



## AVIAN INFLUENZA AND INFLUENZA OF AVIAN ORIGIN IN MAMMALS ORDER 2022

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Statutory Document No. 2022/0278



*Animal Health Act 1996*

## **AVIAN INFLUENZA AND INFLUENZA OF AVIAN ORIGIN IN MAMMALS ORDER 2022<sup>1</sup>**

*Approved by Tynwald: 16 November 2022*  
*Coming into Operation in accordance with article 2*

The Department of Environment, Food and Agriculture makes the following Order under sections 1, 4, 5 to 8, 11 to 15, 18 to 19, 21, 22 to 24A, 26, 39, 54 and 58(a) of the Animal Health Act 1996.

### **PART 1 – INTRODUCTORY**

#### **1 Title**

This Order is the Avian Influenza and Influenza of Avian Origin in Mammals Order 2022.

#### **2 Commencement**

This Order comes into operation on the day after it is made.<sup>1</sup>

#### **3 Interpretation**

(1) In this Order —

“**the Act**” means the Animal Health Act 1996;

“**avian influenza**” means an infection of poultry or other captive birds caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six-week old chickens greater than 1.2;

“**avian influenza prevention zone**” means an avian influenza prevention zone declared under article 7(1);

“**avian influenza (restrictions on mammals) zone**” means an avian influenza (restrictions on mammals) zone declared under article 63(1);

<sup>1</sup> Section 54 of the Animal Health Act 1996 specifies that this Order shall be laid before Tynwald as soon as practicable after it is made, and if Tynwald at the sitting at which this Order is laid or at the next following sitting fails to approve it, this Order shall cease to have effect.

“**bird carcase**” means the carcase of any bird and includes any part of a bird carcase;

“**brood-and-move poultry**” means poultry that have been, are being or are to be moved for the purpose of growing or fattening to premises other than those where they were reared;<sup>2</sup>

“**carcase**” means any bird carcase or mammal carcase;

“**the Chief Veterinary Officer**” means the Chief Veterinary Officer of the Department;

“**commercial poultry premises**” means commercial premises where poultry are kept;

“**commercial premises**” means premises where any poultry or other captive birds are kept for commercial purposes;

“**contact premises**” —

- (a) in Part 4, has the meaning giving to it in article 27(2);
- (b) in Part 6, has the meaning given to it in article 54(2);
- (c) in Part 7, has the meaning given to it in article 63(2); and
- (d) in Part 8, has the meaning given to it in articles 27(2), 54(2), and 63(2);

“**controlled zone**” means a protection zone, a surveillance zone, a restricted zone, a temporary movement restriction zone, a temporary control zone, a low pathogenic avian influenza restricted zone, an avian influenza prevention zone, or an avian influenza (restrictions on mammals) zone;

“**day-old chicks**” means all poultry less than 72 hours old which have not yet fed and Muscovy ducks (*Cairina moschata*) and their crosses less than 72 hours old, whether or not fed;

“**designated**” means designated by the Department in accordance with article 72;

“**the Department**” means the Department of Environment, Food and Agriculture;

“**diagnostic manual**” means the diagnostic manual set out in the Annex to Commission Decision 2006/437/EC approving a Diagnostic Manual for avian influenza as provided for in Council Directive 2005/94/EC<sup>2</sup>;

“**fresh meat**” means meat which has not undergone any preserving process other than chilling, freezing or quick freezing, including meat which is vacuum packed or wrapped in a controlled atmosphere;<sup>3</sup>

“**highly pathogenic avian influenza**” means an infection of poultry or other captive birds caused by —

- (a) avian influenza viruses of the subtypes H5 or H7 with genome sequences codifying for multiple basic amino acids at the cleavage

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<sup>2</sup> As it forms part of Manx law by virtue of paragraph 11(1) to the Schedule of the European Union and Trade Act 2019 (Retained Direct EU Legislation) (DEFA and OFT) Regulations 2019.

