
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 69

**The Avian Influenza (Vaccination)
Regulations (Northern Ireland) 2007**

Citation and commencement

1. These Regulations may be cited as the Avian Influenza (Vaccination) Regulations (Northern Ireland) 2007 and come into operation on 10th February 2007.

Commencement Information

II Reg. 1 in operation at 10.2.2007, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

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

“the Directive” means Council Directive [2005/94/EC](#) on Community measures for the control of avian influenza and repealing Directive [92/40/EEC](#)(1);

“disinfect” means disinfect with a disinfectant approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(2) for the purposes of avian influenza;

“emergency vaccination notice” has the meaning given by regulation [6\(1\)\(b\)](#);

“emergency vaccination plan” has the same meaning as it has in Article 53 of the Directive;

“emergency vaccination zone” has the meaning given by regulation [6\(1\)\(a\)](#);

“general licence” means a licence granted under these Regulations, which applies to all persons or any class of persons specified therein;

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

“the 1981 Order” means the Diseases of Animals (Northern Ireland) Order 1981(3);

“premises” includes any land, building or place;

“preventive vaccination notice” has the meaning given by regulation [7\(1\)\(b\)\(ii\)](#);

“preventive vaccination plan” has the same meaning as it has in Article 56 of the Directive;

“preventive vaccination zone” has the meaning given by regulation [7\(1\)\(b\)\(i\)](#);

“slaughterhouse” means an establishment used for slaughtering poultry, the meat of which is intended for human consumption;

(1) O.J. No. L 10, 14.1.2006, p. 16

(2) 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

(3) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17 and S.I. 1994/1891 (N.I. 6) Articles 19 to 22

“specific licence” means a licence granted under these Regulations, which only applies to the applicant therefor;

“vaccination licence” has the meaning given by regulation 7(1)(a);

“vaccination notice” means either an emergency vaccination notice or a preventive vaccination notice;

“vaccination plan” means either an emergency vaccination plan or a preventive vaccination plan;

“vaccination zone” means either an emergency vaccination zone or a preventive vaccination zone.

(2) Expressions that are not defined in these Regulations and occur in the Directive have the same meaning in these Regulations as they have for the purposes of the Directive.

(3) The Interpretation Act (Northern Ireland) 1954(4) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Commencement Information

I2 Reg. 2 in operation at 10.2.2007, see [reg. 1](#)

Scope of the Regulations

3. These Regulations do not apply to birds kept in a zoo within the meaning of the Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007(5).

Commencement Information

I3 Reg. 3 in operation at 10.2.2007, see [reg. 1](#)

Declarations, notices and licences

4.—(1) A declaration of a vaccination zone—

- (a) must be in writing;
- (b) must state the date on which it shall come into operation and must remain in operation until withdrawn by a further declaration made by the Department;
- (c) may be subject to conditions and may be amended or withdrawn, 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 that apply in the zone and if they apply only in part of the zone, specify to which part they apply; and
- (f) must state to which categories of birds the measures apply.

(2) A notice served under these Regulations—

- (a) must be in writing; and
- (b) may be subject to conditions and may be amended, suspended or revoked, by a further notice, at any time.

(4) 1954 c. 33 (N.I.)

(5) S.R. 2007 No. 70

- (3) A vaccination notice served under these Regulations—
- (a) must list or refer to the measures that apply on the premises and, if they apply only on part of the premises, specify to which part they apply; and
 - (b) must state to which categories of birds the measures apply.
- (4) A licence granted under these Regulations—
- (a) must be in writing;
 - (b) may be either a general licence or a specific licence;
 - (c) may be subject to such conditions as the Department considers necessary to reduce the risk of the spread of avian influenza;
 - (d) may be amended, suspended or revoked at any time—
 - (i) in the case of a general licence, by a notice published so far as is practicable, in the same manner and to the same extent as the licence,
 - (ii) in the case of a specific licence, by a notice served on the person to whom the licence was granted; and
 - (e) must specify, in the case of a vaccination licence, the matters set out in paragraph (3).
- (5) The Department shall ensure that the extent of any vaccination zone declared, the nature of the restrictions and requirements applicable within it and the dates of its declaration and withdrawal are publicised.
- (6) A person moving any thing under the authority of a specific licence must—
- (a) keep the licence or a copy of it with him at all times during the licenced movement;
 - (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.
- (7) A person moving any thing under the authority of a general licence must—
- (a) keep with him, at all times during the licenced movement, 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 made 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.

