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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 68**

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

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.