

2021 No. 1472

ANIMALS, ENGLAND

ANIMAL DISEASE

The Exotic Animal Disease (Amendment) (England) Order 2021

Made - - - - 20th December 2021
Coming into force - - 21st December 2021

The Secretary of State makes this Order in exercise of the powers conferred by sections 1, 7(1), 7(2), 8(1), 11, 15(5), 17(1), 23, 25, 28, 32(2), 35, 87(2) and (5), and 88(2) of the Animal Health Act 1981(a).

Citation, commencement and application

1.—(1) This Order may be cited as the Exotic Animal Disease (Amendment) (England) Order 2021 and comes into force on 21st December 2021;

(2) This Order applies in relation to England only.

Amendments to the Foot and Mouth Disease (England) Order 2006

2.—(1) The Foot and Mouth Disease (England) Order 2006(b) is amended as follows.

(2) In article 2—

(a) after the definition of “the Act” insert—

““alert exercise” means a simulation of an emergency situation designed to test contingency plans;”;

(b) after the definition of “minced meat” insert—

““national accreditation standard” means a standard recognised by the National Accreditation Body for the United Kingdom (UKAS);

“national contingency plan” means the contingency plan for foot-and-mouth disease prepared in relation to England under section 14A(c) of the Act;

“national reference laboratory” means a laboratory responsible for coordinating standards and methods of diagnosis in the United Kingdom in accordance with the OIE manual;”;

(c) after the definition of “occupier” insert—

(a) 1981 c. 22. Functions conferred on “the Minister” and “the Ministers” are now exercisable by the Secretary of State; functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002.

(b) S.I. 2006/182; relevant amendments are S.I. 2009/2713, 2013/2952, 2018/99, 2019/526 and 2019/1488.

(c) Section 14A was inserted, in relation to England and Wales, by the Animal Health Act 2002 (c. 42), sections 18, 19(1).

““OIE manual” means Manual of Diagnostic Tests and Vaccines for Terrestrial Animals(a);”;

(d) after the definition of “wild birds” insert—

““wild game bird” means a bird which lives freely in the wild and is hunted for human consumption;

“wild game bird product” means any wild game bird carcass or egg, or any other thing, originating or made (whether in whole or in part) from a wild game bird or from a wild game bird carcass, and includes bird by-products from wild birds.”.

(3) After article 20, insert—

“Diagnostic tests

20A.—(1) The national reference laboratory must use the diagnostic tests in the OIE manual which constitute the reference tests for vesicular disease diagnosis.

(2) The use of a test not included in the OIE manual is permitted only when the performance of the test in question demonstrates that it matches or exceeds the sensitivity and specificity parameters set down in—

- (a) the OIE manual; or
- (b) national accreditation standards.”.

(4) After article 55, insert—

“Contingency plans and exercises

55A.—(1) The Secretary of State must carry out alert exercises in real time in accordance with the national contingency plan, either—

- (a) on two occasions within a five-year period following the date of the last confirmed case, the first of which must occur no later than three years after the approval of the plan; or
- (b) in the case of a major epizootic disease outbreak which was successfully controlled and eradicated, once during the five-year period following the conclusion of that outbreak.”.

(5) After article 59, insert—

“Biosecurity standards for laboratories handling live foot-and-mouth disease virus

59A.—(1) All laboratories handling live foot-and-mouth disease virus must be authorised by a licence under the Specified Animal Pathogens Order 2008(b) and operate in accordance with the conditions of that licence.

(2) Laboratories handling live foot-and-mouth disease virus must be—

- (a) designated by the Secretary of State as the national reference laboratory for foot-and-mouth disease; or
- (b) specifically authorised by the Secretary of State for the handling of live foot-and-mouth disease virus.”.

(6) In Schedule 5, in paragraph 21(2)—

- (a) in sub-paragraph (a), after “protection zone;” insert “and”;
- (b) omit sub-paragraph (c) and the preceding “and”.

(a) The manual is available at <https://www.oie.int/en/what-we-do/standards/codes-and-manuals/#ui-id-2>.

(b) S.I. 2008/944, to which there are amendments not relevant to this instrument.

Amendments to the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No. 2) Order 2006

3.—(1) The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No. 2) Order 2006(a) is amended as follows.