site of the haemagglutinin molecule similar to that observed for other highly pathogenic avian influenza viruses, indicating that the haemagglutinin molecule can be cleaved by a host ubiquitous protease; or

- (b) avian influenza viruses with an intravenous pathogenicity index in six-week old chickens greater than 1.2;

**“infected premises”** means —

- (a) in Part 6, premises where the Chief Veterinary Officer has confirmed that low pathogenic avian influenza or low pathogenic avian influenza virus exists;
- (b) in Part 7, premises where the Chief Veterinary Officer has confirmed that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists;
- (c) in Parts 8 and 9 and in Schedule 3, premises where the Chief Veterinary Officer has confirmed that highly pathogenic avian influenza, highly pathogenic avian influenza virus, low pathogenic avian influenza or low pathogenic avian influenza virus exists;

**“keeper”** means any person responsible for birds or animals, whether on a permanent or temporary basis, but does not include a person responsible for them solely because they’re transporting them;

**“low pathogenic avian influenza”** means an infection of poultry or other captive birds caused by avian influenza viruses of subtypes H5 or H7 other than avian influenza viruses of subtypes H5 or H7 which cause highly pathogenic avian influenza;

**“low pathogenic avian influenza restricted zone”** means a low pathogenic avian influenza restricted zone declared under article 56;

**“mammal”** means any mammal, except man;

**“mammal carcase”** means the carcase of any mammal and includes any part of a mammal carcase;

**“meat product”** means a processed product resulting from the processing of meat or from the further processing of such processed meat, so that the cut surface shows the product no longer has the characteristics of fresh meat;<sup>4</sup>

**“non-commercial premises”** means any premises where all poultry or other captive birds, (including those kept as pets) their eggs or other poultry products are kept by their keeper for personal consumption, or for use, exclusively within or for the purposes of the same household;<sup>5</sup>

**“occupier”** means the person in charge of premises;

**“other captive bird”** means a bird kept in captivity which is not poultry and includes a pet bird and a bird kept for shows, races, exhibitions, competitions, breeding or for sale;

**“poultry”** means a bird reared or kept in captivity for the purposes of —

- (a) the production of meat or eggs for consumption or other poultry products;
- (b) restocking supplies of game; or
- (c) any breeding programme for the production of such categories of birds or products specified in paragraphs (a) and (b),

but does not include any bird that is kept for the purposes of a single household, where the bird and its keeper have no direct or indirect contact with other poultry or poultry facilities, and the bird and products of the bird are used exclusively within, or for the purposes of the same household;<sup>6</sup>

**“poultry product”** means anything originating or made (whether in whole or in part) from any living or dead poultry, and includes the carcass of any poultry;<sup>7</sup>

**“premises”** includes any land, building or other place;

**“primary outbreak”** means an outbreak which is not epidemiologically linked with a previous outbreak in the Isle of Man;

**“protection zone”** means a protection zone declared under article 29(1);

**“racing pigeon”** means any pigeon transported or intended for transport from its pigeon house so that it may be released and freely fly back there or to another destination;

**“ready-to-lay poultry”** means birds, which are intended for use as productive egg layers, and for these purposes, includes both female and male birds;

**“regulated place”** means a slaughterhouse;

**“restricted zone”** means a restricted zone declared under article 29(2);

**“slaughterhouse”** has the meaning given in section 46 of the Food Act 1996;

**“special category premises”** has the meaning given in article 23;

**“surveillance zone”** means a surveillance zone declared under article 29(1);

**“suspect premises”** means premises subject to restrictions under article 10 or article 11;

**“temporary control zone”** means a temporary control zone declared under article 14;

**“temporary movement restriction zone”** means a temporary movement restriction zone declared under article 14;

**“unregulated period of infection”** has the meaning given in article 24(3);

**“vehicle”** includes any means of transport and includes —

- (a) a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle;
- (b) a detachable part of any vehicle;