Commencement Information

14 Reg. 4 in operation at 10.2.2007, see [reg. 1](#)

Prohibition on vaccination

5.—(1) A person must not vaccinate any bird against avian influenza except where required by an inspector or under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) The prohibition in paragraph (1) does not apply to—

- (a) anything done under the authority of a licence granted under Article 4 of the Specified Animal Pathogens Order (Northern Ireland) 1999⁽⁶⁾; or
- (b) the administration of a vaccine for research purposes in accordance with an animal test certificate granted under regulation 8(2) of The Veterinary Medicines Regulations 2006⁽⁷⁾.

Commencement Information

I5 Reg. 5 in operation at 10.2.2007, see [reg. 1](#)

Emergency vaccination

6.—(1) Where the condition in paragraph (2) is fulfilled, the Department must, if it considers it necessary to reduce the risk of the spread of avian influenza—

- (a) declare a zone, in all or any part of Northern Ireland where there are poultry or other captive birds, within which emergency vaccination against avian influenza is required to be carried out (an “emergency vaccination zone”); or
- (b) serve a notice on the occupier of any premises, where there are poultry or other captive birds, on which emergency vaccination against avian influenza is required to be carried out (an “emergency vaccination notice”).

(2) The condition is that the Department has carried out a risk assessment which indicates that there is a significant and immediate threat of avian influenza spreading within or into Northern Ireland following—

- (a) an outbreak of avian influenza within the United Kingdom;
- (b) an outbreak of avian influenza within a nearby member State; or
- (c) confirmation of the presence of avian influenza in poultry or other captive birds in a nearby third country.

(3) Where an emergency vaccination zone is declared, or an emergency vaccination notice is served, after an emergency vaccination plan has been submitted to and approved by the European Commission in accordance with Articles 53 and 54 of the Directive, the declaration or service of the notice must be in accordance with the provisions of that plan.

(4) Any premises that are partly inside and partly outside an emergency vaccination zone are deemed to be wholly within it.

(5) Nothing in paragraph (1)(a) should deem any part of a premises outside Northern Ireland to be within an emergency vaccination zone.

Commencement Information

I6 Reg. 6 in operation at 10.2.2007, see [reg. 1](#)

⁽⁶⁾ S.R. 1999 No. 434

⁽⁷⁾ S.I. 2006/2407

Preventive vaccination

7.—(1) Where the conditions in paragraph (2) are fulfilled, the Department may, in accordance with the preventive vaccination plan referred to in paragraph (2)(b)—

- (a) grant a licence to the occupier of any premises to vaccinate poultry, other captive birds or any category of poultry or other captive birds on those premises (a “vaccination licence”);
- (b) if it considers it necessary to reduce the risk of the spread of avian influenza—
 - (i) declare a zone in all or any part of Northern Ireland where there are poultry or other captive birds, within which preventive vaccination against avian influenza is required to be carried out (a “preventive vaccination zone”), or
 - (ii) serve a notice on the occupier of any premises, where there are poultry or other captive birds, on which preventive vaccination against avian influenza is required to be carried out (a “preventive vaccination notice”).

(2) The conditions are—

- (a) a risk assessment has been carried out by the Department that indicates that any poultry or other captive birds in any part of Northern Ireland are exposed to a risk of avian influenza; and
- (b) a preventive vaccination plan has been submitted to and approved by the European Commission in accordance with Articles 56 and 57 of the Directive.

(3) Any premises that are partly inside and partly outside a preventive vaccination zone are deemed to be wholly within it.

