

**2007 No. 207**

**ANIMALS**

**ANIMAL HEALTH**

**The Avian Influenza (H5N1 in Poultry) Regulations (Northern  
Ireland) 2007**

*Made* - - - - - *23rd March 2007*

*Coming into operation-* - - - - *24th March 2007*

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SCHEDULE — MARKING OF MEAT AND MEAT PRODUCTS FROM  
WILD GAME BIRDS ORIGINATING IN A PROTECTION,  
SURVEILLANCE OR RESTRICTED ZONE

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 Avian Influenza (H5N1 in Poultry) Regulations (Northern Ireland) 2007 and come into operation on 24<sup>th</sup> March 2007.

**Interpretation**

2.—(1) In these Regulations—

“approved body” means a body approved in accordance with Article 2(1)(c) of Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC(c);

“avian influenza” means an infection of poultry or other captive birds caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six week old chickens greater than 1.2;

“the Avian Influenza Regulations” means the Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007(d);

“bird by-product” means entire bodies or parts of birds or products of avian origin, not intended for human consumption, included in Articles 4, 5 or 6 of Regulation (EC) No. 1774/2002;

“the Commission Decision” means Commission Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC(e), as amended by Commission Decision 2007/128/EC and as also amended by the Commission Decision 2007/119/EC amending Decisions 2006/415/EC, 2006/416/EC and 2006/563/EC as regards the identification mark to be applied to fresh poultry meat(f);

“competent authority” means in Great Britain, the Secretary of State, or elsewhere the authority in a member State or third country concerned authorised by it to carry out its functions under the Commission Decision;

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

“designated” means designated by the Department in accordance with regulation 3(5) and (7) and “undesignated” is construed accordingly;

“disinfect” means disinfect in accordance with regulation 17;

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(a) S.I. 2000/2812

(b) 1972 c. 68

(c) O.J. No. L 268, 14.9.1992, p. 54, as last amended by Directive 2004/68/EC (OJ No L 139, 30.4.2004, p. 321) and corrected by O.J. No. L 226, 25.6.2004, p. 128

(d) S.R. 2007 No. 68

(e) O.J. No. L 164, 16.6.2006, p. 51 as last amended by O.J. No. L 53, 22.2.2007, p. 26

(f) O.J. No. L 51, 20.2.2007, p22

“fresh meat” means meat which has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat which is vacuum wrapped or wrapped in a controlled atmosphere;

“H5N1 controlled zone” means any of the following—

- (a) a temporary control zone,
- (b) a temporary movement restriction zone,
- (c) a protection zone,
- (d) a surveillance zone,
- (e) a restricted zone;

“inspector” means a person appointed by the Department to be an inspector for the purposes of these Regulations and includes a veterinary inspector;

“keeper” means any person responsible for birds, whether on a permanent or temporary basis, but does not include a person responsible for them solely because he is transporting them;

“meat product” means a processed product resulting from the processing of meat or from the further processing of such processed product, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981(a);

“other captive bird” means a bird kept in captivity which is not poultry and includes a bird kept—

- (a) as a pet,
- (b) for shows, races, exhibitions or competitions,
- (c) for breeding,
- (d) for sale, or
- (e) for use by an approved body;

“poultry” means all birds reared or kept in captivity for—

- (a) the production of meat or eggs for consumption,
- (b) the production of other products,
- (c) restocking supplies of game birds, or
- (d) the purposes of any breeding programme for the production of these categories of birds;

“premises” includes any land, building or other place;

“protection zone” means a protection zone declared under regulation 28(1) to (4) of the Avian Influenza Regulations following confirmation by the Department of highly pathogenic avian influenza of subtype H5N1 in poultry;

“Regulation (EC) No. 1774/2002” means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption, as last amended by Commission Regulation (EC) No 2007/2006(b);

“restricted zone” means a restricted zone declared under the Avian Influenza Regulations in accordance with regulation 8(2) of these Regulations;

“surveillance zone” means a surveillance zone declared under regulation 28(1) to (4) of the Avian Influenza Regulations following confirmation by the Department of highly pathogenic avian influenza of subtype H5N1 in poultry;

“temporary control zone” means a temporary control zone declared under the Avian Influenza Regulations in accordance with regulation 6(2) of these Regulations;

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(a) S.I. 1981/1115 (N.I.22) as amended by S.I. 1984/702 (N.I.2) Article 17, S.I. 1994/1891 (N.I.6) Article 22