- (c) a container or other structure designed or adapted to be carried on a vehicle;

“**veterinary surgeon**” has the meaning given to it in the Veterinary Surgeons Act 2005; and

“**wild birds**” means birds which are not poultry or other captive birds;

“**wild game bird**” means a wild bird which lives freely in the wild and is hunted for human consumption;<sup>8</sup>

“**wild game bird product**” means any carcase, egg or any other thing originating or made (whether in whole or in part) from a wild game bird or from the carcase of a wild game bird and includes any by products of a wild bird game bird;<sup>9</sup>

“**wildlife rescue and rehabilitation centre**” means any facility dedicated to the sole purpose of providing treatment and temporary care of injured, orphaned or sick wild animals, including any facility for their housing, feeding and treatment under the supervision of a veterinary surgeon for the primary purpose of their release back into the wild.<sup>10</sup>

- (2) Other than expressions used in this Order and in Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 94/40/EEC, as last amended by Commission Implementing Decision (EU) 2018/662<sup>3</sup>, have their meaning in that Directive.

#### 4 Scope of the Act and of this Order

- (1) For the purposes of the Act in its application to avian influenza and to this Order —
- (a) the definition of “animals” in section 57 of the Act is restricted to include all mammals, except man; and
- (b) the definition of “disease” in section 58 of the Act is extended to include any infection in mammals caused by influenza virus of avian origin.
- (2) Section 24 of the Act (slaughter in certain cases), applies in respect of avian influenza.
- (3) Section 32 of the Act (power of entry, inspection, etc) applies to any infection in mammals caused by influenza virus of avian origin.
- (4) This Order does not apply to anything done in accordance with a project licence under section 15 of the Cruelty to Animals Act 1997.
- (5) This Order does not apply to quarantine centres and quarantine facilities approved under Article 6 of Commission Implementing Regulation (EU)

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<sup>3</sup> OJ L 110 30.04.2018 p.134

No 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof.<sup>4</sup>

## 5 Declarations, licences, notices and designations under this Order

- (1) Declarations of controlled zones under this Order —
  - (a) must be in writing;
  - (b) may be amended by further declaration at any time;
  - (c) must designate the extent of the controlled zone being declared;
  - (d) must list or refer to the measures which apply in such a zone and, if they apply in only part of the zone, state in which part they apply; and
  - (e) must be revoked by further declaration.
- (2) Licences under this Order —
  - (a) must be in writing;
  - (b) may be general or specific;
  - (c) may, in addition to any conditions required by this Order, be made subject to such conditions as the person granting the licence considers necessary to control avian influenza; and
  - (d) may be amended, suspended or revoked, in writing, at any time.
- (3) Notices under this Order —
  - (a) may be amended or revoked, by further notice, at any time;
  - (b) must specify whether they apply to all or to part of the premises to which they relate; and
  - (c) must, if they apply to part of premises, specify to which part they apply.
- (4) Designations of premises under this Order —
  - (a) must be in writing;
  - (b) must, if they apply to only part of the premises, specify to which part they apply;
  - (c) may be made subject to such conditions as the Department considers necessary to control avian influenza; and
  - (d) may be amended, suspended or revoked in writing at any time.
- (5) The Department must ensure that the extent of any zone declared under this Order, the nature of the restrictions and requirements applicable within it and the dates of its declaration and termination are publicised.

