

Statutory Document No. 2006/0828



Animal Health Act 1996

DISEASE OF POULTRY ORDER 2006¹

Approved by Tynwald: 12 December 2006
Coming into Operation: 1 January 2006

In exercise of the powers conferred on the Department of Agriculture, Fisheries and Forestry by section 1, 4 to 8, 11 to 15, 12, 14, 16 to 19, 21 to 24, 26, 39, 54 and 58(a) of the Animal Health Act 1996¹, and of all other enabling powers, the following Order is hereby made: —

1 Citation and commencement

This Order may be cited as the Diseases of Poultry Order 2006 and shall come into operation on 1st January 2007.

2 Interpretation

In this Order —

“**bird**” includes poultry, unless the context requires otherwise;

“**carcase**” means the carcase of poultry or of any bird other than poultry, as the context requires, and includes part of a carcase;

“**Council Directive 2005/94/EC**” means Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC², as amended from time to time;²

“**Council Directive 92/66/EEC**” means Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease³, as amended from time to time;³

“**the Department**” means the Department of Agriculture, Fisheries and Forestry;

“**designated disease**” means paramyxovirus 1 in pigeons, avian influenza and Newcastle disease;

¹ 1996 c.8

² OJL 010, 14.1.2006, p. 16

³ OJL 260, 05.09.1992, p. 1

“**disinfect**” means disinfect with a disinfectant approved by the Chief Veterinary Officer for the purpose of this Order;

“**poultry**” means domestic fowls, turkeys, geese, ducks, guinea fowls, quails, pigeons, ratites and pheasants and partridges reared or kept in captivity for breeding, the production of meat or eggs for consumption or for restocking supplies of game;

“**premises**” includes any place; and

“**racing pigeon**” means any pigeon transported or intended for transport from its pigeon house (any installation used for keeping or breeding racing pigeons) to be released so that it may freely fly back to its pigeon house or to any other destination.

(2) Any notice or licence served or issued under this Order or under a declaratory Order made under article 12 shall be in writing, may be general or specific, may be the subject of conditions and may be amended, suspended or revoked by notice in writing at any time.

3 Notification procedures and precautions to be taken where the presence of a designated disease is suspected

(1) A person who has in his possession or under his charge any bird or carcase having or suspected of having, a designated disease shall —

- (a) immediately inform the Department; and
- (b) take all reasonable steps to ensure that the restrictions and requirements set out in Part 1 of Schedule 1 are complied with.

(2) A person who examines or inspects any bird or carcase or who analyses any sample taken from any bird or carcase, and who suspects the presence of a designated disease in the bird, carcase or sample shall immediately inform the Department.

4 Restrictions where a designated disease is suspected

If an inspector has reasonable grounds for suspecting that a designated disease exists or has existed on any premises (whether or not notification had been made under article 3), the inspector shall serve a notice on the occupier or person in charge of the premises requiring that person to comply with the restrictions and requirements contained in Part I of Schedule 1.

5 Veterinary inquiry as to the existence of a designated disease

(1) In order to ascertain whether or not a designated disease exists or has existed in any premises, a veterinary inspector shall —

- (a) enter the premises and carry out such inquiries, examinations and test and take such samples (including live birds and carcasses), as

are necessary to ascertain whether disease exists or has existed there and, in particular, to establish —

- (i) the length of time the disease has existed on the premises;
- (ii) the possible origin of the disease on the premises;
- (iii) which premises may have been exposed to contamination by the disease from the premises under enquiry; and
- (iv) the extent to which a disease has been carried to or from the premises under enquiry;

and may —

- (b) mark, or cause to be marked, for identification purposes any bird, carcase or other thing in relation to which any of the powers under sub-paragraph (a) have been exercised.
- (2) Collection of samples and laboratory testing shall be carried out (in relation to avian influenza) in accordance with the diagnostic manual provided for in Article 50(1) of Council Directive 2005/94/EC as amended from time to time and (in relation to Newcastle disease and paramyxovirus 1 in pigeons), with Annex III of Council Directive 92/66/EEC⁴ as amended from time to time.⁴
 - (3) The occupiers or persons in charge of the premises or any person in their employment shall provide such reasonable assistance to a veterinary inspector as the veterinary inspector may require for the exercise of his powers under paragraphs (1) and (2).