(b) O.J. No. L 273, 10.10.2002, p 1 as last amended by O.J. L 379, 28.12.2006, p 98 and corrected by a corrigendum O.J. No. L 30, 3.2.2007, p 3

“temporary movement restriction zone” means a temporary movement restriction zone declared under the Avian Influenza Regulations in accordance with regulation 6(2) of these Regulations;

“unrestricted area” means any part of the United Kingdom which is not part of a H5N1 controlled zone declared under these Regulations or an equivalent zone in England, Scotland or Wales;

“vehicle” includes any means of transport and includes—

- (a) a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle,
- (b) a detachable part of a vehicle,
- (c) a container or other structure designed or adapted to be carried on a vehicle; and

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

(2) Any premises in Great Britain, a member State or a third country which is designated by the competent authority for those premises for purposes corresponding to a designation under these Regulations, are deemed to be designated for the purposes of these Regulations.

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

### **Licences, notices, designations and declarations**

3.—(1) A licence granted under these Regulations—

- (a) must be in writing;
- (b) may be either a general licence or a specific licence;
- (c) may, in addition to any conditions required by these Regulations, be made subject to such conditions as the Department considers necessary to control avian influenza; and
- (d) may be amended, suspended or revoked, in writing, at any time.

(2) The Department must not grant a movement licence under regulations 10, 11, 12 or 15 unless it has taken account of the relevant risk assessment.

(3) In paragraph (2), “the relevant risk assessment” means the Department’s assessment of the risk that the particular movement or a movement of that type would spread avian influenza.

(4) A notice served under these Regulations—

- (a) must be in writing;
- (b) may be subject to conditions and may be amended, suspended or revoked, by a further notice, at any time;
- (c) must specify whether it applies to all or to part of the premises to which it relates; and
- (d) must, if it applies to part of a premises, specify to which part it applies.

(5) The Department may, for the purposes of these Regulations designate any premises or part of any premises and such a designation—

- (a) must be in writing;
- (b) must if it applies to only part of the premises, specify to which part it applies;
- (c) may be made subject to such conditions as the Department considers necessary to control avian influenza; and
- (d) may be amended, suspended or revoked in writing at any time.

(6) A declaration of a zone—

- (a) must be in writing;
- (b) must specify the date on which it shall come into operation;

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

- (c) may be amended by a further declaration at any time;
- (d) must designate the extent of the zone being declared;
- (e) must list or refer to the measures which apply in such a zone and if they apply in only part of the zone, state in which part they apply; and
- (f) may be withdrawn by a further declaration.

(7) Unless the Department directs otherwise by notice served on the occupier of the premises, the following premises are deemed to be designated—

- (a) premises designated or deemed to be designated under regulation 71 of the Avian Influenza Regulations;
- (b) the following plants, if approved under regulation 14 of the Animal By-Products Regulations (Northern Ireland) 2003<sup>(a)</sup>—
  - (i) incineration plants,
  - (ii) processing plants,
  - (iii) oleochemical plants,
  - (iv) biogas plants,
  - (v) composting plants,
  - (vi) petfood plants,
  - (vii) technical plants.

(8) Premises in England, Scotland or Wales designated respectively by the English Ministers, Scottish Ministers or the National Assembly for the same purposes as they may be designated under these Regulations are deemed to be designated by the Department for the purposes of these Regulations.

(9) A specific licence shall apply to the applicant therefor.

(10) A person moving anything under the authority of a specific licence must—

- (a) keep the licence or a copy of it with him at all times during the movement so authorised;
- (b) on demand made by an inspector, produce the licence or copy and allow a copy or extract to be taken; and
- (c) on such demand, provide his name and address.

(11) A general licence shall apply to all persons or movements, or any class of persons or movements specified therein.

(12) A person moving anything under the authority of a general licence must—

- (a) keep with him, at all times during the movement so authorised, a consignment note that contains details of—
  - (i) what is moved including its quantity,
  - (ii) the date of the movement,
  - (iii) the name of the consignor,
  - (iv) the address of the premises from which the movement started,
  - (v) the name of the consignee, and
  - (vi) the address of the premises of destination;
- (b) on demand by an inspector produce the consignment note and allow a copy or extract to be taken; and
- (c) on such demand, provide his name and address.

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<sup>(a)</sup> S.R. 2003 No. 495 as amended by S.R. 2006 No. 202

(13) The Department must ensure that the extent of any zone declared under these Regulations, the nature of the restrictions and requirements applicable within it and the dates of its declaration and withdrawal are publicised in such manner as the Department considers necessary.

