection or surveillance zone or from eggs which have had contact with such eggs

18. Day-old chicks from eggs produced within the protection or surveillance zone or from eggs which have had contact with such eggs must not be moved unless any biosecurity measures laid down by an inspector are complied with.

Requirements for the movement of day-old chicks hatched from eggs originating outside the protection and surveillance zones

19. Day-old chicks from eggs originating outside any avian influenza protection and surveillance zones must not be moved unless the designated hatchery within the zone is operated in such a way that eggs from outside the zone do not come into contact with eggs or day-old chicks from within the zone.

Requirements for the movement of hatching eggs from the zone to a designated hatchery, or to designated premises for use for scientific, diagnostic or pharmaceutical purposes

20. Hatching eggs must not be moved from the zone to a designated hatchery or to designated premises for use for scientific, diagnostic or pharmaceutical purposes unless the eggs and their packaging are disinfected before they leave the premises.

Requirements for the movement of eggs to an egg packing centre

21. Eggs must not be moved to a designated egg packing centre unless—
- (a) they are packed in disposable packaging; and
 - (b) any person transporting the eggs complies with any biosecurity measures laid down by an inspector.

Cleansing and disinfection of vehicles carrying any thing which may be contaminated

22. A person who transports any poultry, other captive bird, meat, feed, manure, slurry, litter or any other thing which may be contaminated must cleanse and disinfect the vehicle and any equipment used to transport that thing as soon as it is unloaded, in accordance with regulation 66.

Cleansing and disinfection of vehicles

23. A person who enters or leaves premises in the zone by vehicle must cleanse and disinfect without delay any part of the vehicle which may have been contaminated in accordance with regulation 66.

SCHEDULE 6

Regulations 46, 54(2)

MEASURES WHEN LOW PATHOGENIC AVIAN INFLUENZA IS CONFIRMED

PART I

MEASURES ON PREMISES WHERE LOW PATHOGENIC AVIAN INFLUENZA IS CONFIRMED

Record of poultry, other captive birds and mammals

1. The occupier must make and update daily a record of poultry, other captive birds and mammals kept on the premises showing, for each species the number or approximate number—

- (a) alive;
- (b) which have died;
- (c) which show clinical signs of avian influenza;
- (d) which he thinks are likely to be infected; and
- (e) born or hatched.

Housing or isolation of poultry and other captive birds

2.—(1) The occupier must ensure that poultry and other captive birds are—

- (a) housed; or
- (b) kept isolated (if so directed by an inspector on the basis that housing is impractical or would adversely affect the welfare of the birds to a significant degree).

(2) If the birds are kept isolated, the occupier must take all reasonable steps to minimise their contact with wild birds, in accordance with the instructions of the inspector.

Prohibition on movement of poultry and other captive birds to or from the premises

3. A person shall not move any poultry or other captive birds to or from the premises, except under and in accordance with the conditions of a licence granted by the Department.

Movement of poultry to a designated slaughterhouse

4. A person shall not move any poultry or other captive bird to a slaughterhouse unless—

- (a) the slaughterhouse is a designated slaughterhouse;
- (b) the poultry are sent directly to the designated slaughterhouse; and
- (c) they are transported in vehicles sealed by an inspector, or in accordance with the instructions of an inspector.

Duty not to tamper with or remove seal on vehicles transporting poultry

5. A person shall not tamper with a seal on a vehicle transporting poultry to a designated slaughterhouse or remove it until the vehicle has arrived at the designated slaughterhouse.

Cleansing and disinfection of vehicles transporting any bird or thing which may be contaminated

6. A person who transports any bird or any thing which may be contaminated must, as soon as the bird or thing is unloaded, cleanse and disinfect the vehicle and any equipment used for transportation in accordance with regulation 66.

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

7.—(1) Subject to paragraph (2), a person shall not move to or from the premises and a person shall not move any mammal, vehicle or equipment to or from the premises, except under and in accordance with the conditions of a licence granted by the Department.

(2) Sub-paragraph (1) does not apply to pet animals which—

- (a) only have access to that part of the premises where people live;
- (b) have no contact with poultry or other captive birds on the premises; and
- (c) have no access to any cages or areas on the premises where poultry or other captive birds are kept.