(2) In article 2 (interpretation)—

(a) after the definition of “the Act” insert—

“the appropriate minister” means—

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers; and

(iii) in relation to Scotland, the Scottish Ministers;”;

(b) after the definition of “border control post” insert—

““brood-and-move Galliformes” means Galliformes that have been, are being or are to be moved for the purposes of growing or fattening on premises other than those where they were reared;”;

(c) for the definition of “commercial premises” substitute—

““commercial premises” means premises where any poultry or other captive birds are kept for commercial purposes”;

(d) after the definition of “designated” insert—

““diagnostic manual” means the diagnostic manual set out in the Annex to Commission Decision 2006/437/EC approving a Diagnostic Manual for avian influenza as provided for in Council Directive 2005/94/EC(b);”;

(e) after the definition of “mammal carcase” insert—

““non-commercial premises” means premises where all poultry or other captive birds, or their eggs, are kept by their keeper for the purposes of the keeper’s personal consumption or use, or as pets;”;

(f) after the definition of “premises” insert—

““primary outbreak” means an outbreak which is not epidemiologically linked with a previous outbreak in England;”;

(g) after the definition of “racing pigeons” insert—

““ready-to-lay poultry” means birds, which are intended for use as productive egg layers, and for these purposes, includes both female and male birds;”.

(3) In article 12, after paragraph (2), insert—

“(3) The Secretary of State must ensure that any veterinary inquiry conducted under paragraph (1) or (2) is conducted in accordance with the procedures set out in the diagnostic manual.”.

(4) In article 22—

(a) for paragraph (2) substitute—

“(2) A veterinary inspector must not license a movement to a place in the territory for which another administration within the British Islands is responsible unless the movement is authorised by the appropriate ministers for that administration.”;

(b) for paragraph (3)(g) substitute—

“(g) premises or parts of premises where only officially registered rare breeds of poultry or other captive birds are kept”;

(c) after paragraph (4) insert—

(a) S.I. 2006/2702; relevant amending instruments are S.I. 2009/2713, 2018/1406 and 2018/575.

(b) EUDN 2005/94.

“(5) In this article, “officially registered rare breeds of poultry or other captive birds” means any poultry or other captive birds that have been officially recognised by the Secretary of State as having high conservation value or belonging to a species of rare breed as determined by the UK Farm Animal Genetic Resources Committee^(a) and published in the “UK breeds at risk” list^(b) by the Secretary of State.”.

(5) In article 30(1), for “Schedule 4”, substitute “article 31A and Schedules 4 and 8”.

(6) In article 31(1), for “Schedule 5”, substitute “article 31A and Schedules 5 and 8”.

(7) After article 31 insert—

“Restrictions on the movement of wild game bird products originating in a protection, surveillance or restricted zone

31A.—(1) The Secretary of State may, on the basis of a risk assessment, impose restrictions on the movement of wild game bird products.

(2) Where such restrictions are imposed, no person may move any wild game bird product intended for human consumption from a protection, surveillance or restricted zone to—

- (a) an unrestricted area in the United Kingdom; or
- (b) any place outside the United Kingdom.

(3) Where a movement would otherwise be prohibited by restrictions imposed under paragraph (1), a veterinary inspector or an inspector acting under the direction of a veterinary inspector may by licence authorise—

- (a) the movement of—
 - (i) meat products, from wild game birds originating in a protection, surveillance or restricted zone, which have been heated throughout the product in question to a minimum temperature of 70°C;
 - (ii) fresh meat from wild game birds originating outside the protection, surveillance or restricted zone, which has been—
 - (aa) produced in accordance with section 4 of Annex 3 to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin^(c) (“Regulation (EC) No 853/2004”);
 - (bb) subject to the official controls set out in Article 18 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed laws, rules on animal health and welfare, plant health and plant protection products^(d);
 - (iii) processed fresh meat and products containing such meat from wild game birds originating outside the protection, surveillance or restricted zone, produced in accordance with Sections 5 and 6 of Annex 3 to Regulation (EC) No 853/2004;
- (b) the movement to an unrestricted area in England of fresh meat and meat products from wild game birds originating in a protection, surveillance or restricted zone, provided the meat, or meat products has, or have, been—
 - (i) marked in accordance with paragraph (2);

(a) Details of the UK Farm Animal Genetic Resources Committee can be found at www.gov.uk/government/groups/farm-animal-genetic-resources-committee-fangr.

(b) The list is published on GOV.UK (www.gov.uk) and details can be found at “FAnGR resources for farmers and livestock breeders”.

(c) EUR 853/2004. Annex 3 is amended by S.I. 2019/640.

(d) EUR 625/2017. Article 18 is amended by S.I. 2020/1481.

- (ii) cut and stored in the handling establishment separately from other products which have originated outside the protection, surveillance or restricted zone.

(4) The measures in Schedule 8 apply in respect of movements covered by this article.”.