(4) Nothing in paragraph (1)(b)(i) should deem any part of a premises outside Northern Ireland to be within a preventive vaccination zone.

Commencement Information

I7 Reg. 7 in operation at 10.2.2007, see [reg. 1](#)

Declaration of a vaccination zone in the Republic of Ireland

8.—(1) This regulation applies where a programme of vaccination is to be undertaken in the Republic of Ireland.

(2) Where this regulation applies the Department may declare an emergency or preventive vaccination zone in Northern Ireland, or any part of it, of such size as it thinks fit to prevent the spread of disease.

(3) A declaration under this regulation must specify the extent of the emergency or preventive vaccination zone.

Commencement Information

I8 Reg. 8 in operation at 10.2.2007, see [reg. 1](#)

Measures applying in a vaccination zone or to premises that are the subject of a vaccination notice or vaccination licence

9.—(1) The Department must, in a declaration of a vaccination zone, a vaccination notice or a vaccination licence, specify who is to carry out the vaccination and that person shall do so in accordance with these Regulations.

(2) In a declaration of a vaccination zone, a vaccination notice or a vaccination licence, the Department may, in accordance with any relevant approved vaccination plan, impose any measures within the vaccination zone or premises which are the subject of a vaccination notice or a vaccination licence, necessary to—

- (a) control the type and quantity of vaccine to be used;
- (b) control the supply and storage of the vaccine and the disposal of any unused vaccine;
- (c) control the administration of the vaccine;
- (d) ensure the keeping of records;
- (e) ensure that the necessary samples from birds are taken;
- (f) ensure that vaccinated birds are identified;
- (g) ensure that notification is given to the Department when vaccination has been completed;
- (h) control the movement of any poultry, other captive birds or their products from one premises within a zone to another within a zone, into or out of the zone or into or out of premises which are the subject of the notice or licence;
- (i) control the release of poultry or other captive birds into the wild;
- (j) ensure adequate biosecurity when any poultry, other captive birds or their products are transported;
- (k) ensure surveillance of poultry or other captive birds within the zone or the premises that are the subject of the notice or licence,

and may impose such other restrictions and conditions as it considers necessary to reduce the risk of the spread of avian influenza.

(3) In paragraph (2) “products” of poultry or other captive birds means any carcase, egg or any other thing originating or made (whether in whole or in part) from poultry or other captive birds or from the carcasses of such birds.

(4) Paragraphs (1) to (3) apply notwithstanding any other requirement or restriction applying in any part of a zone or premises because that part of the zone or premises falls within another zone declared by the Department or is the subject of another notice served by the Department, for the purposes of reducing the risk of the spread of avian influenza or for any other purpose.

(5) Any person moving poultry or other captive birds under this regulation or regulation 10 must keep a record of the date of the movement and the registration of any vehicle used.

(6) A slaughterhouse, egg packing centre or hatchery that is designated under The Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007(8) is deemed to be designated for the purpose of receiving poultry or eggs (as the case may be) that are moved under the authority of and in accordance with the conditions of a licence.

Commencement Information

19 Reg. 9 in operation at 10.2.2007, see [reg. 1](#)

Emergency vaccination without an approved plan

10.—(1) This regulation applies when the Department declares an emergency vaccination zone or serves an emergency vaccination notice before an emergency vaccination plan has been approved by the European Commission in accordance with Article 54 of the Directive.

(2) A person shall not move any poultry, any other captive birds, their carcasses or any eggs from poultry or other captive birds—

- (a) from premises within the zone to other premises within the zone;
- (b) into or out of the zone; or
- (c) into or out of premises that are the subject of a notice.

(3) Paragraph (2) does not apply to—

- (a) any of the permitted movements listed in the Schedule if that movement is licenced by the Department;
- (b) the retail distribution of poultry eggs, other than hatching eggs, and movements subsequent to such distribution; or
- (c) the movement of carcasses or eggs for disposal.