Disposal of carcasses

8. The occupier must ensure that carcasses are disposed of as soon as possible in accordance with the instructions of an inspector (unless the Department licences their use for diagnosis of disease).

Restrictions in relation to eggs

9. Subject to paragraph 10 the occupier must ensure that eggs on the premises which are to be disposed of and which are not seized by an inspector are disposed of in accordance with the instructions of the inspector.

Hatching eggs on special category premises

10. An inspector may, by notice served on the occupier of special category premises, direct that hatching eggs on those premises need not be disposed of.

Tracing

11. The occupier must give all reasonable assistance to an inspector in the tracing of any thing liable to transmit avian influenza from or to the premises.

Manure, slurry and bedding

12. The occupier of the premises must ensure that manure, slurry and bedding which may be contaminated are treated in accordance with regulation 66.

Cleansing and disinfection

13. The occupier must cleanse and disinfect the premises in accordance with regulation 66 and Schedule 3.

Other material which may be contaminated

14. The occupier of the premises must ensure that any other material or substance which may be contaminated with avian influenza is treated in accordance with the instructions of the inspector or disposed of.

Killing and seizure

15. The occupier must give all reasonable assistance to an inspector exercising his duties in relation to the killing of poultry or other captive birds under paragraph 11 of Part I of Schedule 2 to the 1981 Order and to the seizure of any thing seized under the 1981 Order.

Restriction on the movement of eggs

16. A person shall not move any eggs from the premises except under and in accordance with the conditions of a licence granted by the Department.

Disinfection at entrances and exits

17. The occupier must, in accordance with the instructions of the inspector, provide and maintain means of disinfection at the entrances and exits of the premises and of any buildings housing poultry or other captive birds.

PART II

CRITERIA TO BE CONSIDERED BY THE DEPARTMENT BEFORE PERMITTING MOVEMENTS FROM PREMISES WHERE LOW PATHOGENIC AVIAN INFLUENZA HAS BEEN CONFIRMED

The following are the criteria to be considered by the Department before permitting movements from premises where low pathogenic avian influenza has been confirmed—

- (a) the species of birds on the premises;
- (b) the number of premises it knows to contain poultry or other captive birds in the area around the premises;
- (c) the location of slaughterhouses, hatcheries and egg packing centres to which poultry and eggs could be moved;
- (d) biosecurity measures already in place or which could be applied at the premises, during movement and during slaughter;
- (e) possible routes on which things could be moved;
- (f) any evidence of disease spread;
- (g) any risk to human health; and
- (h) any treatment procedures which could be applied to any thing to be moved.

MEASURES IN A LOW PATHOGENIC AVIAN INFLUENZA RESTRICTED ZONE

Restrictions on the movement of poultry, other captive birds and mammals from or to premises

1.—(1) Subject to sub-paragraph (2) a person shall not move poultry, other captive birds or mammals from or to premises within the zone where poultry or other captive birds are kept, except under and in accordance with the conditions of a licence granted by the Department.

(2) Sub-paragraph (1) does not apply to pet animals which—

- (a) only have access to that part of the premises where people live;
- (b) have no contact with poultry or other captive birds on the premises; and
- (c) have no access to any cages or areas on the premises where poultry or other captive birds are kept.

Biosecurity measures

2. The occupier and any person entering or leaving premises in the zone where poultry, other captive birds or eggs are kept must—

- (a) take such biosecurity measures as he considers necessary to reduce the risk of the spread of avian influenza to or from the premises; and
- (b) comply with any biosecurity requirements which an inspector, by notice to him, imposes.

Litter, poultry manure and slurry

3. A person shall not remove from premises in the zone or spread used poultry litter, poultry manure or poultry slurry except under and in accordance with the conditions of a licence granted by the Department.

Gatherings of poultry

4. A person shall not permit any poultry or other captive birds to be collected together at any fair, market, show, exhibition or other gathering, unless licenced by the Department.

