

## SCHEDULE

Article 2

### THE NORTHERN IRELAND POULTRY HEALTH ASSURANCE SCHEME

#### PART I

#### INTRODUCTION

##### Interpretation

1. For the purposes of this Schedule—

“audit inspection” means a supplementary check to verify application of hygiene measures and the operation of the establishment in accordance with the conditions laid down in Chapter II of Council Directive [2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs;

“designated laboratory” means a laboratory designated by the Department for the purposes of this Order;

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

“the Directive” means Council Directive [2009/158/EC](#) (on animal health conditions governing intra-Community trade in, and imports from third countries, of poultry and hatching eggs) as amended from time to time;

“<sup>F1</sup> “Fees Order” means The Northern Ireland Poultry Health Assurance Scheme (Fees) Order (Northern Ireland) 2012; and]

“inspector” means a person appointed to be an inspector for the purposes of this Order by the Department and includes a veterinary inspector.

**F1** Words in [Sch. para. 1](#) substituted (27.8.2012) by [The Northern Ireland Poultry Health Assurance Scheme \(Fees\) Order \(Northern Ireland\) 2012 \(S.R. 2012/305\)](#), arts. 1, 4

##### Commencement Information

**I1** Sch. para. 1 in operation at 1.1.2012, see [art. 1](#)

##### Competent Authority

2. The Department is the competent authority for the purposes of the Directive.

##### Commencement Information

**I2** Sch. para. 2 in operation at 1.1.2012, see [art. 1](#)

##### Approvals and notices

3. Any approval granted or notice issued by the Department under this Order—

(a) may be subject to conditions;

(b) shall be in writing; and

(c) may be amended, suspended or withdrawn by a further notice in writing served on the same person at any time.

**Commencement Information****I3** Sch. para. 3 in operation at 1.1.2012, see [art. 1](#)**Exports**

4.—(1) A person shall not export to [<sup>F2</sup>a] Member State any hatching eggs, day-old chicks or poultry to which Article 6 of the Directive applies unless they originate from an establishment that—

- (a) is a member of the monitoring scheme, known as the Northern Ireland Poultry Health Assurance Scheme, operated by the Department in accordance with this scheme; and
- (b) conforms with the requirements of Annex II to the Directive,

and to do so is an offence under regulation 5(1) of the Trade in Animals and Related Products Regulations (Northern Ireland) 2011(1).

(2) An establishment to which paragraph (1)(a) applies is to be considered an approved establishment for the purpose of Article 6(a)(i) of the Directive.

(3) If the Department has reasonable cause to suspect that an establishment which has been withdrawn or suspended from the Scheme intends to export any hatching eggs, day-old chicks or poultry in contravention of paragraph (1), it may by notice served on the consignor, his representative or person appearing to be in charge of the hatching eggs, day-old chicks or poultry—

- (a) prohibit that exportation of those hatching eggs, day-old chicks or poultry; and
- (b) require that person immediately to detain them at such place as may be specified in the notice and to take such further action in relation to it as may be so specified.

(4) If any hatching eggs, day-old chicks or poultry have been exported to a Member State in contravention of paragraph (1) and returned to Northern Ireland (whether with the authorisation of the Department or not), the Department may by notice served on the person appearing to it to be in charge of the hatching eggs, day-old chicks or poultry, the consignor or his representative—

- (a) prohibit the re-export of those hatching eggs, day-old chicks or poultry, whether to the same or another Member State; and
- (b) require that person immediately to detain them at such place as may be specified in the notice and take such further action in relation to them as may be so specified.

(5) In the event of a notice served under paragraph (3) or (4) not being complied with, an inspector may seize or cause to be seized any hatching eggs, day-old chicks or poultry to which it relates and arrange for the requirements of the notice to be complied with.

**F2** Word in Sch. para. 4(1) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/811\)](#), regs. 1(1), **11(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information****I4** Sch. para. 4 in operation at 1.1.2012, see [art. 1](#)

## Powers of inspectors

5.—(1) An inspector may, on producing, if required to do so, some duly authenticated document showing his authority, at all reasonable hours enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of this Order.

(2) An inspector may carry out all checks and examinations necessary for the enforcement of the Directive, and in particular may—

- (a) carry out inspections of any processes used for the marking and identification of animals, any premises and any installation;
- (b) take samples (and, if necessary, send the samples for laboratory testing) from any hatching eggs, day-old chicks or poultry being transported in the course of [<sup>F3</sup>trade with the EU] ;
- (c) examine documentary or data processing material relevant to the checks carried out under this Order; and

[<sup>F4</sup>(d) be accompanied by such persons as the inspector considers necessary]

(3) In this paragraph “premises” includes any place, installation, road, or rail vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

**F3** Words in Sch. para. 5(2)(b) substituted (31.12.2020) by The Trade in Animals and Related Products (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/811), regs. 1(1), **11(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**F4** Sch. para. 5(2)(d) substituted (31.12.2020) by The Trade in Animals and Related Products (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/811), regs. 1(1), **11(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

### Commencement Information

**I5** Sch. para. 5 in operation at 1.1.2012, see [art. 1](#)

## PART II

### THE NORTHERN IRELAND POULTRY HEALTH ASSURANCE SCHEME

#### Membership

6.—(1) Any application for an establishment to become a member of the Northern Ireland Poultry Health Assurance Scheme shall be accompanied by the registration fee, as set out in the Fees Order.