#### **Restrictions relating to things moved from Great Britain**

4.—(1) Measures in and under these Regulations applying in respect of any thing moved from an H5N1 controlled zone apply in respect of any such thing moved from an equivalent zone in Great Britain.

(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.

#### **Areas A and B**

5.—(1) The following are an area A for the purposes of the Commission Decision—

- (a) a first zone declared in accordance with regulation 6(2);
- (b) a protection zone; and
- (c) a surveillance zone.

(2) The following are an area B for the purposes of the Commission Decision—

- (a) a second zone declared in accordance with regulation 6(2); and
- (b) a restricted zone.

#### **Establishment of zones on suspicion of avian influenza of subtype H5N1 in poultry**

6.—(1) This regulation applies if the Department is of the opinion that—

- (a) highly pathogenic avian influenza virus of the H5 subtype is present in poultry or in a poultry carcass in Northern Ireland; and
- (b) the neuraminidase virus type is N1.

(2) The Department must declare two zones under regulation 13 of the Avian Influenza Regulations if the poultry or carcass in which highly pathogenic avian influenza of subtype H5N1 is suspected was found—

- (a) in Northern Ireland; or
- (b) in such area of the Republic of Ireland as the Department considers represents a risk of the disease spreading to Northern Ireland.

(3) The zones referred to in paragraph (2) are—

- (a) a temporary movement restriction zone and a temporary control zone;
- (b) two temporary movement restriction zones; or
- (c) two temporary control zones.

(4) In a declaration made in accordance with paragraph (2), the Department must specify which of the two zones declared is the first zone and which the second zone.

(5) Premises which are partly in a first zone declared in accordance with paragraph (2) and partly in a second zone so declared are deemed to be wholly in the first zone.

(6) Nothing in paragraph (2) shall deem any part of a premises outside Northern Ireland to be within a zone.

#### **Location and size of zones declared on suspicion of avian influenza of subtype H5N1 in poultry**

7.—(1) One of the zones declared in accordance with regulation 6(2) (“the first zone”) must—

- (a) be centred on the outbreak point; and

(b) have a boundary which is at least 10 kilometres from the outbreak point.

(2) The other zone declared in accordance with regulation 6(2) (“the second zone”) must be in such location and of such size as the Department considers necessary to minimise the risk of the spread of avian influenza.

(3) The Department must consider the following when deciding the extent of the first zone and the second zone—

- (a) the results of veterinary inquiries;
- (b) the geographical features of the area around the premises;
- (c) the location and proximity of other premises containing poultry in the area;
- (d) patterns of movement and trade in poultry and other captive birds in the area; and
- (e) the facilities and personnel available to control movements within the zone (including any movement of poultry or other captive birds off premises for slaughter and disposal).

(4) “Outbreak point” means that part of any premises where any poultry or poultry carcase referred to in regulation 6(1) has been found which the Department deems to be the centre of the suspected outbreak.

(5) If a zone declared in accordance with paragraphs (1) or (2) would if these Regulations applied include land in the Republic of Ireland, the Department must collaborate to establish with the competent authority there a zone of the appropriate location and size.

#### **Establishment of a restricted zone on confirmation of avian influenza of subtype H5N1 in poultry**

8.—(1) This regulation applies if the Department confirms that—

- (a) highly pathogenic avian influenza virus of the H5 subtype is present in poultry or in a poultry carcase in Northern Ireland; and
- (b) the neuraminidase virus type is N1.

(2) The Department must declare a restricted zone under regulation 28(5) of the Avian Influenza Regulations if the poultry or carcase in which highly pathogenic avian influenza of subtype H5N1 is confirmed was found—

- (a) in Northern Ireland; or
- (b) in such area of the Republic of Ireland as the Department considers represents a risk of the disease spreading to Northern Ireland.

#### **Ending of restrictions**

9. If the Department confirms that the neuraminidase virus type is not N1 it must—

- (a) by declaration, end all movement restriction zones and temporary control zones established; and
- (b) end all restrictions in relation to the areas,

imposed under these Regulations.

#### **Restrictions on the movement of poultry and other captive birds**

10.—(1) A person shall not move any poultry or other captive bird from a restricted zone to an unrestricted area, other member State or third country except under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) Paragraph (1) does not apply to the movement of—

- (a) a bird, other than poultry, reared or kept in captivity as a pet; or
- (b) any other captive bird to an approved body.