6 Restrictions where birds are suspected of having been exposed to the risk of a designated or other disease

- (1) If a veterinary inspector suspects that poultry on any premises may have been exposed to the risk of a designated disease, the veterinary inspector shall serve a notice on the occupier or person in charge of the premises in accordance with this article.
- (2) A veterinary inspector may serve a notice on the occupier or person in charge or any premises in accordance with this article if the veterinary inspector suspects that —
 - (a) poultry on those premises may have been exposed to the risk of any other disease; or
 - (b) any bird on those premises may have been exposed to the risk of any disease (including a designated disease).

⁴ OJ No L 260, 5.9. 1992, p.1

- (3) In this article, exposure to the risk of a designated disease or to another disease means exposure, either directly or indirectly, as a result of the movement of persons, animals or vehicles or in any other way.
- (4) On service of a notice under this article, a veterinary inspector may enter premises which are the subject of such notice and may —
 - (a) take such measures as the veterinary inspector considers necessary to establish whether there are reasonable grounds for suspicion of disease, including inspecting records, carrying out inquiries, examinations and test and taking samples (including live birds and carcasses); and
 - (b) count the birds and monitor their movements.
- (5) On service of a notice under this article, no person shall move any bird or anything liable to transmit disease from the premises except under the authority of a licence granted by a veterinary inspector.
- (6) A veterinary inspector may limit the measures provided for in this article to a part of the premises and to the birds contained there, provide that the birds there have been housed, kept and fed completely separately by separate staff.

7 Measures where a designated disease is confirmed

- (1) Upon confirmation by the Chief Veterinary Officer of the presence of a designated disease on premises, a veterinary inspector —
 - (a) in the case of poultry shall; and
 - (b) in the case of other bird, including racing pigeons, may,by notice served on the occupier or person in charge of the premises, impose, in addition to the restrictions and requirements contained in Part I of Schedule 1 to this Order, the restrictions and requirements contained in Part II of Schedule 1.
- (2) A veterinary inspector may also serve such a notice on the occupier or person in charge of suspect premises.
- (3) In this article, “suspect premises” means premises containing poultry, other captive birds or racing pigeons which may, in the opinion of the veterinary inspector, have been exposed to the risk of a designated disease because of the location or configuration of those premises or their contact with premises (in the Island or elsewhere) where the presence of a designated disease has been confirmed.

8 Duties of occupiers and persons in charge of premises served with notices

- (1) A person served with a notice under this Order shall —

- (a) ensure that the notice is complied with unless such person is authorised to do otherwise by a licence issued by a veterinary inspector; and
 - (b) provide such reasonable assistance as the veterinary inspector may require for the purpose of exercising his power under articles 4, 6 and 7.
- (2) If any person fails to comply with any restriction or requirement imposed by a notice served under this Order, an inspector may –
 - (a) seize or cause to be seized anything which has been moved in contravention of the notice and detain it at such place as the inspector shall consider appropriate until the notice is withdrawn; or
 - (b) take such other action as may be necessary so as to ensure that any restriction or requirement imposed by the notice is complied with or carried out.
- (3) Any action taken under paragraph (2) shall be without prejudice to any proceedings for an offence arising out of contravention of a notice served under this Order.
- (4) A person failing to comply with a notice served under this Order shall be liable for any costs incurred under paragraph (2) notice.

9 Tests on pigs and other mammals at premises where avian influenza is confirmed

- (1) The Department shall ensure that any pigs kept on premises where highly pathogenic avian influenza is confirmed are tested for infection with influenza virus of avian origin.
- (2) The Department may require that any mammals kept on premises where avian influenza is confirmed are tested for infection with influenza virus of avian origin.