(4) The occupier of premises to which day-old chicks, live poultry (except those going for slaughter) or other captive birds are moved under paragraphs 2 and 3 of Part III or Part IV of the Schedule, must ensure that those day-old chicks, poultry or other captive birds are placed in a part of the premises where there is no other poultry.

(5) The occupier of premises to which live poultry (except those going for slaughter) or other captive birds are moved under Part IV of the Schedule, must ensure that those poultry or other captive birds are vaccinated without delay if vaccination is required at those premises by a declaration or emergency vaccination notice under regulation 6(1).

(6) The occupier of a slaughterhouse to which poultry for slaughter are moved under Parts V and VI of the Schedule, must ensure that those poultry are slaughtered without delay.

Commencement Information

I10 Reg. 10 in operation at 10.2.2007, see [reg. 1](#)

Failure to vaccinate animals specified for vaccination

11. Any person who knows or suspects that a bird has not been vaccinated as required by the Department must immediately notify the Divisional Veterinary Officer of the Department for the area in which that bird is located.

Commencement Information

I11 Reg. 11 in operation at 10.2.2007, see [reg. 1](#)

Slaughter of vaccinated birds

12.—(1) The Department may slaughter or cause to be slaughtered any poultry or other captive bird which has been treated with vaccine against avian influenza.

(2) The power conferred by this regulation extends to taking any action—

- (a) which is required to enable any such bird to be slaughtered; or
- (b) (including making provision for the disposal of carcasses) which is otherwise required for the purposes of these Regulations in connection with the slaughter.

(3) Compensation shall be paid in respect of any bird slaughtered under this regulation and shall be the value of the bird immediately before it was slaughtered.

(4) For the purposes of this regulation, the Diseases of Animals (Valuation) Order (Northern Ireland) 1989(9) applies to birds slaughtered under this regulation as it applies to birds slaughtered under the 1981 Order.

Commencement Information

I12 Reg. 12 in operation at 10.2.2007, see [reg. 1](#)

Cleansing and disinfection of vehicles: provision of facilities, equipment and materials

13. Where cleansing and disinfection of vehicles is required at any premises, the occupier of those premises must provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

Commencement Information

I13 Reg. 13 in operation at 10.2.2007, see [reg. 1](#)

Change of occupation of premises under restriction

14.—(1) This regulation applies if the keeper of any poultry or other captive bird is unable to move it from premises on the termination of his right of occupation because of a movement restriction and continues to apply for seven days after any such restriction has been removed.

(2) The person entitled to occupation of the premises on termination of the keeper's right of occupation must—

- (a) provide such facilities for feeding, tending or otherwise using the poultry or other captive bird (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 or other captive bird.

(3) If the keeper is unable or unwilling to feed or tend the poultry or other captive bird, 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 by any person feeding or tending it or providing facilities for feeding, tending or otherwise using it.

Commencement Information

I14 Reg. 14 in operation at 10.2.2007, see [reg. 1](#)

Duty to provide reasonable assistance or information

15.—(1) A person required to give reasonable assistance or information to an inspector must, unless he has reasonable cause, do so without delay.

(2) A person shall not alter, deface, obscure or remove any mark applied to any bird or thing by an inspector.

Commencement Information

I15 Reg. 15 in operation at 10.2.2007, see [reg. 1](#)

False information

16. A person shall not provide information which he knows to be false or misleading to an inspector.

Commencement Information

I16 Reg. 16 in operation at 10.2.2007, see [reg. 1](#)

Retention and production of records

- 17.—**(1) A person who is required to keep a record must—
- (a) retain it for at least twelve months from the date the record is made (unless otherwise required under these Regulations) 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 and may—
- (a) copy any 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) take any records away and retain them until he has carried out his functions under these Regulations.

Commencement Information

I17 Reg. 17 in operation at 10.2.2007, see [reg. 1](#)

Costs of compliance with these Regulations

18. The costs incurred by any person in taking any action required or in refraining from taking action that is prohibited, must be met by that person unless the Department directs otherwise in writing.