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<sup>4</sup> As it forms part of Manx law by virtue of paragraph 28(16) of the Schedule to the European Union and Trade Act 2019 (Retained Direct EU Legislation) (DEFA and OFT) Regulations 2019

- (6) A person moving anything under the authority of a specific licence granted under this Order must –
  - (a) keep the licence or a copy of it at all times during the licensed movement;
  - (b) on demand by a veterinary inspector or other officer of the Department or by an inspector, produce the licence or copy and allow a copy or extract to be taken; and
  - (c) on such demand, provide his or her name and address.
- (7) A person moving anything under the authority of a general licence granted under this Order must –
  - (a) at all times during the licensed movement, keep a consignment note that contains details of –
    - (i) what is moved, including its quantity;
    - (ii) the date of the movement;
    - (iii) the name of the consignor;
    - (iv) the address of the premises from which the movement started;
    - (v) the name of the consignee;
    - (vi) the address of the premises of destination;
  - (b) on demand by a veterinary inspector or other officer of the Department or by an inspector, produce the consignment note and allow a copy or extract to be taken; and
  - (c) on such demand, provide his or her name and address.
- (8) Unless the Department states otherwise, in a declaration of a controlled zone or by notice to the occupier of any premises or to the owner or occupier of any vehicle, any movement which has already started when such a declaration comes into force may be completed.

## 6 Controlled Zones

- (1) Subject to paragraphs (2) and (3), premises which are only partly in a controlled zone are deemed to be wholly within the controlled zone.
- (2) Premises in any controlled zone other than an avian influenza (restrictions on mammals) zone which are partly in one of the following zones and partly in another are deemed to be wholly in the zone furthest up the following list –
  - (a) protection zone;
  - (b) surveillance zone;
  - (c) restricted zone;
  - (d) temporary control zone;
  - (e) temporary movement restriction zone;

- (f) low pathogenic avian influenza restricted zone; and
  - (g) avian influenza prevention zone.
- (3) Premises which are in any of the controlled zones set out in paragraph (2) and also in an avian influenza (restrictions on mammals) zone are subject to the restrictions and requirements applicable in both zones.
- (4) Every controlled zone, other than an avian influenza prevention zone, is an infected area for the purposes of the Act.

## PART 2 – PREVENTIVE MEASURES

### 7 Measures to reduce the risk of transmission of avian influenza

- (1) If, after carrying out a risk assessment, the Department considers such action necessary to reduce the risk of transmission of avian influenza to poultry or other captive birds from wild birds or from any other source, it must –
- (a) declare an avian influenza prevention zone in all or part of the Island; or
  - (b) serve or require an inspector to serve a notice on the occupier of any premises where poultry, other captive birds or any categories of poultry or captive birds specified in the notice are kept.
- (2) A declaration or notice under paragraph (1) must impose such measures as the Department considers necessary to reduce the risk of transmission of avian influenza.
- (3) When deciding the measures to impose under paragraph (2), the Department must consider whether measures are necessary –
- (a) to prevent direct or indirect contact which wild birds might otherwise have with poultry and other captive birds;
  - (b) to reduce the risk of feed and water provided to poultry and other captive birds being contaminated with avian influenza virus; and
  - (c) to reduce the risk of the spread of avian influenza between premises.
- (4) The power of the Department to impose measures by declaration or notice under this article includes the power –
- (a) to require poultry and other captive birds to be housed or otherwise kept separate from wild birds;
  - (b) to require poultry or other captive birds or categories of such birds specified in the declaration or notice to be housed or otherwise kept separate from other poultry and captive birds;
  - (c) to require that poultry and other captive birds are provided with feed and water to which wild birds have no access;

- (d) to require keepers of poultry and other captive birds and others who come into contact with such birds to cleanse and disinfect their footwear and take such other biosecurity measures as a veterinary inspector or an inspector under the direction of a veterinary inspector may require;
- (e) to ban or limit the collection of poultry or other captive birds at any fair, market, show, exhibition, race or other gathering;
- (f) to ban or limit the use of birds of the orders Anseriformes (including ducks, geese and swans) and Charadriiformes (including gulls, murrets, terns, avocets, puffins, woodcock, oystercatchers, sandpipers, plovers, surfbirds, snipes and skimmers) as decoys during bird hunting.

## **8 Surveillance for avian influenza**

- (1) The Department must carry out surveillance at such premises and of such birds as it considers necessary —
  - (a) to detect the prevalence in different species of poultry of infection with avian influenza virus subtypes H5 and H7; and
  - (b) to assess the risk of the spread of influenza of avian origin by wild birds.
- (2) The Department must give notice to the occupier of premises selected for the purposes of such a survey.