10 Killing of pigs or other mammals

The Department may require the destruction of any pigs or other mammals which are confirmed by test under article 9 to be infected with influenza virus of avian origin.

11 Movements off the premises

- (1) Subject to paragraph (2), no person shall move any mammal tested under article 9 off the premises until a veterinary inspector has confirmed that the mammal is not infective and licenses the movement.

- (2) Veterinary inspector may license the movement of pigs and other mammals in which infection with influenza virus of avian origin is confirmed to other premises (including slaughterhouses) if they are satisfied (as a result of further tests on the animals) that the movement would not significantly increase the risk of the spread of avian influenza.

12 Declaration of infected area

- (1) The Department, upon confirmation by the Chief Veterinary Officer of the presence of a designated disease in poultry —
 - (a) in any area in the Island, shall; or
 - (b) elsewhere, anydeclare all or part of the Island to be an infected area.
- (2) Upon the presence in any area in the Island of a designated disease in birds other than poultry being confirmed by the Chief Veterinary Officer and upon the Department being satisfied that the presence of that disease in such birds constitutes a serious risk to poultry, the Department may, by declaratory Order, declare the area to be an infected area.
- (3) An area shall remain an infected area for such duration as may be stated in an Order declaring an area to be infected area, or until a declaration of an area being an infected area is cancelled as regards the area, or as regards any part of it.
- (4) Any premises which are partly inside and partly outside an infected area shall be deemed to be wholly inside that area.
- (5) A declaratory Order may apply to all birds or to designated species.
- (6) A declaratory Order shall provide for the division of the infected area into protection and surveillance zone.
- (7) The provisions of Schedule 2 shall apply in an area declared an infected area except to the extent that they are varied or excepted by the declaratory Order or to the extent that anything which would otherwise be a breach of this Order is authorised by licence issued by a veterinary inspector.

13 Vaccination areas

Upon an Order being made under article 12(1), the Department may, by notice published in such manner as it thinks fit, require the vaccination of any species of poultry against a designated disease in such territorial area and for such period as it thinks fit and it shall be by the duty of every owner and every person in charge of poultry in that area to comply with that notice.

14 Racing pigeons

- (1) An organiser of a show or race which takes place wholly or partly in the Island shall ensure that all racing pigeons entered for the race or show have been vaccinated against paramyxovirus 1 in pigeons.
- (2) Every person who or keeps racing pigeons shall keep a record of every race or show for which they enter their pigeons.

15 Disinfection

- (1) The person in charge of premises on which a notice had been served under article 7(1) or (2) shall thoroughly cleanse and disinfect those premises, their fitting and any receptacle used for the exposure or exhibition of such birds as soon as practicable after use and in any event before they are used again.
- (2) An inspector may, by notice in writing served on the person in charge of any premises or vehicle on or in which any birds are or have been, require the person on whom the notice is served to cleanse and disinfect the premises or vehicle and any fitting or receptacle in such manner as the inspector requires and prohibit the movement into the premises or vehicle of birds until the cleansing and disinfection had been completed to the satisfaction of the inspector.
- (3) For the purposes of this Order, “cleansing” includes the disposal of all litter, droppings and other matter in a manner which does not present a risk of the spread of disease.

16 Records

- (1) Persons who own or keep any flock of poultry consisting of at least 100 birds of any species on premises on which a notice has been served under article 7(1) or (2) shall keep a record in respect of poultry entering or leaving those premises.
- (2) Persons who are engaged in the transport or marketing of any poultry or eggs (including any slaughter or auctioneer) shall keep a record in respect of all poultry and eggs transported or marketed by them.
- (3) The record referred to in paragraphs (1) and (2) shall include in respect of the relevant class poultry and their eggs —
 - (a) the date and place they were obtained;
 - (b) their species and description;
 - (c) the name and address of the person from whom they were obtained;
 - (d) the date they left the premises;
 - (e) their destination on leaving the premises (if known);

- (f) the purpose for which they left the premises; and
 - (g) the name and address of the person to whom they were transferred.
- (4) Persons who are required by this Order to keep a record shall retain it for at least twelve months from the date the recorded transportation or marketing.
- (5) Persons who keep any record required under the article shall at all reasonable times produce it on demand to an inspector and shall provide the inspector with copies if so required.
- (6) If persons keep the record in electronic form, they shall provide printed copies of the record or parts of the record as an inspector requires.

