
STATUTORY INSTRUMENTS

2006 No. 2702

The Avian Influenza and Influenza of Avian
Origin in Mammals (England) (No.2) Order 2006

PART 8

General measures on suspicion or confirmation of avian influenza

Restrictions relating to things moved from Scotland, Wales or Northern Ireland

62.—(1) Subject to paragraph (2), measures in this Order 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 Scotland, Wales or Northern Ireland.

(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 7.

Measures relating to slaughter and to poultry meat

63.—(1) The occupier of a 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 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 a veterinary inspector's instructions before poultry from outside the zone are slaughtered.

(2) No person shall move poultry meat from poultry originating in a protection zone unless he is licensed to do so by a veterinary inspector and the poultry meat—

- (a) bears a mark (or is in packaging which bears a mark) approved by the Secretary of State 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⁽¹⁾; and
 - (b) is obtained, cut, transported and stored separately from poultry meat from outside the zone.
- (3) No person shall move poultry meat from poultry from outside a protection zone unless the meat—
- (a) is obtained, cut, transported and stored separately from meat produced from poultry originating in the 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 a veterinary 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 such a zone.
- (5) No person shall supply poultry meat from poultry originating in a protection zone for intra-Community or international trade.
- (6) No person other than the final consumer of meat marked with a mark referred to in paragraph (2)(a) shall deface, obliterate or remove that mark, unless licensed by the Secretary of State.
- (7) In this article, “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 controlled zones 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 arrived there if those chicks were—
- (a) hatched from eggs originating in such a zone or from eggs which have come into contact with such eggs; and
 - (b) moved from a hatchery in such a zone.
- (2) The occupier of any premises not in a protection zone or a 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 article 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;

(1) OJ No L 139, 30.4.2004, p. 55.

- (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) 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 Secretary of State must ensure that such veterinary inquiries as he 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 article 24(2)(a)) 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;
 - (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) Any 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) Any person who is required by or under this Order to cleanse, disinfect or treat any premises (other than regulated places) or any thing (including any vehicle under his control) on those premises must do so in accordance with Schedule 3.

(2) Any person who is required under this Order to cleanse, disinfect or treat regulated places, any thing on those premises or any vehicle not referred to in paragraph (1) must do so in accordance with a veterinary inspector's instructions.

(3) The occupier of any premises required to be cleansed or disinfected under this Order, 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) A veterinary inspector may, by notice to the occupier of premises referred to in paragraph (1), provide that part of the premises the subject of that notice and which would otherwise be subject to the measures in Schedule 3 are subject instead to the measures in paragraph (2).

- (5) Any person who is required to disinfect under this Order must—
- (a) use disinfectants approved by the Secretary of State under the Diseases of Animals (Approved Disinfectants) Order 1978(2);
 - (b) use them at the concentrations approved under that Order; and
 - (c) use them in accordance with—

(2) *S.I. 1978/32*, amended by *S.I. 2005/1908* and *S.I. 2006/1197*; there are other amending instruments but these are not relevant to this Order.

- (i) the manufacturer's instructions (if any); or
 - (ii) (if different), the instructions of a veterinary inspector.
- (6) A veterinary inspector may, by notice to 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 any person, vehicle, poultry, other captive bird, mammal or thing onto any premises or part of premises which he believes cannot be cleansed and disinfected.
- (7) A veterinary 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 Chief Veterinary Officer has confirmed that he may do so.

Restocking

67.—(1) Unless he is licensed by a veterinary inspector, no person shall restock with poultry or other captive birds suspect premises, infected premises or contact premises if poultry or other captive birds kept on those premises have been killed under paragraph 5 of Schedule 3 to the Act.

(2) A veterinary inspector must not license 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 2 of Schedule 3.

(3) Where premises subject to measures set out in Schedules 1, 2 or 6 have been restocked, a veterinary inspector may vary those measures, by notice to the occupier of the premises.

Surveillance at restocked commercial poultry premises

68.—(1) The Secretary of State 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 a veterinary inspector;
- (b) the taking from such poultry of such samples as the Secretary of State 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 a veterinary inspector considers necessary.

(2) A veterinary 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 records made under paragraph (1) are kept for at least 6 weeks from the date the last record was made.

Measures at other restocked premises

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

- (a) apply the measures in article 68; and
- (b) by notice to the occupier of the premises, require him to carry out the measures in article 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 Secretary of State may designate the following premises for the following purposes—

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

(2) The Secretary of State must not make a designation unless he 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 Secretary of State directs otherwise by notice to the occupier of the premises—

- (a) premises licensed to manufacture or assemble human vaccines under section 8(2) of the Medicines Act 1968⁽³⁾;
- (b) premises authorised to manufacture animal vaccines under Regulation 5 of the Veterinary Medicines Regulations 2005⁽⁴⁾;
- (c) premises licensed under sections 4 or 5 of the Animals (Scientific Procedures) Act 1986⁽⁵⁾;
- (d) premises licensed under article 4 of the Specified Animal Pathogens Order 1998⁽⁶⁾.

Duty to provide reasonable assistance

72.—(1) Any person required to give reasonable assistance or information to a person executing this Order 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 this Order must allow an inspector or any person authorised by the Secretary of State to enter those premises for the purposes of deciding whether or not such a licence should be granted or maintained.

(3) 1968 c.67, as amended by S.I. 2004/1031 and S.I. 2005/2789.

(4) S.I. 2005/2745.

(5) 1986 c.14.

(6) S.I. 1998/463; to which there is one amendment not relevant to this Order.

Provision of information

73. No person shall provide information which he knows to be false or misleading to a person executing this Order.

Records of movements authorised by licence

74.—(1) Any person moving poultry, other captive birds or their products under a licence granted under this Order 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 six weeks from the date the movement was completed.

Retention and production of records

75.—(1) Any person who is required by this Order to make or keep a record must—

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

(2) An inspector may enter any premises for the purpose of inspecting any records required to be kept under this Order 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 this Order.

Duty to comply with declarations, licences and notices

76.—(1) Any person to whom any requirement in a declaration, licence, notice or designation under this Order applies must—

- (a) comply with the requirement (unless authorised otherwise by licence); and
- (b) comply with any reasonable requests which an inspector may make to him to ensure that the requirement is met.

(2) Subject to articles 42(2), 46(6) and 77(4), the costs incurred by any person in taking any action required under this Order, or of refraining from taking action prohibited under it, must be met by that person unless the Secretary of State directs otherwise in writing.

Change of occupation of premises under restriction

77.—(1) This article 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 by or under this Order 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 this article 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

78.—(1) Before causing poultry or other birds to be killed under paragraph 5 of Schedule 3 to the Act, the Secretary of State must give notice of his 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 section 32 of the Act, the Secretary of State must give notice of his 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 the Diseases of Animals (Seizure) Order 1993(7) for the purposes of this Order, an inspector must give notice of his 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 local authority to erect signs

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

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

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

- (a) every entrance to the premises;
- (b) at such places on any public or private right of way the subject of the declaration as it considers appropriate; and
- (c) at any other location it considers appropriate.