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STATUTORY INSTRUMENTS

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**1994 No. 3141**

**ANIMALS**

**ANIMAL HEALTH**

**The Diseases of Poultry Order 1994**

*Made* - - - - *8th December 1994*

*Coming into force* - - *1st January 1995*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 7, 8(1), 15(5), 17(1), 23, 25, 35(1), 83(2), 87(5)(a) and 88(4) of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, hereby make the following Order:

**Title, commencement and purpose**

1.—(1) This Order may be cited as the Diseases of Poultry Order 1994 and shall come into force on 1st January 1995.

(2) The purpose of this Order is to give effect to Council Directive [92/40/EEC](#) of 19 May 1992 introducing Community measures for the control of avian influenza(2) and Council Directive [92/66/EEC](#) of 14 July 1992 introducing Community measures for the control of Newcastle disease(3).

**Extension of definition of “poultry” and “disease” and application of Order**

2.—(1) For the purposes of the Animal Health Act 1981 in its application to this Order—

- (a) the definition of “poultry” in section 87(4) of that Act is hereby extended to include all birds, and
- (b) the definition of “disease” in section 88(3) of that Act is hereby extended to include paramyxovirus 1 in pigeons and restricted so as to exclude the diseases mentioned in paragraph (b) of section 88(3) of that Act.

(2) This Order applies to all birds kept in captivity including pigeons kept for racing purposes.

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(1) [1981 c. 22](#). Section 86(1) contains a definition of “the Ministers”. Section 35(1) was amended by the Animal Health and Welfare Act [1984 \(c. 40\)](#).  
(2) O.J. No. L167, 22.6.92, p.1.  
(3) O.J. No. L260, 5.9.92, p.1.

## Interpretation

3.—(1) In this Order, unless the context otherwise requires,

“carcase” means the carcase of poultry and includes part of a carcase;

“Chief Veterinary Officer” means the Chief Veterinary Officer of the Ministry;

“disease” means paramyxovirus 1 in pigeons, avian influenza and Newcastle disease;

“disinfect” means disinfect with a disinfectant approved under the Diseases of Animals (Approved Disinfectants) Order 1978(4) for the purposes of this Order;

“Divisional Veterinary Officer” means the veterinary inspector appointed for the time being by the Minister to receive information about diseased or suspected poultry or carcasses in the area in which such poultry or carcasses are;

“holding” means a holding used for the rearing or keeping of breeding or productive poultry;

“premises” includes any place; and

“racing pigeon” means any pigeon transported or intended for transport from its pigeon house (that is, any installation used for keeping or breeding racing pigeons) to be released so that it may freely fly back to its pigeon house or to any other destination.

(2) In articles 5(2)(a), 7, 10(1) and (2) and 11(1), unless the context otherwise requires, “poultry” means domestic fowls, turkeys, geese, ducks, guinea fowls, quails, pigeons, pheasants and partridges reared or kept in captivity for breeding, the production of meat or eggs for consumption or for restocking supplies of game.

(3) Any notice or licence served or issued under this Order or under a declaratory Order made under article 7 below shall be in writing and may be the subject of conditions and may be amended, suspended or revoked by notice in writing at any time.

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

4.—(1) A person who has in his possession or under his charge, or who examines or inspects, any poultry or carcase having, or suspected of having, a disease shall immediately inform the Divisional Veterinary Officer.

(2) A person who, following analysis by him of a sample taken from any poultry or carcase, reasonably suspects the presence of a disease in the sample shall immediately inform the Divisional Veterinary Officer.

## Restrictions on movement of poultry

5.—(1) If an inspector is aware of notification given under article 4 above or has other reasonable grounds for suspecting that a disease exists or has existed on any premises, he shall, by notice served on the occupier or person in charge of the premises impose the restrictions and requirements contained in Part I of Schedule 1 to this Order.

(2) Upon the presence of the disease being confirmed by the Chief Veterinary Officer or by a person authorised by him, a veterinary inspector—

(a) in the case of poultry as defined in article 3(2) above, shall, and

(b) in the case of racing pigeons or other captive birds, may

by notice served on the occupier or person in charge of the premises, impose in addition the restrictions and requirements contained in Part II of Schedule 1 to this Order.

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(4) S.I. 1978/32; relevant amending instrument is S.I. 1994/2965.

(3) The person upon whom a notice under this article has been served shall take all reasonable steps to ensure that the notice is complied with unless he is authorised by licence issued by a veterinary inspector to do any thing which would otherwise be a breach of this Order.