(3) The Department may licence the following movements—

- (a) poultry directly to a designated slaughterhouse;
  - (b) poultry directly to any premises in an unrestricted area, if the Department is satisfied that they will be kept there for 21 days from their date of arrival;
  - (c) poultry to a designated premises in Great Britain, another member State or to a third country, if—
    - (i) there is agreement between the Department and the competent authority,
    - (ii) no other poultry are kept on the designated premises,
    - (iii) the premises are kept under official control, and
    - (iv) the poultry remain for 21 days from their date of arrival;
  - (d) day-old chicks to any premises in an unrestricted area;
  - (e) other captive birds to any premises in an unrestricted area.
- (4) The Department must ensure that veterinary surveillance is carried out at any premises to which day-old chicks are moved under paragraph (3)(d) for such period as it considers necessary.
- (5) Paragraph (4) does not apply if the day-old chicks so moved were hatched—
- (a) from eggs, situated on day of collection in Area B, from a designated hatchery in a restricted zone where the Department is satisfied that poultry have tested negative in a serological survey for avian influenza capable of detecting 5% prevalence of disease with at least a 95% level of confidence; or
  - (b) from eggs—
    - (i) from premises which, on the date the eggs were collected, were in an unrestricted area, and
    - (ii) which were transported from those premises in new disposable packaging or in disinfected packaging.
- (6) The occupier of premises to which poultry are moved under paragraph (3)(b) must ensure that no poultry are moved off the premises for at least 21 days from the date the poultry so moved arrived there.
- (7) Vehicles used to transport poultry and day-old chicks in paragraph (3) must be cleansed and disinfected immediately before and after use.
- (8) In this regulation—
- (a) “day-old chicks” means—
    - (i) poultry less than 72 hours old which have not yet fed, or
    - (ii) muscovy ducks (*Cairina moschata*) and their crosses which are less than 72 hours old, whether or not fed;
 and
  - (b) “slaughterhouse” means premises used for slaughtering poultry, the meat of which is intended for human consumption.

### **Restrictions on the movement of hatching eggs**

**11.—**(1) A person shall not move hatching eggs from a restricted zone to an unrestricted area, in an other member State or third country except under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) Paragraph (1) does not apply to a movement to an approved body.

(3) The Department may licence the movement of hatching eggs from any premises which, on the day of collection, are in a restricted zone, to—

- (a) a designated hatchery;
- (b) an undesignated hatchery in the United Kingdom, if the premises where the eggs were collected contain poultry which the Department is satisfied have tested negative in a



serological survey for avian influenza capable of detecting 5% prevalence of disease with at least a 95% level of confidence;

- (c) a hatchery in another member State or in a third country, if the movement is authorised by the competent authority of that member State or third country;
- (d) designated premises for use for scientific, diagnostic or pharmaceutical purposes;
- (e) premises for use for scientific, diagnostic or pharmaceutical purposes in another member State or in a third country, if the movement is authorised by the competent authority of that member State or third country; or
- (f) premises for disposal.

(4) The Department may also licence the movement of SPF-eggs to the premises referred to in paragraph (3)(d) and (e).

(5) The occupier of an undesignated hatchery to which hatching eggs are moved in accordance with paragraph (3)(b) must—

- (a) keep the eggs separate from eggs from premises which, on the day of collection, were not in a restricted zone;
- (b) ensure that trolleys and packaging trays used to move the eggs are cleansed and disinfected before they leave the hatchery or before they are reused there;
- (c) be able to trace the premises from which the hatching eggs were dispatched; and
- (d) keep a record of the cleansing and disinfection carried out.

(6) A person moving hatching eggs under paragraph (2) or (3) must ensure that they are kept separate from eggs from outside the restricted zone.

(7) Hatching eggs which come into contact with hatching eggs from within a restricted zone are subject to the provisions in paragraphs (1) to (5) applying to such eggs.

(8) In this regulation—

- (a) “hatching egg” means an egg for incubation; and
- (b) “SPF-egg” means a hatching egg for use for diagnostic procedures in laboratories, for the production and testing of vaccines or for research or pharmaceutical purposes.

### **Restrictions on the movement of wild game bird products**

**12.**—(1) Subject to paragraph (2), a person shall not move any wild game bird product intended for human consumption from a protection, surveillance or restricted zone to an unrestricted area, in another member State or third country.

