

2022 No. 1224

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Avian Influenza and Influenza of Avian Origin in Mammals
(Amendment) (England) Order 2022**

Made - - - - *21st November 2022*

Coming into force - - *22nd November 2022*

The Secretary of State makes this Order, in exercise of the powers conferred by sections 1, 7(1) and (2), 8(1), 15(5), 17(1), 23, 25, 83(2), 87(2) and (5)(a), of the Animal Health Act 1981(a):

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Avian Influenza and Influenza of Avian Origin in Mammals (Amendment) (England) Order 2022 and comes into force on 22nd November 2022.

(2) This Order—

- (a) extends to England and Wales;
- (b) applies in relation to England only.

**Amendments to the Avian Influenza and Influenza of Avian Origin in Mammals (England)
(No. 2) Order 2006**

2.—(1) The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No. 2) Order 2006(b) is amended as follows.

(2) In article 2 (interpretation), in the definition of “meat product” after “such processed” insert “meat”.

(3) In article 24 (measures where meat and eggs have been traced)—

- (a) in paragraph (1) before “The Secretary of State must” insert “Subject to paragraph (1A)”;
- (b) after paragraph (1) insert—

“(1A) Until 16th April 2023 the Secretary of State may, in respect of meat traced from infected premises under article 23, authorise in writing the movement of such meat to wholesale or retail premises or for further processing where, following a risk assessment, the Secretary of State is satisfied that such movement does not endanger human or animal health.”.

(4) In article 63 (measures relating to slaughter and to poultry meat) after paragraph (7) insert—

(a) 1981 c. 22. The expression “the Ministers” is defined in section 86(1)(c). These powers were previously exercised by the Minister of Agriculture, Fisheries and Food and were transferred to the Secretary of State by S.I. 1999/3141 and S.I. 2002/794.

(b) S.I. 2006/2702. Relevant amending instruments are S.I.2021/1472 and S.I. 2022/1108.

“(8) No person shall—

- (a) feed raw poultry meat produced from poultry originating in the protection zone to animals or birds; or
- (b) permit such meat to be used in the production of raw pet food.

(9) Nothing in this article requires the application of a special mark to poultry meat which is produced by a registered on-farm slaughter facility under Regulation (EC) No.853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(a).”.

(5) In article 64(2) (poultry moved to premises outside controlled zones other than for slaughter) for “Galliformes” substitute “poultry”.

(6) In Schedule 4 (measures in a protection zone)—

(a) in paragraph 13 (release of game)—

- (i) the unnumbered paragraph is numbered (1);
- (ii) after sub-paragraph (1) insert—

“(2) For the purpose of this paragraph, game birds include any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan or ducks bred for shooting.”.

(b) in paragraph 14 (restrictions on the movement of poultry, eggs, poultry meat and carcasses) for “poultry or eggs” substitute “poultry, poultry meat, or eggs, semen, blood samples or carcasses from poultry or other captive birds”;

(c) in paragraph 16 (movements which may be licensed by a veterinary inspector or by an inspector under his direction)—

- (i) in sub-paragraph (f) for “Galliformes” substitute “poultry”;
- (ii) in sub-paragraph (m) omit “and other captive birds”;
- (iii) after sub-paragraph (m) insert—

“(n) semen to a breeding premises or to a designated premises for scientific, diagnostic or pharmaceutical purpose”;

(o) blood to a laboratory or veterinary practice for scientific or diagnostic purposes.”;

(d) in paragraph 17 (requirements for the movement of poultry from premises in the zone to a designated slaughterhouse) in sub-paragraph (a) for “must have examined” substitute “must have inspected and where necessary examined the”;

(e) after paragraph 17 insert—

“**17A.** Until 16th April 2023, for the purposes of paragraph 17 “inspection” includes a visual inspection conducted remotely and under conditions where such inspection has been authorised in writing by a veterinary inspector.”.

(7) In Schedule 5 (measures in a surveillance zone)—

(a) for paragraph 8A substitute—

“**8A.**—(1) Subject to paragraph (2), no person shall remove carcasses of poultry or other captive birds from premises in the zone;

(2) A veterinary inspector or an inspector under the direction of a veterinary inspector may licence the removal of carcasses of poultry or other captive birds for disposal or diagnosis from premises in the zone.”.

(b) in paragraph 15 (restrictions on the movement of poultry and eggs out of the zone)—

- (i) in sub-paragraph (1) for “poultry and eggs” substitute “poultry, or eggs, semen, blood samples or carcasses from poultry or other captive birds,”;

(a) EUR 853/2004. Annex 3 is amended by S.I. 2019/640.

- (ii) in sub-paragraph (1)(b) after veterinary inspector” insert “or by an inspector under the direction of a veterinary inspector.”;
 - (iii) after sub-paragraph (2)(i) insert—
 - “(j) semen to a breeding premises or to a designated premises for scientific, diagnostic or pharmaceutical purposes;
 - (k) blood samples to a laboratory or veterinary practice for scientific or diagnostic purposes.”.
 - (c) in paragraph 17 (requirements for the movement of poultry from premises in the zone to a designated slaughterhouse) after sub-paragraph (b) insert—
 - “(c) Until 16th April 2023, for the purposes of this paragraph, “inspection” includes a visual inspection conducted remotely and under conditions where such an inspection has been authorised in writing by a veterinary inspector.”.
- (8) In Schedule 7 (measures in a low pathogenic avian influenza restricted zone—
- (a) in paragraph 5 (release of game)—
 - (i) the unnumbered paragraph is numbered “(1)”;
 - (ii) after sub-paragraph (1) insert—
 - “(2) For the purpose of this paragraph, game birds include any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan or ducks bred for shooting.”;
 - (b) in paragraph 6 (restrictions on the movement of poultry, other captive birds and eggs within the zone), after “or eggs” insert “into or”;
 - (c) for paragraph (7)(2)(f) (restrictions on the movement of poultry and eggs out of the zone) substitute—
 - “(f) eggs to a designated egg packing centre in disposable packaging or packaging which has been cleansed and disinfected, in accordance with the instructions of a veterinary inspector or an inspector under the direction of a veterinary inspector.”.

Benyon
Minister of State

21st November 2022

Department for Food, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to England and Wales but applies to England only. It amends the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No. 2) Order 2006 (S.I. 2006/2702) (“the Avian Influenza Order No. 2”).

Amendments to the Avian Influenza Order No. 2 are contained in article 2 of this Order and fall into two categories of amendments, the first are amendments made to correct or clarify previous amendments to the Avian Influenza Order No. 2, the second are made in response to the Avian Influenza outbreak commencing winter 2022. These measures firstly amend the requirement for the Secretary of State to destroy all poultry meat traced from infected premises to allow the Secretary of State the discretion to authorise the movement of this poultry meat to market; secondly the requirement to carry out a physical examination of poultry in protection and surveillance zones in the 24 hours prior to movement for slaughter is amended to allow remote visual inspections where authorised by a veterinary inspector. These two measures will cease to apply after 16th April 2023.

No impact assessment has been produced due to the emergency nature of this instrument.

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