
EXPLANATORY NOTE

(This note is not part of the Order)

This Order (read with the Animal Health Act 1981⁽¹⁾) further implements Council Directive [92/40/EEC](#) introducing Community measures for the control of avian influenza⁽²⁾ and Council Directive [92/66/EEC](#) introducing Community measures for the control of Newcastle disease⁽³⁾ (“the Directives”). The Directives were previously implemented by the Diseases of Poultry Order 1994⁽⁴⁾ (“the 1994 Order”) and the Diseases of Poultry (Amendment) Order 1997⁽⁵⁾, both revoked by this Order.

The application of the Order is extended to ratites in accordance with the Directives. This Order also extends provisions in article 5A of the 1994 Order (relating to surveillance powers and movement restrictions) to diseases of birds and to species of birds not covered by the Directives. These provisions have been recast and are included in articles 5 and 6 of this Order.

Articles 1 to 3 of the Order contain introductory and interpretation provisions. Article 4 provides for the notification of certain diseases and for the taking of precautionary measures when disease is suspected. Article 5 sets out restrictions which may apply if any disease is suspected or known to exist or where birds are suspected of having been exposed to the risk of disease. Article 6 provides for veterinary inquiry into the existence of disease. Article 7 sets out restrictions which apply where disease is confirmed. Restrictions referred to in articles 4, 5 and 7 are set out in Schedule 1.

Article 8 sets out the duties of occupiers and persons in charge of premises served with a notice under the Order.

Article 9 provides for the declaration by the National Assembly for Wales or the Secretary of State of an infected area where disease has been confirmed. Restrictions applicable in an infected area are set out in Schedule 2.

Article 10 allows the National Assembly for Wales or the Secretary of State to require vaccination of poultry. Article 11 sets out restrictions applicable to racing pigeons. Article 12 contains provisions on cleansing and disinfection. Article 13 relates to the keeping of records and article 14 to licences. Article 15 sets out the general powers of veterinary inspectors under the Order. Article 16 provides for the Order to be enforced generally by local authorities. Article 17 revokes the Diseases of Poultry Order 1994⁽⁶⁾ and the Diseases of Poultry (Amendment) Order 1997⁽⁷⁾ insofar as they apply to Wales.

Failure to comply with this Order is an offence under section 73 of the Animal Health Act 1981.

A Regulatory Appraisal under the Government of Wales Act 1998 has not been prepared for this Order.

(1) [1981 c. 22](#).

(2) [O J L167, 22.6.1992, p.1](#).

(3) [O J L260, 05.9.1992, p.1](#).

(4) [S.I. 1994/3141](#).

(5) [S.I. 1997/150](#).

(6) [S.I. 1994/3141](#).

(7) [S.I. 1997/150](#).