Release of game

5. A person shall not release game birds.

Restrictions on the movement of poultry, other captive birds and eggs within the zone

6. Subject to paragraph 8, a person shall not move any poultry, other captive birds or eggs within the zone (other than through the zone by road or rail without stopping), except under and in accordance with the conditions of a licence granted by the Department.

Restrictions on the movement of poultry and eggs out of the zone

7.—(1) Subject to paragraph 8, a person shall not move any poultry or eggs out of the zone, unless the movement is—

- (a) set out in sub-paragraph (2); and
- (b) licenced by the Department.

(2) The movements referred to in sub-paragraph (1) are movements of—

- (a) poultry for slaughter at a designated slaughterhouse;
- (b) poultry to premises or part of a premises where no poultry are kept;
- (c) day-old chicks from eggs originating within the zone or from eggs which have come into contact with such eggs to any premises or part of premises;
- (d) day-old chicks from eggs originating outside the zone if the designated hatchery is operated in such a way that such chicks and eggs are kept separate from day-old chicks and eggs originating in the zone;
- (e) hatching eggs—
 - (i) to a designated hatchery, or
 - (ii) to a designated premises for use for scientific, diagnostic or pharmaceutical purposes,
 provided that in both cases, the eggs and their packaging are disinfected before dispatch;
- (f) eggs to a designated egg packing centre in disposable packaging and in accordance with any biosecurity requirements specified by an inspector;
- (g) eggs to an egg processing plant inside or outside the zone;
- (h) eggs for disposal.

(3) The Department shall by notice served on the occupier of any premises of destination under paragraph (2)(b) or (c) require that poultry including day-old chicks must not be moved off the premises for at least 21 days from the day they arrived there.

Wholesale and retail distribution of eggs

8. Paragraphs 6 and 7 do not apply to the movement of table eggs direct to wholesale or retail premises or subsequent to such a movement.

Carcases

9. The occupier of any premises within the zone must ensure that carcasses are disposed of in accordance with the instructions of an inspector (unless the Department licences their use for diagnosis of disease).

Cleansing and disinfection of vehicles

10. A person who moves any poultry, other captive bird, meat, feed, manure, slurry, litter or any other thing which may be contaminated must cleanse and disinfect the vehicle and any equipment used to transport that thing as soon as it is unloaded, in accordance with regulation 66.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose for Northern Ireland Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (O.J. No. L 10, 14.1.2006, p16), (“the Directive”), other than Chapter IX which deals with vaccination. These Regulations also implement, in part Commission Decision 2006/474/EC concerning measures to prevent the spread of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 to birds kept in zoos and approved bodies, institutes and centres in the member States and repealing Decision 2005/744/EC (O.J. No. L 187, 8.7.2006, p. 37).

Measures relating to the poultry register and the vaccination of zoo birds are contained in the Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007.

Part 1 of the Order contains introductory provisions. Regulation 3 defines the scope of the Regulations.

Part II sets out preventive measures to reduce the risk of the transmission of avian influenza and provides for surveillance for the disease.

Part III of the Order and Schedule 1 set out measures to deal with any suspected outbreak of avian influenza at premises other than designated slaughterhouses and border inspection posts. Measures when highly pathogenic avian influenza is confirmed on such premises are set out in Part IV and Schedule 2. These measures may, under regulation 13, also be applied to premises where disease is suspected. Part IV also provides for the declaration of protection zones, surveillance zones and restricted zones around infected premises. Measures in protection and surveillance zones are set out in Schedules 4 and 5.

Measures when highly pathogenic avian influenza is confirmed at designated slaughterhouses, border inspection posts and in vehicles are set out in Part V.

Measures where low pathogenic avian influenza is confirmed at premises other than designated slaughterhouses and border inspection posts are set out in Part VI and in Schedule 6. These include the declaration of low pathogenic avian influenza zones. Measures in such zones are set out in Schedule 7.

Measures to reduce the risk of the spread of avian influenza viruses to pigs and other mammals are set out in Part VII.

General measures applicable on suspicion or confirmation of avian influenza are set out in Part VIII and measures on inspection and enforcement are set out in Part IX.

Failure to comply with these Regulations is an offence under Article 52 of the Diseases of Animals Order (Northern Ireland) 1981.

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