## **PART 3 – MEASURES ON SUSPICION OF AVIAN INFLUENZA**

### **9 Disapplication of measures to regulated places**

Articles 10(1)(b) and 11 to 18 do not apply to regulated places.

### **10 Notification procedures and precautions to be taken where avian influenza is suspected**

- (1) A person who possesses or is responsible for any bird or bird carcase which has, or is suspected to have, avian influenza must —
  - (a) immediately notify the Department; and
  - (b) take all reasonable steps to ensure that the measures in Schedule 1 are complied with.
- (2) A person who examines or inspects any bird or bird carcase, or who analyses any sample taken from any bird or bird carcase, must immediately inform the Department if the person —
  - (a) suspects the presence of avian influenza in the bird or bird carcase; or

- (b) detects evidence of antibodies to avian influenza virus in the bird or bird carcase.
- (3) A person who examines or inspects any mammal or mammal carcase, or who analyses any sample taken from any mammal or mammal carcase, must immediately inform the Department if the person —
  - (a) suspects the presence of influenza of avian origin in the mammal or mammal carcase; or
  - (b) detects evidence of antibodies to influenza virus of avian origin in the mammal or mammal carcase.

## **11 Notice of restrictions where avian influenza is suspected on premises**

- (1) Subject to article 12 and whether or not notification has been made under article 10, an inspector must serve a notice of restrictions on the occupier of any premises where the inspector suspects that avian influenza, influenza of avian origin or a virus causing such diseases exists or may have existed within the preceding 56 days.
- (2) Subject to article 12, the notice of restrictions must require the occupier of the premises to comply with the measures in Schedule 1.
- (3) An inspector must not withdraw the notice of restrictions unless instructed to do so by the Chief Veterinary Officer.

## **12 Derogations from restrictions applicable at suspect premises**

- (1) A notice served under article 11 on the occupier of a laboratory where low pathogenic avian influenza virus is kept must —
  - (a) be served by a veterinary inspector; and
  - (b) impose such of the measures in Schedule 1 and such measures relating to the operation of the laboratory as the veterinary inspector considers necessary.
- (2) In a notice served under article 11 on the occupier of premises other than those referred to in paragraph (1) of this article, or by licence to such an occupier, a veterinary inspector or an inspector acting under his or her direction may grant derogations from paragraphs 2, 3, 4 and 6 of Schedule 1.
- (3) A person must not grant a derogation under paragraph (2) or authorise the granting of such a derogation unless that person has considered —
  - (a) the risk of the possible spread of avian influenza were the derogation to be granted;
  - (b) any precautionary measures which have been or could be taken; and
  - (c) the destination of any birds or things which would be moved were the derogation to be granted.

- (4) In a notice served under article 11 or by licence, a veterinary inspector or an inspector acting under the direction of a veterinary inspector may also grant a derogation from the disinfection requirement in paragraph 7 of Schedule 1 if –
  - (a) the premises the subject of the derogation are non-commercial premises;
  - (b) the premises contain other captive birds but no poultry; and
  - (c) they have considered the risk of the possible spread of avian influenza were the derogation to be granted and any precautionary measures which have been or could be taken.
- (5) [Revoked]<sup>11</sup>

### **13 Veterinary inquiries and sampling**

- (1) The Department must ensure that a veterinary inquiry is started at suspect premises as soon as reasonably practicable if it suspects that poultry or other captive birds on or moved from those premises may be infected with avian influenza.
- (2) If the Department has authorised a veterinary inspector or another veterinary surgeon to take samples from poultry or other captive birds on premises other than suspect premises or other than for the purposes of the veterinary inquiry referred to in paragraph (1), it must direct by notice to the occupier of the premises whether any of the measures in Schedule 1 apply to the premises.
- (3) The Department must ensure that any veterinary inquiry conducted under paragraph (1) or (2) is conducted in accordance with the procedures set out in the diagnostic manual.

