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## STATUTORY INSTRUMENTS

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**2007 No. 3574**

# ANIMALS, ENGLAND

## ANIMAL HEALTH

### The Control of Salmonella in Poultry Order 2007

*Made* - - - - *18th December 2007*

*Coming into force* - - *28th January 2008*

The Secretary of State makes this Order in exercise of the powers conferred by sections 1 and 8 of the Animal Health Act 1981<sup>(1)</sup>:

## PART 1

### Introduction

#### **Title, application and commencement**

1. This Order may be cited as the Control of Salmonella in Poultry Order 2007; it applies in England and comes into force on 28th January 2008.

#### **Interpretation**

2. In this Order—

“breeding flock” means a flock kept for the production of eggs intended for incubation;

“chick” means a bird less than 72 hours old that has not been fed;

[<sup>F1</sup>“Commission Regulation (EU) No 200/2010” means Commission Regulation (EU) No 200/2010 implementing Regulation (EC) No 2160/2003 as regards a Union target for the reduction of the prevalence of *Salmonella* serotypes in adult breeding flocks of *Gallus gallus*;

“Commission Regulation (EU) No 517/2011” means Commission Regulation (EU) No 517/2011 implementing Regulation (EC) No 2160/2003 as regards a Union target for the reduction of the prevalence of certain *Salmonella* serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No 2160/2003 and Commission Regulation (EU) No 200/2010;]

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(1) 1981 c.22. Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) and were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

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“flock” means poultry of the same health status kept on the same holding or in the same enclosure and constituting a single epidemiological unit and, in the case of housed poultry, includes all birds sharing the same airspace;

“layer breeder” means poultry kept for the production of eggs intended for the incubation and hatching of chicks—

- (a) that will be grown to produce eggs for human consumption, or
- (b) whose progeny will be grown to produce eggs for human consumption;

“laying flock” means a flock of poultry kept for the production of eggs intended for human consumption;

“meat breeder” means poultry kept for the production of eggs intended for the incubation and hatching of chicks—

- (a) that will be grown to produce meat for human consumption, or
- (b) whose progeny will be grown to produce meat for human consumption;

“occupier” means, in relation to any hatchery or holding, the person in charge of the hatchery or holding;

“poultry” means birds of the species *Gallus gallus*, turkey, ducks and geese.

#### Textual Amendments

- F1** Words in [art. 2](#) inserted (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **22(2)**

#### Competent authority

3. The Secretary of State is the competent authority for the purposes of—

- [<sup>F2</sup>(a) Commission Regulation (EU) No 200/2010;
- (b) Commission Regulation (EU) No 517/2011; and
- (c) Commission Regulation [\(EC\) No 1177/2006](#) implementing Regulation [\(EC\) No 2160/2003](#) of the European Parliament and of the Council as regards requirements for the use of specific control methods in the framework of the national programmes for the control of salmonella in poultry<sup>(2)</sup>.

#### Textual Amendments

- F2** Art. 3(a)(b) substituted for art. 3(a)(b) (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **22(3)**

(2) OJ No L 212, 2.8.2006, p.3.

## PART 2

### Poultry hatcheries

#### Notification of poultry hatcheries

4.—(1) The occupier of a poultry hatchery with a total incubator capacity of 1000 eggs or more must notify the Secretary of State of the information in this article—

- (a) within three months of the coming into force of this Order; or
- (b) in the case of such a hatchery established after the date this Order comes into force, within three months of the establishment of the hatchery.

(2) The occupier must notify the Secretary of State of any change or addition to that information within three months of the change or addition.

(3) This article does not apply to any occupier who has notified the Secretary of State of that information under any other enactment.

(4) The information to be notified is—

- (a) the name, address and telephone number of the occupier;
- (b) the address and telephone number of the hatchery;
- (c) the incubator capacity of the hatchery; and
- (d) the species of poultry hatched at the hatchery.