17 Licences

Persons moving anything under the authority of a licence issued under this Order shall —

- (a) keep the licence with them at all times during the licensed movement
- (b) on demand made by an inspector or other officer of the Department, produce the licence and allow a copy or extract to be taken; and
- (c) on such demand, furnish his name and address.

18 General powers of inspection

Veterinary inspectors who enter any premises under this Order may take with them for any purpose relating to the execution and enforcement of this Order such persons and such things as they consider necessary.

19 Revocations and amendments

The public documents referred to in Columns 1 and 2 of Schedule 3 are revoked to the extent shown in Column 3.

MADE 1 NOVEMBER 2006

SCHEDULE 1

Articles 3, 4 and 7

REQUIREMENTS RELATING TO PREMISES WHERE A DESIGNATED DISEASE IS SUSPECTED OR CONFIRMED**PART I****PREMISES ON WHICH A DESIGNATED DISEASE IS SUSPECTED****1. Record of Poultry**

The occupier of the premises shall make an maintain an up to date record of the poultry on the premises showing in respect of each category the number of poultry which have died, which show clinical signs of disease and which show no signs. The record shall be produced to a veterinary inspector on demand.

2. Isolation of poultry

The occupier of the premises shall ensure that any poultry or birds kept in captivity on the premises are kept in their living quarters or some other place where they can be isolated. Pigeons shall be isolated in their pigeon house until restrictions have been removed.

3. Prohibition on movement of poultry to or from premises

No person shall move any poultry to or from the premises.

4. Prohibition on movement of persons, animals and vehicles to or from the premises

No person shall move to or from the premises and no person shall move any mammal, vehicle or equipment to or from the premises unless the movement is licenced by a veterinary inspector.

5. Prohibition on removal or spreading of things liable to transmit disease

No person shall remove from the premises or spread in the premises any used poultry litter or poultry manure or anything liable to transmit disease.

6. Restriction on removal of eggs

No person shall remove any eggs from the premises except in accordance with the provisions of Article 8(3) of, and Annex III to, Council Directive 2005/94/EC or article 4.2(e) of the Annex 1 to Council Directive 92/66/EEC as the case may be.⁵

7. Disinfection at entrances and exits

The occupier of the premises shall provide and maintain an appropriate means of disinfection at the entrance and exits of the buildings housing poultry and of the premises.

PART II**PREMISES ON WHICH A DESIGNATED DISEASE IS CONFIRMED****8. Slaughter and destruction**

The occupier of the premises shall give all reasonable assistance to a veterinary inspector so as to ensure that poultry and such other birds on those premises as the veterinary inspector may require are killed there without delay and that carcasses and eggs are destroyed in such a way as will minimise the risk of spreading disease, in accordance with directions given by a veterinary inspector.

9. Destruction or treatment

The occupier of the premises shall ensure that all other material which may be contaminated is destroyed or treated in such a way as to destroy the disease, in accordance with directions given by a veterinary inspector.

10. Tracing

The occupier of the premises shall give all reasonable assistance to a veterinary inspector so as to ensure that —

- (a) meat or all poultry slaughtered during the presumed incubation period;
- (b) eggs laid during the presumed incubation period; and
- (c) meat and eggs which are otherwise likely to be contaminated with the disease virus,

are traced and destroyed, except that table eggs need not be destroyed if they have previously been disinfected.