(4) If any person fails to comply with any restriction or requirement imposed by a notice served under this article, an inspector or other officer of the Minister or an inspector of the local authority may, without prejudice to any proceedings for an offence arising out of such contravention or default, seize or cause to be seized anything which has been moved in contravention of the notice and detain it at such place as he shall consider appropriate until the notice is withdrawn, or as the case may be, take such other action as may be necessary so as to ensure that any restriction or requirement imposed by the notice is complied with or carried out.

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

(6) Until such time as a notice under this article is served, a person who has in his possession or under his charge poultry suspected of having a disease shall take all reasonable steps to ensure that the restrictions and requirements contained in Part I of Schedule 1 to this Order are complied with.

#### **Veterinary inquiry as to the existence of disease**

6.—(1) In order to ascertain whether or not a disease exists or has existed on any premises, a veterinary inspector shall carry out such inquiries, examinations and tests and take such samples (including live poultry and carcasses), as are necessary for that purpose and in order to establish—

- (a) the length of time the disease has existed on the premises,
- (b) the possible origin of the disease on the premises,
- (c) which premises may have been exposed to contamination by the disease from the premises under enquiry, and
- (d) the extent to which a disease has been carried to or from the premises under enquiry.

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

(3) A veterinary inspector may mark, or cause to be marked, for identification purposes any poultry, carcass or other thing in relation to which any of the powers under paragraph (1) above has been exercised.

(4) The occupier or person in charge of the premises or any person in his employment shall render such reasonable assistance to a veterinary inspector as he may require for the purpose of facilitating the exercise of his powers under paragraph (1), (2) or (3) above.

#### **Declaration of infected area**

7.—(1) Upon the presence in any area of a disease in poultry (as defined in article 3(2) above) being confirmed by the Chief Veterinary Officer or by a person authorised by him, the Minister shall, by declaratory Order, declare the area to be an infected area.

(2) Upon the presence in any area of a disease in captive birds (other than poultry as defined in article 3(2) above) being confirmed by the Chief Veterinary Officer or by a person authorised by him and upon the Minister being satisfied that the presence of that disease in captive birds constitutes a serious risk to other poultry, the Minister shall, by declaratory Order, declare the area to be an infected area.

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

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

(5) The declaratory Order may apply generally or in relation to specified species.

(6) The declaratory Order shall provide for the division of the infected area into protection and surveillance zones, the protection zone being based on a minimum radius of three kilometres, itself contained in a surveillance zone based on a minimum radius of ten kilometres, based on the centre of the premises the subject of a notice under article 5 above, or such lesser radii as the Minister may declare.

(7) When the declaratory Order is made, the provisions of Schedule 2 to this Order shall apply in the area unless the declaratory Order specifies otherwise or unless an inspector authorises by licence under this Order anything which would otherwise be a breach of this Order.

### **Vaccination areas**

**8.—**(1) Upon an Order being made under article 7 above, the Minister may, by notice published in such manner as he thinks fit, require the vaccination of any species of poultry in such territorial area and for such period as he thinks fit and it shall be the duty of every owner and every person in charge of poultry in that area to comply with that notice.

(2) The provisions of Schedule 3 shall have effect in relation to vaccination upon the publication of a notice under paragraph (1) above.

### **Racing pigeons**

**9.—**(1) An organiser of a show or race which takes place wholly or partly in Great Britain shall ensure that all racing pigeons entered for the race or show have been vaccinated against paramyxovirus 1 in pigeons.

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

### **Disinfection**

**10.—**(1) The person in charge of premises on which poultry (as defined in article 3(2) above) or racing pigeons are or have been exposed for sale or exhibited shall thoroughly cleanse and disinfect those premises, their fittings and any receptacle used for the exposure or exhibition of such poultry as soon as practicable after use and in any event before they are used again.

(2) The person in charge of any receptacle in which poultry (as defined in article 3(2) above) or racing pigeons are to be carried shall thoroughly cleanse and disinfect the receptacle as soon as practicable after any such use and in any event before the receptacle is used again.

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

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

(5) For the purposes of this Order “cleansing” includes the disposal of all litter, droppings and other matter in a manner which does not present a risk of the spread of disease.

## Records

11.—(1) Every person who owns or keeps on a single holding any flock of poultry consisting of at least 250 birds of any species shall keep a record in respect of poultry (as defined in article 3(2) above) entering or leaving his premises.

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

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

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

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

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

## Licences

12. A person moving anything under the authority of a licence issued under this Order shall—

- (a) keep the licence with him at all times during the licensed movement;
- (b) on demand made by an inspector or other officer of the Minister or by an inspector of local authority, produce the licence and allow a copy or extract to be taken, and
- (c) on such demand, furnish his name and address.