#### Records in a hatchery incubating *Gallus gallus*

5. If a hatchery incubates eggs of the species *Gallus gallus* and has a capacity of 1000 eggs or more, when eggs or chicks are moved on to or off the hatchery the occupier must record—

- (a) the date of the movement;
- (b) the number of eggs or chicks moved;
- (c) whether the movement is on to or off the hatchery;
- (d) if the movement is off the holding, the holding of destination; and
- (e) in the case of eggs brought on to the hatchery for incubation, the holding of origin.

## PART 3

### Breeding or laying flocks

#### Notification of breeding or laying flocks

6.—(1) The occupier of a holding on which one or more breeding flocks or laying flocks of at least 250 poultry of any single species are kept must notify the Secretary of State of the information in this article—

- (a) within three months of the coming into force of this Order; or
- (b) in the case of such a holding established after the date this Order comes into force, within three months of the establishment of the holding.

(2) The occupier must notify the Secretary of State of any change or addition to that information within three months of the change or addition.

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(3) This article does not apply to any occupier who has notified the Secretary of State of that information under any other enactment.

(4) The information to be notified is—

- (a) the name, address and telephone number of the holding;
- (b) the name, address and telephone number of the occupier and of the person who owns each flock on the holding;
- (c) the number of flocks on the holding;
- (d) for each flock—
  - (i) the identification of the flock;
  - (ii) whether it is a breeding flock or a laying flock;
  - (iii) the species;
  - (iv) the number of poultry;
- (e) for each breeding flock—
  - (i) whether the flock is a flock of layer breeders or meat breeders; and
  - (ii) the status in the breeding pyramid of the flock.

#### **Breeding or laying flocks of the species *Gallus gallus***

7. The Schedule (breeding or laying flocks of the species *Gallus gallus*) has effect.

#### **Prohibition on the use of antimicrobials**

8. No person may administer any antimicrobial to any bird of the species *Gallus gallus* as a specific method to control salmonella in breach of Article 2 of Commission Regulation (EC) 1177/2006 (use of antimicrobials).

#### **Prohibition on the use of vaccines**

9. No person may administer any live salmonella vaccine to any bird of the species *Gallus gallus* in breach of Article 3(1) of Commission Regulation (EC) 1177/2006 (use of vaccines).

## **PART 4**

### **Miscellaneous**

#### **Records**

10. Any person required to keep a record under this Order must keep it for two years from the date it is made and must produce it on demand to an inspector or officer of the Secretary of State and allow a copy of it to be made or an extract from it to be taken.

#### **Tampering with samples**

11. A person must not tamper with a sample or do anything to it that is likely to affect the result of any test required to be carried out under this Order, except as provided for in this Order.

## Powers of Secretary of State in cases of default

**12.** If any person fails to take any action required by this Order, an inspector may arrange for such action to be taken at the expense of the person in default.

## Enforcement

**13.—(1)** This Order is enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or any particular case, that the Secretary of State will enforce this Order instead of the local authority.

[<sup>F3</sup>(3) Where the Secretary of State makes a direction under paragraph (2), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under section 73 of the Animal Health Act 1981 relating to this Order.]

### Textual Amendments

**F3** [Art. 13\(3\)](#) added (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **22(4)**

## Revocation

**14.** The Poultry Breeding Flocks and Hatcheries (England) Order 2007**(3)** is revoked.

*Jeff Rooker*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

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## SCHEDULE

Article 7

### Breeding or laying flocks of the species *Gallus gallus*

#### Application

1.—(1) This Schedule applies in relation to any holding on which one or more breeding flocks of the species *Gallus gallus* of at least 250 birds are kept.

(2) It applies in relation to any holding on which one or more laying flocks of the species *Gallus gallus* are kept unless all the eggs are—

- (a) for private domestic use, or
- (b) supplied in small quantities by the producer to the final consumer or to local retail shops.

(3) Any reference to an occupier is a reference to an occupier of such a holding.