(2) The Department shall grant membership of the Northern Ireland Poultry Health Assurance Scheme to an establishment if—

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

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Poultry Health Assurance Scheme Order (Northern Ireland) 2011, SCHEDULE. (See end of Document for details)

**Commencement Information**

**I6** Sch. para. 6 in operation at 1.1.2012, see [art. 1](#)

7.—(1) The disease surveillance programme referred to in paragraph (b) of point 1 of Chapter I of Annex II to the Directive shall—

- (a) consist of the disease surveillance measures specified in Chapter III of Annex II to the Directive; and
- (b) any additional testing requirements that a veterinary inspector notifies in writing to an establishment as being requirements that he believes are necessary to avoid the spreading of contagious disease through [<sup>F5</sup>trade with member States] taking into account the particular circumstances at that establishment.

**F5** Words in [Sch. para. 7\(1\)\(b\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/811\)](#), regs. 1(1), **11(4)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Commencement Information**

**I7** Sch. para. 7 in operation at 1.1.2012, see [art. 1](#)

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

**Commencement Information**

**I8** Sch. para. 8 in operation at 1.1.2012, see [art. 1](#)

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

**Commencement Information**

**I9** Sch. para. 9 in operation at 1.1.2012, see [art. 1](#)

**F5** Words in [Sch. para. 7\(1\)\(b\)](#) substituted (31.12.2020) by [The Trade in Animals and Related Products \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/811\)](#), regs. 1(1), **11(4)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Commencement Information**

- I6** Sch. para. 6 in operation at 1.1.2012, see [art. 1](#)
- I7** Sch. para. 7 in operation at 1.1.2012, see [art. 1](#)
- I8** Sch. para. 8 in operation at 1.1.2012, see [art. 1](#)
- I9** Sch. para. 9 in operation at 1.1.2012, see [art. 1](#)

### **Annual Inspection and Supplementary Audit Inspection**

10.—(1) In order to ensure that operators and their establishments continue to meet the requirements for membership of the Northern Ireland Poultry Health Assurance Scheme, and generally to ensure compliance with the requirements of point 1 of Chapter I of Annex II to the Directive, an annual inspection of the establishment shall be carried out by an Authorised Veterinary Inspector (AVI).

(2) Any supplementary audit inspection to meet the requirements of Chapter I of Annex II to the Directive shall be carried out by a veterinary inspector directly employed by the Department.

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

(4) The supplementary audit inspection fee, as set out in the Fees Order, shall be paid to the Department.

(5) In this paragraph “AVI” means a private veterinary practitioner authorised by the Department for the purposes of this Order.

#### **Commencement Information**

**II0** Sch. para. 10 in operation at 1.1.2012, see [art. 1](#)

### **Re-inspection**

11.—(1) Without prejudice to any action which may be taken under paragraph 12, where, at the annual veterinary inspection of an operator’s establishment, that operator or the establishment, do not appear to the Department to meet the requirements—

- (i) for membership of the Scheme; or
- (ii) of the Directive,

a veterinary inspector directly employed by the Department shall carry out such re-inspections as the Department considers necessary to ensure compliance on the part of that operator and his establishment with those requirements.

(2) A re-inspection fee, as set out in the Fees Order, shall—

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

#### **Commencement Information**

**III** Sch. para. 11 in operation at 1.1.2012, see [art. 1](#)

### **Withdrawal of membership**

12. The Department shall by notice—

- (a) suspend, withdraw or restore membership in accordance with Chapter IV of Annex II to the Directive;
- (b) suspend or withdraw membership if—
  - (i) the operator or the establishment is in breach of any of the requirements in point 1 of Chapter I of Annex II to the Directive;

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Poultry Health Assurance Scheme Order (Northern Ireland) 2011, SCHEDULE. (See end of Document for details)

- (ii) an establishment is in breach of any of the requirements regarding facilities in Chapter II of Annex II to the Directive;
- (iii) ownership or control of an establishment changes; or
- (iv) the operator has not paid the registration fee, the annual membership fee or if a re-inspection fee remains unpaid 30 days after becoming due.

**Commencement Information**

**I12** Sch. para. 12 in operation at 1.1.2012, see [art. 1](#)

### PART III

#### DESIGNATION OF LABORATORIES UNDER THE NORTHERN IRELAND POULTRY HEALTH ASSURANCE SCHEME

##### Designation of laboratories

13.—(1) The Department may designate any laboratory that it considers to be suitable for the purpose of carrying out Salmonella and Mycoplasma testing under the Northern Ireland Poultry Health Assurance Scheme.

(2) A laboratory must be accredited to ISO 17025 in order to be designated under the Scheme.

**Commencement Information**

**I13** Sch. para. 13 in operation at 1.1.2012, see [art. 1](#)

14. The Department may, by notice, suspend or revoke a designation granted to a laboratory under paragraph 13 where—

- (a) it considers that the laboratory cannot meet the conditions on which the designation was granted; or
- (b) if in its opinion the laboratory otherwise appears no longer suitable for the purposes of carrying out Salmonella and Mycoplasma testing under the Northern Ireland Poultry Health Assurance Scheme.

**Commencement Information**

**I14** Sch. para. 14 in operation at 1.1.2012, see [art. 1](#)

15. The Department may, by notice, end a suspension of a designation imposed under paragraph 14 if it is satisfied that the laboratory concerned has taken adequate measures to enable it to fulfil the conditions of the designation.

**Commencement Information**

**I15** Sch. para. 15 in operation at 1.1.2012, see [art. 1](#)

**Changes to legislation:** *There are currently no known outstanding effects for the The Northern Ireland Poultry Health Assurance Scheme Order (Northern Ireland) 2011, SCHEDULE. (See end of Document for details)*

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**Commencement Information**

- I13** Sch. para. 13 in operation at 1.1.2012, see [art. 1](#)
- I14** Sch. para. 14 in operation at 1.1.2012, see [art. 1](#)
- I15** Sch. para. 15 in operation at 1.1.2012, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Northern Ireland Poultry Health Assurance Scheme Order (Northern Ireland) 2011, SCHEDULE.