

SCHEDULE 4

The Poultry Health Scheme

PART I

MEMBERSHIP

1. Any reference to 'the Directive' in this Part of this Schedule is a reference to Council Directive [90/539/EEC](#).

2. An application for an establishment to become a member of the Poultry Health Scheme ("the Scheme" in this Schedule) must be accompanied by the registration fee, the details of which are set out in Part 2 of this Schedule.

3. The National Assembly may only grant membership of the Scheme to an establishment if—

(a) it is satisfied, following an inspection by a veterinary inspector, that—

(i) the establishment meets the requirements regarding facilities in Chapter II of Annex II to the Directive; and

(ii) the operator of the establishment will comply, and ensure that the establishment complies, with the requirements of point 1 of Chapter I of Annex II to the Directive; and

(b) the operator of the establishment, having been notified that the National Assembly is satisfied that the requirements in sub-paragraph (a) are met, has paid the annual membership fee, the details of which are set out in Part III of this Schedule.

4. The disease surveillance programme referred to in paragraph (b) of point 1 of Chapter I of Annex II to the Directive must consist of the disease surveillance measures specified in Chapter III of Annex II to the Directive, together with any additional testing requirements that a veterinary inspector notifies in writing to an establishment as being requirements that he or she believes are necessary to avoid the spreading of contagious disease through intra-Community trade, taking into account the particular circumstances at that establishment.

5. On receipt of the first annual membership fee, the National Assembly must issue the establishment's membership certificate, which must include the establishment's membership number.

6. The operator of an establishment that is a member of the Scheme must pay the annual membership fee each year, and must pay any re-inspection fee when it becomes due.

7. In order to ensure that operators and their establishments continue to meet the requirements for membership of the Scheme, and generally to ensure compliance with the Directive—

(a) a veterinary inspector (whether employed by Defra or not) must carry out an annual veterinary inspection of the establishment; and

(b) a veterinary inspector employed by Defra must carry out any additional inspections (insofar as not provided for under paragraph 8) which the National Assembly considers necessary.

8. Without prejudice to any action which may be taken under paragraph 9, where, at the annual veterinary inspection of an operator's establishment, that operator or the operator's establishment do not appear to the National Assembly to meet the requirements either for membership of the Scheme or of the Directive, a veterinary inspector employed by Defra must carry out such additional inspections ("re-inspections") as the National Assembly considers necessary to ensure compliance

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on the part of that operator and his or her establishment with those requirements, in which case a re-inspection fee must—

- (a) be charged for each such re-inspection; and
- (b) become due upon the receipt by the operator concerned of an invoice for that fee.

9. The National Assembly—

- (a) is to suspend, revoke or restore membership in accordance with Chapter IV of Annex II to the Directive (references to 'withdrawal' in that Chapter are to be read as references to 'revocation' for the purposes of this paragraph);
- (b) may suspend or revoke membership if—
 - (i) an establishment is in breach of any of the requirements regarding facilities in Chapter II of Annex II to the Directive;
 - (ii) the operator or the establishment is in breach of any of the requirements in point 1 of Chapter I of Annex II to the Directive;
 - (iii) ownership or control of an establishment changes; or
 - (iv) the operator has not paid the annual membership fee or if a re-inspection fee remains unpaid 30 days after becoming due.