(8) In article 36—

- (a) in paragraph (1), after “but” insert “, subject to paragraph (3)”;
- (b) after paragraph (3) insert—

“(4) The restrictions that would otherwise apply by virtue of paragraph (1)(a) or (3) do not apply where the Secretary of State is satisfied that their application is not necessary to reduce the risk of the spread of avian influenza.”.

(9) In article 41(4), after “instructions”, insert “and kept under official supervision until the investigation is completed in accordance with the requirements set out in the diagnostic manual”.

(10) In article 44, in paragraphs (1), (2) and (3), for “has been carried out” substitute “have been completed and at least 24 hours have elapsed since their completion”.

(11) In article 46—

- (a) in paragraph (1)(a) after “as he considers necessary”, insert “, and the measures in article 31A and Schedule 8,”;
- (b) in paragraph (2), after “as he considers necessary”, insert “, and the measures in article 31A and Schedule 8,”.

(12) In article 47—

- (a) for paragraph (1) substitute—

“(1) The Secretary of State must ensure that all poultry on the holding and all other captive birds of the species in which low pathogenic avian influenza has been confirmed on the holding are killed or slaughtered under official supervision in such a way as to prevent the spread of avian influenza.”;

- (b) in paragraph (2), after “The occupier of a” insert “designated”;
- (c) in paragraph (3), after “movement of birds to a” insert “designated”;
- (d) for paragraph (4) substitute—

“(4) The Secretary of State may require other captive birds on the premises to be killed or slaughtered on the basis of an assessment of the risk that they pose as regards the spread of avian influenza or to birds on other premises that are determined on the basis of epidemiological inquiry to be contact premises.”.

(13) After article 57, insert—

“Duration of restricted zones

57A.—(1) The measures in article 57 must be maintained for at least the minimum period and until the appropriate ministers, on the basis of investigations and laboratory tests carried out in the restricted zone in accordance with the diagnostic manual and a risk assessment, have determined that the risk of the spread of low pathogenic avian influenza is negligible.

(2) In paragraph (1), “the minimum period” means—

- (a) in a case where preliminary cleansing and disinfection at the infected premises has been carried out in accordance with one or more of the procedures in article 66, 21 days following completion of that preliminary cleansing and disinfection;
- (b) in any other case, 42 days following the date on which the outbreak is confirmed.”.

(14) In article 64(2), after “ready-to-lay poultry”, insert “or brood-and-move Galliformes”.

(15) In article 68(1)(b), after “avian influenza”, insert “in accordance with the diagnostic manual”.

(16) In article 81, after paragraph (7), insert—

“(8) Any person who carries out an investigation under this Order must do so in accordance with the diagnostic manual.”.

(17) In Schedule 1, in paragraph 4, after “veterinary inspector”, insert “, and observes appropriate biosecurity measures in order to minimise the risk of spread of disease”.

(18) In Schedule 2, after paragraph 6, insert—

“Primary outbreak

7. In the case of a primary outbreak—

- (a) the Secretary of State must submit the virus isolate to the national reference laboratory as soon as practicable;
- (b) the national reference laboratory must subject that virus isolate to the laboratory procedures specified within the diagnostic manual for the purpose of identifying the genetic subtype;”.

(19) In Schedule 4—

(a) in paragraph 16—

(i) in sub-paragraph (f), after “ready-to-lay poultry”, insert “or brood-and-move Galliformes”;

(ii) after sub-paragraph (l), insert—

“(m)poultry and other captive birds to a veterinary surgery for treatment, or return to the premises of origin following such a movement.”;

(b) in paragraph 17, after sub-paragraph (b), insert—

“(c) where appropriate, laboratory tests have been carried out on poultry on the premises of origin in accordance with the diagnostic manual;

(d) where the movement is within the United Kingdom, the appropriate minister responsible for the designated slaughterhouse has been informed and has agreed to receive the poultry.”;

(c) for paragraph 20 (including the heading) substitute—

“20. Day-old chicks

(1) Day-old chicks hatched from eggs produced in the zone, or hatched from eggs which had contact with such eggs, must not be moved unless—

- (a) they are transported in vehicles sealed by a veterinary inspector or in accordance with his instructions;
- (b) appropriate biosecurity measures are applied during transport and are to be applied at the premises of destination;
- (c) if moved outside the protection or surveillance zone, the poultry are to remain on the premises of destination for at least 21 days.

(2) The occupier of premises to which day-old chicks are transported in accordance with paragraph (1) must not move the day-old chicks from those premises for a period of 21 days following movement of the chicks onto the premises.”;

(d) in paragraph 22—

(i) in the words before sub-paragraph (a), after “Ready-to-lay poultry”, insert “or brood-and-move Galliformes”;

(ii) in sub-paragraph (b), after “ready-to-lay poultry”, insert “or brood-and-move Galliformes”;

(e) in paragraph 24(a), after “packaging”, insert “or packaging which is cleansed and disinfected in accordance with the instructions of a veterinary inspector.