(2) The Department may licence the following movements—

- (a) meat products, from wild game birds originating in a protection, surveillance or restricted zone, which have been heated to a minimum temperature of 70°C throughout;
- (b) fresh meat, from wild game birds originating outside the protection, surveillance and restricted zones, which has been—
  - (i) produced in accordance with Section IV of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>(a)</sup> (“Regulation (EC) No 853/2004”), and
  - (ii) subjected to the official controls set out in Chapter VIII of Section IV of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(b)</sup>;

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(a) O.J. No. L 139, 30.4.2004, p. 55, as last amended by O.J. No. L 320, 18.11.2006, p. 1

(b) O.J. No. L 139, 30.4.2004, p. 206, as last amended by O.J. No. L 320, 18.11.2006, p. 11

- (c) processed fresh meat and products containing such meat, from wild game birds originating outside the protection, surveillance and restricted zones, produced in accordance with Sections V and VI of Annex III to Regulation (EC) No 853/2004;
- (d) fresh meat and meat products, from wild game birds originating in a protection, surveillance or restricted zone, to an unrestricted area in Northern Ireland which have been—
  - (i) marked in accordance with regulation 13, and
  - (ii) obtained, cut and stored separately from other such products.

(3) A person moving a wild game bird product referred to in paragraph (2)(d) must ensure that it does not come into contact with any other such product.

(4) Any wild game bird product which comes into contact with a wild game bird product moved under paragraph (2)(d) is subject to the measures applicable to such products under paragraphs (2)(d) and (3).

(5) In this regulation—

- (a) “processed fresh meat” means any of the following—
  - (i) minced meat, being boned meat which has been minced into fragments and contains less than 1% salt,
  - (ii) 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,
  - (iii) mechanically separated meat, being the product obtained by removing meat from flesh-bearing bones after boning, using means resulting in the loss or modification of the muscle fibre structure;
- (b) “wild game bird product” means any wild game bird carcass, 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.

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

13.—(1) Fresh meat and meat products referred to in regulation 12(2)(d) must be marked—

- (a) with the mark set out in the Schedule; or
- (b) with the national mark described in paragraph (2) if the meat or products was produced in premises in accordance with Article 4 of Regulation (EC) No 2076/2005(a).

(2) The national mark referred to in paragraph (1)(b) must—

- (a) be square;
- (b) be clear and visible; and
- (c) contain, in legible form, the following—
  - (i) on the upper part, the letters “UK”,
  - (ii) in the centre, the approval number of the premises where the meat or product was produced,
  - (iii) on the lower part, the letter “N”.

(3) Any person other than the final consumer of meat or of a meat product, marked in accordance with this regulation, may not deface, obliterate or remove that mark, unless authorised by the Department.

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(a) O.J. No. L 338, 22.12.2005, p. 83, as last amended by O.J. No. L 320, 18.11.2006, p. 47

## **Duties on the occupier of premises to which the carcasses of wild game birds are sent**

14. The occupier of premises to which the carcass of any wild game bird from a protection, surveillance or restricted zone is sent must ensure that meat from that bird is obtained, cut, transported and stored separately from other meat.

## **Restrictions on the movement of bird by-products**

15.—(1) Subject to paragraph (2), a person shall not move any bird by-product derived wholly or partially from any bird in a protection, surveillance or restricted zone—

- (a) from a protection or surveillance zone to a restricted zone;
- (b) from a restricted zone to a protection or surveillance zone;
- (c) to an unrestricted area;
- (d) to another member State; or
- (e) to a third country.

(2) The Department may licence the movement of any of the following bird by-products—