(4) All references in this Schedule to birds are references to birds of the species *Gallus gallus*, and all references to flocks are to flocks of those birds.

#### Notification of arrival of breeding flocks

2.—(1) The occupier must notify the Secretary of State of the expected date of arrival at the holding of every breeding flock of at least 250 birds.

(2) The notification must be made at least two weeks before the expected date of arrival.

#### Notification of movement to laying phase of breeding flocks

3. At least two weeks before a breeding flock is expected to move to the laying phase, or to a laying unit, the occupier must notify the Secretary of State of the date that the flock is expected to—

- (a) move to the laying phase or laying unit; and
- (b) end its production cycle.

#### Breeding flocks: sampling times

4. The occupier must take samples from each breeding flock on the holding—

- (a) when the birds are chicks;
- (b) when the birds are four weeks old;
- (c) two weeks before the date the flock is moved to a laying unit or (if they are not moved) the date they are expected to come into lay; and
- (d) every second week during the laying period.

#### Laying flocks: sampling times

5. The occupier must take samples from each laying flock on the holding—

- (a) when the birds are chicks;
- (b) two weeks before the date the flock is moved to a laying unit or (if they are not moved) the date they are expected to come into lay; and
- (c) every 15 weeks during the laying period, starting when the birds are between 22 and 26 weeks old.

### Method of sampling chicks

- 6.—(1) An occupier who samples chicks under this Schedule must take—
- (a) one chick box liner or hatcher tray liner for every 500 chicks delivered from each hatchery, up to a maximum of 10 liners; and
  - (b) the carcasses of all chicks, up to a maximum of 60, delivered from each hatchery that are dead on arrival at the holding.
- (2) In this paragraph—
- “chick box liner” means any material used to line a box or other container in which chicks are transported from the hatchery to the holding; and
- “hatcher tray liner” means any material used to line a box, tray or other container in which eggs are incubated and hatched.

### Sampling of four-week-old birds etc.

- 7.—(1) An occupier must use the methods set out in this paragraph when sampling—
- (a) in the case of breeding flocks, four-week-old birds; and
  - (b) in the case of both breeding flocks and laying flocks, birds two weeks before the date they are moved to a laying unit or (if they are not moved) the date they are expected to come into lay.
- (2) The sample must consist of—
- (a) a minimum of two pairs of boot swabs; or
  - (b) a composite faeces sample.
- (3) In this paragraph, “a composite faeces sample” means a sample of faeces consisting of at least sixty samples each of which weighs not less than 1 gram and each of which is taken from a site selected at random to represent the flock from which it is taken.

### Method of sampling during the laying period

8. Samples taken during the laying period must be taken in accordance with point 2.2.2.1 of the Annex to [F4Commission Regulation (EU) No 200/2010] (in the case of breeding flocks) or point 2.2 of the Annex to [F5Commission Regulation (EU) No 517/2011] (in the case of laying flocks).

#### Textual Amendments

- F4** Words in Sch. para. 8 substituted (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **22(5)(a)(i)**
- F5** Words in Sch. para. 8 substituted (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **22(5)(a)(ii)**

### Submission of samples to an approved laboratory

- 9.—(1) The occupier must, on the day a sample is taken under these Regulations, dispatch it to a laboratory approved by the Secretary of State for the purposes of testing for the presence of salmonella.
- (2) The occupier must identify the samples and provide the following information—
- (a) the name of the occupier;
  - (b) the address of the holding;

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- (c) the type of samples;
- (d) the date on which the samples were taken;
- (e) the identification of the flock;
- (f) the age of the flock;
- (g) in the case of a breeding flock—
  - (i) whether the flock is a flock of layer breeders or meat breeders; and
  - (ii) the status in the breeding pyramid of the flock.