## Enforcement

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

## Offence

14. A person, who, without lawful authority or excuse (proof of which shall lie on him), alters, removes or defaces any mark applied under article 6(3), shall be guilty of an offence against the Animal Health Act 1981.

## Revocations and amendments

15.—(1) The Orders referred to in Schedule 4 to this Order are hereby revoked.

(2) In the Diseases of Animals (Approved Disinfectants) Order 1978—

- (a) in article 2(1) the definition of “Fowl Pest Orders” shall be deleted and the following definition shall be inserted after the definition of dilution rate—

““Diseases of Poultry Order” means the Diseases of Poultry Order 1994;” and

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(b) for the words “Fowl Pest Orders”, wherever they appear, there shall be substituted the words “Diseases of Poultry Order”.

(3) In the Aujeszky’s Disease Order 1983<sup>(5)</sup> in article 9(1) rule 4, article 13(1) and the Schedule Form A rule 4 for the words “Fowl Pest orders” there shall be substituted the words “Diseases of Poultry Order”.

(4) In the Schedule to the Diseases of Animals (Fees for the Testing of Disinfectants) Order 1991<sup>(6)</sup> in item 5 for the words “Fowl Pest” there shall be substituted the words “Diseases of Poultry”.

7th December 1994

*Angela Browning*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

Scottish Office  
8th December 1994

*Hector Monro*  
Parliamentary Under Secretary of State,

Welsh Office  
8th December 1994

*Gwilym Jones*  
Parliamentary Under Secretary of State,

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<sup>(5)</sup> S.I. 1983/344.  
<sup>(6)</sup> S.I. 1991/1168.

## SCHEDULE 1

Article 5

### REQUIREMENTS RELATING TO PREMISES WHERE DISEASE IS SUSPECTED OR CONFIRMED

#### PART I

##### PREMISES ON WHICH DISEASE IS SUSPECTED OR CONFIRMED

###### **Record of Poultry**

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

###### **Isolation of poultry**

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

###### **Prohibition on movement of poultry to or from premises**

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

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

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

###### **Prohibition on removal or spreading of things liable to transmit disease**

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

###### **Restriction on removal of eggs**

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

###### **Disinfection at entrances and exits**

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

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## PART II

### PREMISES ON WHICH DISEASE IS CONFIRMED

#### **Slaughter and destruction**

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

#### **Destruction or treatment**

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

#### **Tracing**

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

- (a) meat of all poultry slaughtered during the presumed incubation period,
- (b) eggs laid during the presumed incubation period, and
- (c) meat and eggs which are otherwise likely to be contaminated with the disease virus, are traced and destroyed, except that table eggs need not be destroyed if they have previously been disinfected.

#### **Disinfection and restocking**

11. After the operations described in paragraphs 8 and 9 are completed, the buildings used for housing poultry, their surroundings, the vehicles used for transport and all equipment likely to be contaminated shall be cleansed and disinfected under the supervision of an inspector, in accordance with Annex II of Council Directive [92/40/EEC](#) or [92/66/EEC](#) as the case may be and to the satisfaction of a veterinary inspector. The occupier of the premises shall not restock the premises until at least 21 days after completion of the disinfection.

## SCHEDULE 2

Article 7

### INFECTED AREAS

#### **Protection and Surveillance Zones**

##### **Protection Zones**

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

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

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



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- (b) any veterinary inspector who visits the holding to examine the poultry and take samples is given all necessary assistance and information;
  - (c) the poultry are kept in their living quarters or such other place where they can be isolated;
  - (d) there is an appropriate means of disinfection at the entrance and exits of the premises;
  - (e) poultry and hatching eggs are not moved from the holding except under a licence issued by a veterinary inspector—
    - (i) for the purpose of transport for immediate slaughter to a designated slaughterhouse, or
    - (ii) in the case of day old chicks or ready-to-lay pullets, to a holding within the surveillance zone on which there are no other poultry, or
    - (iii) in the case of hatching eggs to a designated hatchery, subject to the eggs and their packing being disinfected before dispatch; and
  - (f) used litter and poultry manure are not removed or spread.
3. No person shall move any poultry, eggs or carcasses within the zone, except that poultry may be transported without stopping through the zone on a major highway or railway.
4. No person shall hold any fair, market, show or other gathering of poultry.