- (a) processed animal protein, within the meaning of paragraph 42 of Annex I to Regulation (EC) No. 1774/2002, which complies with the requirements in Part A of Chapter II of Annex VII to that Regulation and with paragraph (3) below;
- (b) blood products, within the meaning of paragraph 4 of Annex I to Regulation (EC) No. 1774/2002, which comply with the requirements in Part B of Chapter III of Annex VII to that Regulation and with paragraph (3) below;
- (c) rendered fats, within the meaning of paragraph 50 of Annex I to Regulation (EC) No. 1774/2002, which comply with the requirements in Part A of Chapter IV of Annex VII to that Regulation and with paragraph (3) below;
- (d) gelatine, within the meaning of paragraph 26 of Annex I to Regulation (EC) No. 1774/2002, which complies with the requirements in Part A of Chapter VI of Annex VII to that Regulation and with paragraph (3) below;
- (e) hydrolysed protein, within the meaning of paragraph 31 of Annex I to Regulation (EC) No. 1774/2002, which complies with the requirements in Part B of Chapter VI of Annex VII to that Regulation and with paragraph (3) below;
- (f) dicalcium phosphate, within the meaning of Part A of Chapter VII of Annex VII to Regulation (EC) No. 1774/2002, which complies with the requirements of that Part and with paragraph (3) below;
- (g) tricalcium phosphate, within the meaning of Part A of Chapter VIII of Annex VII to Regulation (EC) No. 1774/2002, which complies with the requirements of that Part and with paragraph (3) below;
- (h) collagen, within the meaning of paragraph 59 of Annex I to Regulation (EC) No. 1774/2002, which complies with the requirements in Part A of Chapter IX of Annex VII to that Regulation and with paragraph (3) below;
- (i) egg products, within the meaning of Part A of Chapter X of Annex VII to Regulation (EC) No. 1774/2002, which comply with that Part and with paragraph (3) below;
- (j) processed petfood, within the meaning of paragraph 43 of Annex I to Regulation (EC) No. 1774/2002, which complies with the requirements in Part B of Chapter II of Annex VIII to that Regulation;
- (k) dogchews, within the meaning of paragraph 22 of Annex I to Regulation (EC) No. 1774/2002, which comply with the requirements in Part B of Chapter II of Annex VIII to that Regulation;
- (l) processed manure and processed manure products, within the meaning of Part A of Chapter III(II) of Annex VIII to Regulation (EC) No. 1774/2002, which comply with the requirements for placing on the market in that Part;

- (m) by-products to a designated incineration plant, processing plant, oleochemical plant, biogas and composting plant, petfood plant or technical plant; for disposal, treatment, transformation or use;
- (n) by-products to users or collection centres authorised and registered in accordance with Article 23(2) of Regulation (EC) No. 1774/2002 for the feeding of animals after the by-products have been treated in accordance with paragraph 5(a)(ii) of Annex IX to that Regulation or by another treatment which ensures that no virus causing avian influenza remains;
- (o) game trophies of birds having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures;
- (p) poultry feathers or parts of poultry feathers which have been treated with a steam current, or by another method which ensures that no virus causing avian influenza remains; and
- (q) untreated feathers or parts of untreated feathers produced from poultry or wild game birds from a restricted zone which comply with the requirements of point 1(a) of Part A of Chapter VIII of Annex VIII to Regulation (EC) No. 1774/2002.

(3) A person shall not move any bird by-product referred to in paragraph (2)(a) to (i) unless it has been processed at a processing plant in accordance with Annex V to Regulation (EC) No. 1774/2002.

(4) By-products from poultry, referred to in paragraphs (2)(p) and (q), must be accompanied by a commercial document in accordance with Chapter X of Annex II to Regulation (EC) No. 1774/2002.

(5) Point 6.1 of the commercial document accompanying by-products referred to in paragraph (2)(p) must state that they have been treated with a steam current or with another method to ensure that no virus causing avian influenza remains.

(6) Paragraph (4) does not apply to—

- (a) processed decorative feathers;
- (b) processed feathers carried by travellers for their private use; or
- (c) consignments of processed feathers sent to private individuals for non-industrial purposes.

### **Ban on bird gatherings**

**16.—**(1) A person shall not arrange any fair, market, show, exhibition or other gathering involving the collecting together of poultry or other captive birds in a restricted zone.

(2) A person shall not bring any poultry or other captive bird to such a gathering in such a zone.

### **Cleansing and disinfection**

**17.—**(1) Any person who is required to carry out disinfection at any premises or of any thing must—

- (a) use disinfectants approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972<sup>(a)</sup> (“the Disinfectants Order”) for Avian Influenza;
- (b) use them at the concentrations approved under the Disinfectants Order; and
- (c) use them—
  - (i) in accordance with the manufacturer’s instructions (if any), or
  - (ii) if an inspector has instructed otherwise, in accordance with those instructions.

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(a) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69, S.R. 1995 No. 467 and S.R. 2006 No. 42

(2) Where cleansing and disinfection of vehicles is required in pursuance of these Regulations at any premises, the occupier of those premises must provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

### **Record keeping**

**18.**—(1) A person moving poultry, other captive birds or their products under a licence granted under these Regulations must—

- (a) within 24 hours after the movement, make a record of—
  - (i) what is moved, including its quantity,
  - (ii) the date of the movement,
  - (iii) the name of the consignor,
  - (iv) the address of the premises from which the movement started,
  - (v) the registration number of any vehicle used,
  - (vi) the name of the consignee,
  - (vii) the address of the destination; and
- (b) retain it for at least six weeks from the date the movement was completed.