Commencement Information

I18 Reg. 18 in operation at 10.2.2007, see [reg. 1](#)

Compliance with a declaration or notice

19.—(1) A person, to whom a declaration or notice applies, shall comply with the requirements or restrictions thereof.

Commencement Information

I19 Reg. 19 in operation at 10.2.2007, see [reg. 1](#)

Powers of inspectors

20.—(1) An inspector may require, by notice, the person in charge of any vehicle or equipment to cleanse and disinfect it.

(2) An inspector may—

- (a) cleanse and disinfect any part of premises or any thing on those premises;
- (b) require, by notice, the occupier of any premises to cleanse and disinfect any part of those premises or any thing on those premises;
- (c) require, by notice, the occupier of any premises or the keeper of any poultry or other captive bird—
 - (i) to keep or isolate any poultry, other captive bird or animal in a specified place;
 - (ii) to separate any poultry, other captive bird or animal from any other animal or bird.

(3) An inspector may stop, detain and inspect any vehicle to ascertain whether the provisions of these Regulations are being complied with.

(4) For the purpose of preventing the spread of avian influenza an inspector may, at any time, enter any premises for the purpose of ascertaining whether a power conferred under these Regulations to cause a bird to be vaccinated should be exercised.

(5) An inspector may at any time enter any premises for the purpose of ascertaining whether a power conferred under these Regulations to cause a bird to be slaughtered should be exercised.

(6) An inspector may—

- (a) mark, or cause to be marked, for identification purposes any bird or other thing;
- (b) count birds;
- (c) take samples from any bird or other thing;
- (d) take with him such persons and things as he considers necessary.

(7) Any person who enters premises under paragraph (6)(d) may return to them unaccompanied to take any further steps necessary to execute or enforce these Regulations.

(8) The owner or person in charge of any bird or carcase of a bird and the owner or occupier and any person employed on or in, any land, building, shed, pen or place where it is kept must provide such facilities and comply with such reasonable requirements of the officer as may be necessary to facilitate the exercise of his powers under paragraph (4).

Commencement Information

I20 Reg. 20 in operation at 10.2.2007, see [reg. 1](#)

Powers of inspectors in case of default

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

(2) The person in default shall reimburse any reasonable expenses incurred by the Department in taking such steps and any such amount is recoverable summarily.

- (3) An inspector's powers under paragraph (1) include powers to—
- (a) 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) seize and detain any thing.

Commencement Information

I21 Reg. 21 in operation at 10.2.2007, see [reg. 1](#)

Enforcement, offences and proceedings

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

- (a) Article 18 (6) (general provisions relative to slaughter and compensation);
- (b) Article 42 (functions of constables);
- (c) Article 46 (general powers of inspectors);
- (d) Article 46A (powers of inspectors relating to [^{F1}retained EU law or Protocol] obligations);
- (e) Article 54 (defences and evidence)
- (f) Article 55 (extension of time for bringing summary proceedings);
- (g) Article 56 (venue);
- (h) Article 57 (proceedings under Customs Acts for unlawful landing or shipping).

(2) Article 52 of the 1981 Order (offences) applies as if these Regulations were an order made under the 1981 Order except that any term of imprisonment on summary conviction shall not exceed three months.

Textual Amendments

F1 Words in [reg. 22\(1\)\(d\)](#) substituted (31.12.2020) by [The Agriculture, Animals and Aquaculture \(Health, Identification, Welfare, Trade etc.\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/324\)](#), [regs. 1\(3\)](#), [9](#)

Commencement Information

I22 Reg. 22 in operation at 10.2.2007, see [reg. 1](#)

Changes to legislation: There are currently no known outstanding effects for the The Avian Influenza (Vaccination) Regulations (Northern Ireland) 2007. (See end of Document for details)

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 9th February 2007.



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

Changes to legislation:

There are currently no known outstanding effects for the The Avian Influenza (Vaccination) Regulations (Northern Ireland) 2007.