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STATUTORY INSTRUMENTS

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**2009 No. 260**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Control of Salmonella in Broiler Flocks Order 2009**

*Made* - - - - *9th February 2009*

*Coming into force* - - *9th March 2009*

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>.

**Title, application and commencement** **E+W+S**

1. This Order may be cited as the Control of Salmonella in Broiler Flocks Order 2009; it applies in England and comes into force on 9th March 2009.

**Interpretation** **E+W+S**

2. In this Order—

“broiler flock” means a flock kept for the production of meat intended for human consumption;

[<sup>F1</sup>“Commission Regulation (EU) No 200/2012” means Commission Regulation (EU) No 200/2012 concerning a Union target for the reduction of *Salmonella enteritidis* and *Salmonella typhimurium* in flocks of broilers, as provided for in Regulation (EC) No 2160/2003;]

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

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(1) 1981 c.22. Functions conferred under the Animal Health Act 1981 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). The functions of the Secretary of State under the Animal Health Act 1981 are, so far as are exercisable in relation to Wales, vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) article 2; see the entry in Schedule 1 for the Animal Health Act 1981 (c. 22). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers immediately after the end of the initial period as defined by section 161(5) of that Act. The functions of the Secretary of State under the Animal Health Act 1981 (c. 22) are, so far as they are exercisable in relation to Scotland, vested in the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46).

“holding” means any holding on which one or more broiler flocks of chickens are kept or are intended to be kept;

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

“chickens” means birds of the species *Gallus gallus*.

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#### 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), **28(a)**

#### Competent authority **E+W+S**

3. The Secretary of State is the competent authority for the purposes of—
- (a) [<sup>F2</sup>Commission Regulation (EU) No 200/2012;]and
  - (b) 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 chickens<sup>(2)</sup>.

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#### Textual Amendments

**F2** Art. 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), **28(b)**

#### Notification of broiler flocks **E+W+S**

4.—(1) The occupier of the holding on which one or more broiler flocks are kept must notify the Secretary of State of the information in paragraph (4) of 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.

(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 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.

#### Sampling **E+W+S**

5.—(1) The occupier must carry out sampling in accordance with points 1 and 2 of the Annex to [<sup>F3</sup>Commission Regulation (EU) No 200/2012] and must despatch samples to an approved laboratory

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

in accordance with point [<sup>F4</sup>2.2.4] of that Annex (and for the purposes of that point [<sup>F5</sup>“express mail”] includes first class post).

- (2) In relation to each sample the occupier must provide the following information—
- (a) the name of the occupier;
  - (b) the address of the holding;
  - (c) the type of samples;
  - (d) the date on which the samples were taken;
  - (e) the identification of the flock, where there is more than one flock on the holding;
  - (f) the date on which the flock moved onto the holding;
  - (g) the age of the flock.

#### Textual Amendments

- F3** Words in art. 5(1) substituted (24.12.2012) by The Agriculture, Animals, Environment and Food etc. (Miscellaneous Amendments) Order 2012 (S.I. 2012/2897), arts. 1(1), **28(c)(i)**
- F4** Word in art. 5(1) substituted (24.12.2012) by The Agriculture, Animals, Environment and Food etc. (Miscellaneous Amendments) Order 2012 (S.I. 2012/2897), arts. 1(1), **28(c)(ii)**
- F5** Words in art. 5(1) substituted (24.12.2012) by The Agriculture, Animals, Environment and Food etc. (Miscellaneous Amendments) Order 2012 (S.I. 2012/2897), arts. 1(1), **28(c)(iii)**

#### Records of samples **E+W+S**

- 6.—(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) where there is more than one flock on the holding, 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;
  - (f) intended date of slaughter of the flock sampled.
- (2) The occupier must record the result of each test when it is received from the laboratory.

#### Records of movements **E+W+S**

7. When birds are moved on to or off a holding the occupier must record for each flock—
- (a) the date of the movement;
  - (b) whether the movement was on to or off the holding;
  - (c) the number of birds moved;
  - (d) the age of the birds moved;
  - (e) in the case of the movement of an entire flock, the identification of that flock, where there is more than one flock on the holding;
  - (f) the identity of the building or group of buildings into or from which the birds were moved;
  - (g) the address of the holding that they came from or the slaughterhouse or holding they were sent to.

### Duties of the person in charge of a laboratory **E+W+S**

8. Where a laboratory tests samples, the person in charge of the laboratory must ensure that they are tested in accordance with point 3 of the Annex to [<sup>F6</sup>Commission Regulation (EU) No 200/2012].

#### Textual Amendments

**F6** Words in art. 8 substituted (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **28(d)**

### Prohibition on the use of antimicrobials **E+W+S**

9. No person may administer any antimicrobial to any chickens 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 **E+W+S**

10. No person may administer any live salmonella vaccine to any chickens in breach of Article 3(1) of Commission Regulation [\(EC\) 1177/2006](#) (use of vaccines).

### Records **E+W+S**

11. 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 **E+W+S**

12. 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.

### Powers of Secretary of State in cases of default **E+W+S**

13. 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 **E+W+S**

14.—(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>F7</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

**F7** Art. 14(3) added (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **28(e)**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Control of Salmonella in Broiler Flocks Order 2009. (See end of Document for details)*

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*Jane Kennedy*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

**Changes to legislation:** There are currently no known outstanding effects for the The Control of Salmonella in Broiler Flocks Order 2009. (See end of Document for details)

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## EXPLANATORY NOTE

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

This Order enforces Commission Regulation 646/2007<sup>(3)</sup> and Commission Regulation 1177/2006<sup>(4)</sup>.

It makes provision for registration of broiler flocks of birds of the species *Gallus gallus* and for their testing for *Salmonella*. It also prohibits the use of antimicrobials and live salmonella vaccine.

The Order is enforced by the local authority.

Breach of the Order is an offence under section 73 of the Animal Health Act 1981 (c. 22), 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 on the Defra website.

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<sup>(3)</sup> OJ No L 151, 13.6.2007, p 21.

<sup>(4)</sup> OJ No L 212, 2.8.2006, p 3.

**Changes to legislation:**

There are currently no known outstanding effects for the The Control of Salmonella in Broiler Flocks Order 2009.