(2) A person who is required to make any other record must retain it for at least twelve months from the date the record is made.

(3) A person required to produce a record must do so without delay.

(4) On production of the record, an inspector may—

- (a) copy the record, in whatever form it is held;
- (b) require any computer record 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 these Regulations.

### **Change of occupation of premises under restriction**

**19.**—(1) This regulation 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 under these Regulations 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 is liable to pay the reasonable costs incurred under this regulation by any person feeding or tending it, or providing facilities for feeding, tending or otherwise using it.

### **Powers of inspectors**

**20.**—(1) An inspector may mark any bird or other thing for identification purposes.

(2) An inspector may require—

- (a) the person in charge of any vehicle or equipment to cleanse and disinfect it, by serving a notice on him; and

- (b) the detention and isolation of any vehicle, equipment or other thing, by serving a notice on the occupier of the premises where it is kept, or on the person in charge of it.
- (3) An inspector may cleanse and disinfect any premises.
- (4) An inspector may require—
  - (a) the cleansing and disinfection of any thing, by serving a notice on the occupier of the premises where it is kept, or on the person in charge of it;
  - (b) the cleansing and disinfection of any premises, by serving a notice on the occupier of the premises;
  - (c) the detention or isolation in a specified place of any animal or bird, by serving a notice on the occupier of the premises where it is kept, or on its keeper;
  - (d) the separation of any animal or bird from any other animal or bird, by serving a notice on the occupier of the premises where it is kept, or on its keeper.

#### **Powers of inspectors in case of default**

21.—(1) If any person fails to comply with a requirement under these Regulations, an inspector may take such steps he considers necessary to ensure the requirement is met, at the expense of that person.

- (2) An inspector's powers under paragraph (1) include powers—
  - (a) to require, by notice, any person to take or refrain from specified action in respect of any place, animal, bird, vehicle, or other thing; and
  - (b) to seize and detain any thing.

#### **Duty to provide reasonable assistance**

22.—(1) The occupier of any premises from or to which he wishes any thing to be moved under licence under these Regulations must allow an inspector to enter those premises for the purposes of deciding whether or not such a licence should be granted or maintained.

(2) The occupier must give all reasonable assistance to an inspector who visits the premises to examine the birds and to take samples.

#### **General duties relating to execution of these Regulations**

23.—(1) Any person required to give assistance or information to a person executing these Regulations must, unless he has reasonable cause, do so without delay.

(2) A person shall not deface, obscure or remove any mark applied by an inspector under regulation 20(1).

(3) A person shall not provide information which he knows to be false or misleading to a person executing these Regulations.

(4) The costs incurred by any person in taking action required, or in refraining from taking action prohibited, under these Regulations must be met by that person unless the Department directs otherwise in writing.

(5) A person to whom a requirement in or imposed by virtue of a licence, notice, designation, or declaration applies must comply with—

- (a) the requirement (unless authorised otherwise by licence); and
- (b) any request which an inspector may make to him to ensure that the requirement is met unless he has reasonable cause, must do so without delay.

#### **Enforcement, offences and proceedings**

24. The following provisions of the 1981 Order shall apply as if these Regulations were an order made under the 1981 Order—

- (a) Article 6 (seizure and destruction of carcasses, etc., liable to spread disease);
- (b) Article 42 (functions of constables);
- (c) Article 46 (general powers of inspectors);
- (d) Article 46A (powers of inspectors relating to Community obligations);
- (e) Article 48 (power to detain vessels and aircraft);
- (f) Article 52 (offences);
- (g) Article 54 (defences and evidence);
- (h) Article 55 (extension of time for bringing summary proceedings);
- (i) Article 56 (venue); and
- (j) Article 57 (proceedings under Customs Acts for unlawful landing or shipping).

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 23<sup>rd</sup>  
March 2007.