### **Records of samples**

- 10.**—(1) The occupier must, as soon as is reasonably practicable after taking a sample, record—
- (a) the type of sample taken;
  - (b) the date on which the sample was taken;
  - (c) the identification of the flock from which the sample was taken;
  - (d) the age of the flock sampled;
  - (e) the laboratory to which the sample was sent.
- (2) The occupier must record the result of each test when it is received from the laboratory.

### **Records of movements**

- 11.** When birds or eggs (other than eggs for human consumption) are moved on to or off a holding the occupier must record—
- (a) the date of the movement;
  - (b) whether the movement was on to or off the holding;
  - (c) the number of birds or eggs moved;
  - (d) the age of the birds moved;
  - (e) in the case of the movement of an entire flock, the identification of that flock;
  - (f) the identity of the building or group of buildings in to or from which the birds or eggs were moved;
  - (g) the address of the holding that they came from or were sent to.

### **Duties on the person in charge of a laboratory**

- 12.**—(1) The person in charge of a laboratory who receives samples must ensure that the sample is refrigerated and that the examination begins within 48 hours of receipt.
- (2) That person must prepare a sample from chick box liners or hatcher box liners by—
- (a) taking a piece of soiled liner weighing at least one gram from each liner;
  - (b) bulking together all the pieces from a consignment; and
  - (c) placing the bulked material in Buffered Peptone Water (BPW) at the rate of not more than 1 gram of liner for every 10 ml of BPW.
- (3) In the case of breeding flocks that person must—
- (a) prepare boot swab samples in accordance with point [F<sup>6</sup>3.1.3 of the Annex to Commission Regulation (EU) No 200/2010] ;
  - (b) prepare any other samples of faeces in accordance with point [F<sup>7</sup>3.1.4] of that Annex; and



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- (c) test the samples for salmonella in accordance with the method in point 3.2 of that Annex.
- (4) For laying flocks that person must—
- (a) prepare boot swab samples in accordance with point 3.1.1 of the Annex to [<sup>F8</sup>Commission Regulation (EU) No 517/2011];
- (b) prepare any other samples of faeces or dust in accordance with 3.1.2 of that Annex; and
- (c) test the samples for salmonella in accordance with the method in point 3.2 of that Annex.
- (5) That person must send the results as soon as practicable to the person who submitted the sample.

#### Textual Amendments

- F6** Words in Sch. para. 12(3)(a) substituted (24.12.2012) by The Agriculture, Animals, Environment and Food etc. (Miscellaneous Amendments) Order 2012 (S.I. 2012/2897), arts. 1(1), **22(5)(b)(i)**
- F7** Word in Sch. para. 12(3)(b) substituted (24.12.2012) by The Agriculture, Animals, Environment and Food etc. (Miscellaneous Amendments) Order 2012 (S.I. 2012/2897), arts. 1(1), **22(5)(b)(ii)**
- F8** Words in Sch. para. 12(4)(a) substituted (24.12.2012) by The Agriculture, Animals, Environment and Food etc. (Miscellaneous Amendments) Order 2012 (S.I. 2012/2897), arts. 1(1), **22(5)(b)(iii)**

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## EXPLANATORY NOTE

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

This Order revokes and remakes the Poultry Breeding Flocks and Hatcheries (England) Order 2007. The principal change is that it extends the sampling provision in the earlier Order to laying flocks (the earlier Order was confined to breeding flocks) of birds of the species *Gallus gallus*.

It enforces Commission Regulation (EC) No 1003/2005, Commission Regulation (EC) No 1168/2006 and Commission Regulation (EC) No 1177/2006.

It makes provision for the registration of hatcheries, breeding flocks and laying flocks of birds of the species *Gallus gallus*, turkeys, ducks and geese, and imposes record-keeping requirements.

It makes provision for sampling breeding and laying flocks of birds of the species *Gallus gallus*.

The Order is enforced by the local authority.

Breach of the Order is an offence under section 73 of the Animal Health Act 1981, punishable in accordance with section 75 of that Act.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at the Defra website.

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