

**2005 No. 584**

**ANIMALS**

**ANIMAL HEALTH**

**The Salmonella in Broiler Flocks (Survey Powers) Regulations  
(Northern Ireland) 2005**

*Made* - - - - - *22nd December 2005*

*Coming into operation* - *12th January 2006*

The Department of Agriculture and Rural Development, being designated (a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, makes the following Regulations in exercise of the powers conferred on it by that section.

**Citation and commencement**

1. These Regulations may be cited as the Salmonella in Broiler Flocks (Survey Powers) Regulations (Northern Ireland) 2005 and shall come into operation on 12th January 2006.

**Interpretation**

2.—(1) In these Regulations—

“broiler chicken” means any bird of the species *Gallus gallus* bred for meat;

“Commission Decision” means Commission Decision 2005/636/EC concerning a financial contribution by the Community towards a baseline survey on the prevalence of *Salmonella* spp. in broiler flocks of *Gallus gallus* to be carried out in the member States (c);

“faecal and environmental material” means faeces from broiler chickens, or other material which may have come into contact with such faeces or with broiler chickens, or a mixture of such faeces and such other material, and any other material which the Technical Specifications require to be sampled;

“holding” means a facility used for the rearing or keeping of broiler chickens;

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

“inspector” means any person appointed to be an inspector for the purposes of these Regulations by the Department;

“the Technical Specifications” means those technical specifications referred to at Article 5 of the Commission Decision having been presented to the European Commission’s Standing Committee on the Food Chain and Animal Health on 19 July 2005 which are entitled

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(a) S.I. 2000/2812

(b) 1972 c 68

(c) O.J. No. L 228, 3.9.2005, p 14

“Baseline Survey on the Prevalence of *Salmonella* in Broiler Flocks of *Gallus gallus* in the EU – Technical Specifications”.

(2) The Interpretation Act (Northern Ireland) 1954(a) shall apply to these Regulations as it applies to an Act of the Assembly.

### **Selection of holdings**

3.—(1) The Department shall be responsible for the selection of premises, in accordance with the Technical Specifications, for sampling.

(2) The occupier or person in charge of a holding (or any employee or agent of the occupier or person in charge of a holding) shall, upon request, supply such information to the Department as it requires to assist it with the selection of holdings to be included in the survey for the purposes of the Commission Decision, including—

- (a) the number of broiler chickens or the number of flocks of broiler chickens on the holding;
- (b) the number and times of the flock cycles of the broiler chickens on the holding; and
- (c) the production type of the broiler chickens on the holding.

(3) Any person who fails to comply with this regulation is guilty of an offence.

### **Powers of inspectors**

4.—(1) An inspector shall, on producing some duly authenticated document showing his authority, have the right at all reasonable hours to enter a holding which has been selected for sampling, for the purposes of ascertaining in accordance with the Commission Decision—

- (a) whether *Salmonella* spp. exists or has existed there;
- (b) the *Salmonella* vaccination status of the broiler chickens on the holding; and
- (c) whether anti-microbials have been used.

(2) In addition to his right under paragraph (1), an inspector may also enter a holding for the purposes of the enforcement of these Regulations.

(3) When he has entered a holding an inspector may—

- (a) take samples of faecal and environmental material;
- (b) examine any records in whatever form, including computerised records, and retain or take copies of those records;
- (c) make inquiries of any person and require him to provide any information and documentation, including records, that appear to him to be, or likely to be, relevant; and
- (d) take with him any person, vehicle or equipment he considers necessary for the execution or enforcement of these Regulations.

### **Offences**

5. A person who—

- (a) intentionally obstructs an inspector or a person assisting an inspector acting in the execution of these Regulations;
- (b) without reasonable cause, fails to give to an inspector or a person assisting an inspector acting in the execution of these Regulations any assistance or information which that inspector or person may reasonably require of him for the performance of his functions under these Regulations;
- (c) furnishes to an inspector or a person assisting an inspector acting in the execution of these Regulations any information which he knows to be false or misleading; or

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(a) 1954 c.33(N.I.)

(d) fails without reasonable excuse to produce a record when required to do so by an inspector or a person assisting an inspector acting in the execution of these Regulations, is guilty of an offence.

**Penalties**

6. A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 22nd December 2005.



*Liam McKibben*  
A senior officer of the Department of Agriculture and Rural Development

## EXPLANATORY NOTE

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

These Regulations provide a power of entry to inspectors to undertake the sampling required by Commission Decision 2005/636/EC (concerning a financial contribution by the Community towards a baseline survey on the prevalence of *Salmonella* spp. in broiler flocks of *Gallus gallus* to be carried out in the Member States) to detect the prevalence of *Salmonella* spp. in broiler chickens.

Regulation 3 provides that the occupier or person in charge of a holding must provide information to the Department, upon request, to assist it with the selection of holdings to be included in the survey.

Regulation 4 provides inspectors with various powers including a power of entry and power to take samples of faecal material, to examine records and to make inquiries of any person.

Regulation 5 creates offences for obstructing an inspector exercising his powers under these Regulations and Regulation 6 sets out the applicable penalties.

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