#### **Surveillance Zone**

5. The following shall apply within the surveillance zone and shall continue to apply for a period of at least 30 days after the cleansing and disinfection of the infected premises required by paragraph 11 of Schedule 1 to this Order and thereafter until the Minister declares the restrictions to be lifted.
6. The occupier of premises shall ensure that—
- (a) any inspector who requires information as to presence of poultry on those premises is supplied with such information as soon as practicable;
  - (b) poultry are not moved from the holding out of the zone except under a licence issued by a veterinary inspector for the purpose of transport direct to a designated slaughterhouse outside the surveillance zone;
  - (c) hatching eggs are not moved from the holding out of the zone except under a licence issued by a veterinary inspector for the purpose of transport direct to a designated hatchery and subject to the eggs and their packing being disinfected before dispatch; and
  - (d) used litter and poultry manure are not moved out of the zone.
7. No person shall move any poultry or hatching eggs into or within the zone except that poultry may be transported without stopping through the zone on a major highway or railway.
8. No person shall hold any fair, market, show or other gathering of poultry.

#### **Cleansing and disinfection of vehicles used for the conveyance of poultry**

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

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

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### SCHEDULE 3

Article 8

#### VACCINATION AREAS

1. The vaccination or revaccination of poultry on premises subject to a notice served under article 5 is prohibited.
2. In any other case—
  - (a) the designated species of poultry shall be vaccinated as soon as possible in accordance with the directions of a veterinary inspector;
  - (b) all poultry of designated species born on or transferred to premises inside the vaccination area must be vaccinated in accordance with the directions of a veterinary inspector;
  - (c) all poultry of designated species kept on premises inside the vaccination area must remain there except that, under a licence issued by a veterinary inspector—
    - (i) day-old chicks may be moved to a holding inside the vaccination area where they shall be vaccinated;
    - (ii) poultry may be moved direct to a slaughterhouse for immediate slaughter. If the slaughterhouse is located outside the vaccination area the movement of poultry shall be permitted only after a veterinary inspector has carried out a health inspection of the holding.
3. When the vaccination operations have been completed movements out of the vaccination area may take place under a licence issued by a veterinary inspector in respect of:
  - (a) day-old chicks intended for meat production to be moved to a holding where they shall be vaccinated; the holding in question must be kept under surveillance until the poultry which have been moved have been slaughtered;
  - (b) poultry vaccinated more than 21 days previously and intended for immediate slaughter; and
  - (c) hatching eggs which originate from breeding poultry vaccinated at least 21 days previously; the eggs and their packing must be disinfected before movement.
4. The measures provided for in paragraph 2 and 3 above shall apply for a period of three months. They may be extended by the Minister for one or more additional periods of three months by notice published in such manner as he thinks fit.
5. A veterinary inspector may exempt certain flocks of particular scientific value from systematic vaccination, provided that all necessary steps are taken to ensure protection of their health and to subject them to periodic serological checks.

### SCHEDULE 4

Article 15(1)

#### REVOCATIONS

<i>Title</i>	<i>Reference</i>
The Poultry Pens, Fittings and Receptacles (Disinfection) Order 1952	S.I.1952/437
The Poultry Premises and Vehicles (Disinfection) Order 1956	S.I. 1956/11

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<i>Title</i>	<i>Reference</i>
The Fowl Pest (Infected Areas Restrictions) Order 1956	S.I. <a href="#">1958/1611</a>
The Live Poultry (Movement Records) Order 1958	S.I. <a href="#">1958/1344</a>
The Fowl Pest (Infected Area Restrictions) Amendment Order 1958	S.I. <a href="#">1958/1442</a>
The Poultry Pens, Fittings and Receptacles (Disinfection) (Amendment) Order 1963	S.I. <a href="#">1963/1956</a>
The Fowl Pest Orders (Amendment) Order 1983	S.I. <a href="#">1983/941</a>
The Infectious Diseases of Poultry	S.I. <a href="#">1986/1755</a> Order 1986
The Racing Pigeons (Vaccination) Order 1994	S.I. <a href="#">1994/944</a>

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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order (read with the Animal Health Act 1981) implements Council Directive [92/40/EEC](#) introducing Community measures for the control of avian influenza and Council Directive [92/66/EEC](#) introducing Community measures for the control of Newcastle disease (OJ No L 167, 22.6.92. p.1 and L260, 5.9.92, p.1).

It also makes provision in relation to disinfection and record keeping (articles 10 and 11).

It also revokes several Orders concerned with poultry (Schedule 4) and makes some consequential amendments (article 15).

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

A Compliance Cost Assessment has been prepared and a copy has been placed in the library of each House of Parliament.