11. Disinfection and restocking

The buildings used for housing poultry, their surroundings, the vehicles used for transport and all equipment likely to be contaminated shall, under the supervision of an inspector, be subject to preliminary and final cleaning and disinfecting in accordance with Article 48 of, and Annex VI to, Council Directive 2005/94/EC or Annex II of Council Directive 92/66/EEC as the case may be and to the satisfaction of a veterinary inspector. The occupier of the premises shall not restock the premises until at least 21 days after completion of the cleaning and disinfection.⁶

SCHEDULE 2

Article 12

INFECTED AREAS**PART I****1. Protection zones**

The following shall apply within the protection zone and shall continue to apply to a period of at least 21 days after the preliminary cleaning and disinfection of the infected premises required by paragraph 11 of Schedule 1 to this Order and thereafter until the Department declares the protection zone to have become part of the surveillance zone.

2.

The occupier of premises containing poultry shall ensure that —

- (a) any inspector who requires information as to the presence of poultry on those premises is supplied with such information as soon as practicable;
- (b) any veterinary inspector who visits the premises to examine the poultry and take samples is given all necessary assistance and information;
- (c) the poultry are kept in their living quarters or such other place where they can be isolated;
- (d) there is an appropriate means disinfection at the entrance and exits of the premises;
- (e) poultry and hatching eggs are not moved from the premises except under a licence issued by a veterinary inspector
 - (i) for the purpose of transport for immediate slaughter to a designated slaughterhouse; or zoon on which there are no other poultry; or
 - (ii) in the case of day old chicks or ready-to-lay pullets, to premises within the surveillance zone on which there are no other poultry; or
 - (iii) in the case of hatching eggs to a designated hatchery, subject to the eggs and their packing being disinfected before dispatch; and
- (f) used litter and poultry manure are not removed or spread.

3.

No person shall move any poultry, eggs or carcase within the zone, except that poultry may be transported without stopping through the zone on any highway.

4.

No person shall hold any fair, marked, show or other gathering of poultry or other birds.

PART II

5. Surveillance Zone

The following shall apply within the surveillance zone and shall continue to apply for a period of at least 30 days after the preliminary cleansing and disinfection of the infected premises required by paragraph 11 of Schedule 1 to the Order and thereafter until the Department declares the restrictions to be lifted.

6.

The occupier of premises shall ensure that —

- (a) any inspector who requires information as to presence of poultry on those premises is supplied with such information as soon as practicable;
- (b) poultry are not moved from the premises out of the zone except under a licence issued by a veterinary inspector
- (c) hatching eggs are not removed from the premises out of the zone except under a licence issued by a veterinary inspector for the purpose of transport direct to a designated hatchery and subject to the eggs and their packing being disinfected before dispatch; and
- (d) used litter and poultry manure are not moved out of the zone.

7.

No person shall move any poultry or hatching eggs into or within the zone except that poultry may be transported without stopping through the zone on a major highway.

8.

No person shall hold any fair, market, show or other gathering of poultry or other birds.

PART III**CLEANSING AND DISINFECTION OF VEHICLES USED FOR THE
CONVEYANCE OF POULTRY****9.**

The owner of any vehicle used for the conveyance of poultry, poultry carcasses, poultry offal, poultry feathers or eggs originating in an infected area, before it is so used, as soon as practicable after each time it is so used and in any event it is so used again, shall effectively clean and disinfect it.

SCHEDULE 3

Article 19

REVOCATIONS

Col 1 Date approved by Tynwald / GC No	Col 2 Title of document	Col 3 Extent of Revocation
16 th October 1974	Fowl Pest Order 1974	The whole of the Order
107/74	Fowl Pest (Compensation) Order 1974	The whole of the Order
228/88	Fowl Pest (Amendment) Order 1988	The whole of the Order

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Definition of “Council Directive 2005/94/EC” inserted by SD2019/0350.

³ Definition of “Council Directive 92/66/EEC” inserted by SD2019/0350.

⁴ Para (2) amended by SD2019/0350.

⁵ Para 6 amended by SD2019/0350.

⁶ Para 11 amended by SD2019/0350.