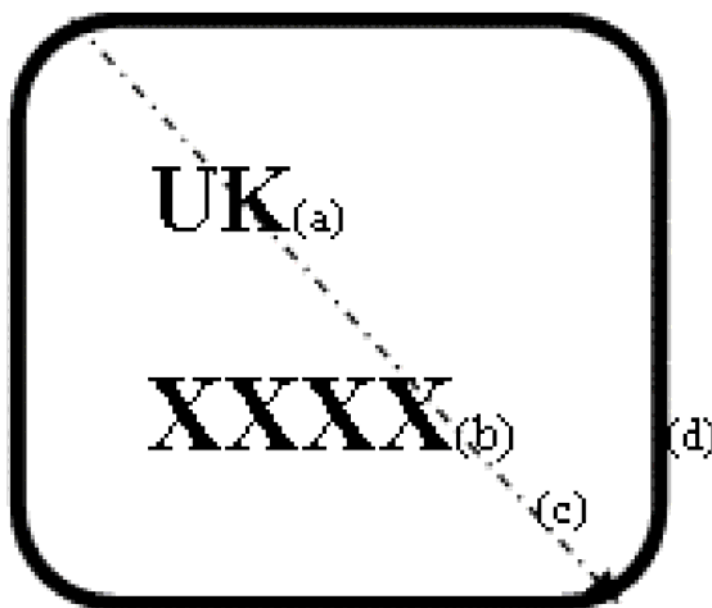
*E. Redmond*  
A senior officer of the Department of Agriculture and Rural Development

## SCHEDULE

Regulation 13(1)(a)

### MARKING OF MEAT AND MEAT PRODUCTS FROM WILD GAME BIRDS ORIGINATING IN A PROTECTION, SURVEILLANCE OR RESTRICTED ZONE

1. The mark referred to in regulation 13(1)(a) must be—
  - (a) the shape set out in paragraph 2;
  - (b) of the dimensions referred to in paragraph 2 or of proportionate dimensions; and
  - (c) legible to the naked eye.
2. The mark must be of the following shape and size—



- (a) UK – letters 8 mm high;
- (b) XXXX (where XXXX is the approval number of the premises, as referred to in point 7 of Part B of Section I of Annex II to Regulation (EC) No 853/2004) – numbers 11 mm high;
- (c) diameter (to outer edge of border) - not less than 30 mm;
- (d) thickness of border - 3 mm.



## EXPLANATORY NOTE

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

These Regulations transpose—

- (a) Commission Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC (OJ No. L 164, 16.6.2006, p. 51) (“the Commission Decision”), as amended by Commission Decision 2007/83/EC and as also amended by the Commission Decision 2007/119/EC amending Decisions 2006/415/EC, 2006/416/EC and 2006/563/EC as regards the identification mark to be applied to fresh poultry meat; and
- (b) Commission Decision 2007/118/EC laying down detailed rules in relation to an alternative identification mark pursuant to Directive 2002/99/EC.

The Regulations supplement the general measures to control avian influenza set out in the Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007 (S.R. 2007 No. 68) (“the main Regulations”). Measures to control highly pathogenic avian influenza of subtype H5N1 in wild birds are set out in the Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007 No. 208.

Regulation 5 specifies which zones declared under the main Regulations are zones A and B for the purposes of the Commission Decision.

Regulation 6 requires the Department to declare temporary control zones or temporary movement restriction zones under the main Regulations if highly pathogenic avian influenza of subtype H5N1 is suspected in poultry. Regulation 7 relates to the location and size of such zones. Regulation 8 requires the Department to declare a restricted zone under the main Regulations on confirmation of highly pathogenic avian influenza of subtype H5N1 in poultry.

The general measures which may be imposed on suspicion and confirmation of highly pathogenic avian influenza are set out in the main Regulations. Additional measures in regulations 10 to 15 of these Regulations restrict movements of the following:

- (a) poultry and other captive birds from restricted zones (regulation 10);
- (b) hatching eggs from restricted zones (regulation 11);
- (c) wild game bird products from protection, surveillance and restricted zones (regulations 12 to 14);
- (d) by-products from any bird in a protection, surveillance or restricted zone (regulation 15).

Regulation 16 bans bird gatherings in restricted zones. Regulation 17 relates to cleansing and disinfection.

Regulation 18 requires the completion of movement records. Regulation 19 provides for the feeding and tending of animals or poultry which cannot be moved on termination of a right of occupation because of a restriction imposed by the Regulations.

Regulations 20 and 21 set out powers of inspectors. Regulations 22 to 24 contain measures relating to enforcement of the Regulations.

The Schedule sets out the mark to be applied to meat and meat products from wild game birds from protection, surveillance and restricted zones.

A breach of these Regulations is an offence under Article 52 of the Diseases of Animals (Northern Ireland) Order 1981.

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Stationery Office Limited  
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Tullo, Controller of  
Her Majesty's Stationery  
Office being the Government  
Printer for Northern Ireland and  
the Officer appointed to print the  
Acts of the Northern Ireland Assembly

Dd. N3203. C2. 4/07. Gp. 130. 14567.

**£3.50**