(20) In Schedule 5—

(a) for paragraph 2 substitute—

“Record of poultry

2. The occupier of any premises where poultry or other captive birds are kept in the zone must—
- (a) make a record of all poultry entering or leaving those premises as soon as reasonably practicable after the movement;
 - (b) immediately report to the Secretary of State any increased morbidity or mortality or significant drop in egg production or, where relevant, feed or water intake, or other relevant information relating to the production of eggs on the premises.”;
- (b) in paragraph 8—
- (i) renumber the existing text as sub-paragraph “(1)”;
 - (ii) after sub-paragraph (1), insert—
“(2) The movement of manure, with appropriate biosecurity measures in place, may be authorised, by a veterinary inspector, from premises situated in a surveillance zone to a designated plant, for treatment or immediate storage for subsequent treatment, to mitigate against the risk of the spread of avian influenza virus.”;
- (c) in paragraph 11, for “licensed by a veterinary inspector” substitute “they comply with all relevant biosecurity measures laid down by a veterinary inspector in licence conditions.”;
- (d) in paragraph 15(2)—
- (i) in sub-paragraph (d), after “ready-to-lay poultry”, insert “or brood-and-move Galliformes”;
 - (ii) after sub-paragraph (h), insert—
“(i) poultry to a veterinary surgery for treatment, or to the premises of origin on return following such a movement.”;
- (e) for paragraph 17 substitute—

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

17. Poultry must not be moved from premises in the zone to a designated slaughterhouse outside the zone unless the following requirements are met—
- (a) a veterinary inspector has examined the poultry at the premises no more than 24 hours before they leave the premises;
 - (b) on the basis of a risk assessment, samples have been taken from the poultry and tested for avian influenza in accordance with the diagnostic manual;
 - (c) the appropriate minister responsible for the designated slaughterhouse has been informed and has agreed to receive the poultry.”;
- (f) in paragraph 21(a), after “packaging”, insert “or packaging which has been cleansed and disinfected in accordance with the instructions of a veterinary inspector”.
- (21) After Schedule 7, insert—

“SCHEDULE 8 Articles 30, 31, 31A and 46

Wild game bird products

Restrictions on the movement of wild game bird products originating in a protection, surveillance or restricted zone

- 1.—(1) A person moving a wild game bird product referred to in article 31A(3)(b) must ensure that it does not come into contact with any other product of that kind.

(2) Any wild game bird product which comes into contact with a wild game bird product moved under article 31A(3) is subject to the measures applicable to such products under article 31A(3) and under sub-paragraph (1) above.

(3) In this paragraph, “processed fresh meat” means any of the following—

- (a) minced meat, being boned meat which has been minced into fragments and contains less than 1% salt;
- (b) a meat preparation, being fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat;
- (c) meat mechanically removed from flesh-bearing bones using means resulting in the loss or modification of the muscle fibre structure.

Requirements for the marking of wild game bird meat and meat products

2.—(1) Fresh meat and meat products referred to in article 31A(3)(b) or their packaging must bear a mark (or must be in packaging which bears a mark) which is approved by the Secretary of State.

(2) No person other than the final consumer of meat or meat products marked with a mark referred to in sub-paragraph (1) shall deface, obliterate or remove that mark, unless licensed by the Secretary of State.”.

Benyon of Englefield

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

20th December 2021

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in relation to England only and amends the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No. 2) Order 2006 (S.I. 2006/2702) (“the Avian Influenza Order No. 2”) and the Foot-and-Mouth Disease (England) Order 2006 (S.I. 2006/182) (“the Foot-and-Mouth Disease Order”).

Amendments to the Foot-and-Mouth Disease Order are contained in article 2 of this Order. These amendments introduce requirements for the testing of contingency plans and the use of standard testing methods, remove requirements for over stamping health identification marks for certain types of meat produce, and make provision for laboratories to be licensed for the handling of live foot-and-mouth disease virus.

Amendments to the Avian Influenza Order No. 2 are contained in article 3 of this Order. These include amendments to requirements relating to movements of birds to a third country from special category premises, provide for the early revocation of certain types of protection zones and allows the use of cleansed and disinfected egg packaging material in certain circumstances. The amendments also provide for the preventive slaughter on premises in restricted zones and set out the restrictions on wild game bird products in the protection or surveillance or restricted zones.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£6.90

<http://www.legislation.gov.uk/id/uksi/2021/1472>

ISBN 978-0-34-823073-4



9 780348 230734