### **14 Measures to minimise the risk of the spread of avian influenza from suspect premises**

If the Department considers such a measure necessary to minimise the risk of the spread of avian influenza or of avian influenza virus from suspect premises it must take one or more of the following measures –

- (a) declare a temporary movement restriction zone in such part of the Island as the Department considers necessary;
- (b) serve a notice on the owner or occupier of suspect premises requiring him or her to comply with such of the measures in Schedule 2 as are specified in the notice; and
- (c) declare a temporary control zone in such part of the Island and of such size as the Department considers necessary around suspect premises.

## **15 Measures to be taken into account in respect of vehicles**

A person exercising powers under articles 11 to 14 must take into account any measures taken in respect of vehicles under articles 40, 43, 44, and 46.

## **16 Measures in a temporary movement restriction zone**

- (1) In a declaration of a temporary movement restriction zone and in relation to all or such part of the zone as it thinks fit, the Department must ban or restrict the movement of such of the following as the Department considers necessary —
  - (a) poultry;
  - (b) other captive birds;
  - (c) eggs;
  - (d) vehicles used to transport poultry, other captive birds, eggs or anything else likely to transmit avian influenza; and
  - (e) mammals.
- (2) If the Department bans or restricts the movement of mammals within a temporary movement restriction zone, the Department must lift the ban or restriction within 72 hours of it being imposed unless (notwithstanding any continuing restrictions on the movement of other things listed in paragraph (1)) the Department is satisfied that its continuation is necessary to minimise the risk of the spread of avian influenza.
- (3) If the ban or restriction on the movement of mammals continues for more than 72 hours from when it was originally declared, the Department must review each decision to continue it within 72 hours.

## **17 Additional restrictions at suspect premises**

In a notice served under article 14(b), the Department must state if the measures specified in the notice apply —

- (a) to all poultry and other captive birds on the premises;
- (b) only to certain categories of poultry or other captive birds;
- (c) only to poultry or other captive birds which the Department suspects are infected;
- (d) to all or only a specified part of the premises.

## **18 Declaration of a temporary control zone**

In a declaration of a temporary control zone, the Department must impose, in relation to premises in all or such part of the zone as the Department thinks fit, such measures as it considers necessary to reduce the risk of the spread of avian influenza.



## **PART 4 – MEASURES ON CONFIRMATION OF HIGHLY PATHOGENIC AVIAN INFLUENZA AT PREMISES OTHER THAN REGULATED PLACES**

### **19 Disapplication of measures to regulated places**

This Part does not apply to regulated places.

### **20 Restrictions on confirmation of highly pathogenic avian influenza**

- (1) Paragraph (2) applies if the Chief Veterinary Officer confirms that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists on any premises.
- (2) A veterinary inspector must impose, by notice to the occupier of the infected premises, the measure in Schedule 2 in addition to the measures in Schedule 1.

### **21 Killing of birds on premises**

Subject to article 22, the Department must ensure that poultry and other captive birds to be killed on infected premises under sections 24 or 24A of the Act, are killed there without delay.

### **22 Movement of birds off premises for killing**

If the Department considers that killing birds other than on infected premises would limit the risk of the spread of avian influenza more effectively, a veterinary inspector may —

- (a) direct, by notice to the occupier of the infected premises, that killing of the birds specified in the notice be carried out at a place specified in the notice; and
- (b) license the movement of those birds to that place.

### **23 Measures on special category premises**

- (1) A veterinary inspector must not license the movement of birds not killed under sections 24 or 24A of the Act from infected premises which are special category premises unless the veterinary inspector is satisfied, following tests on the birds, that they are not infectious.
- (2) A veterinary inspector must not license a movement to a place in the territory for which another administration within the British Islands is responsible unless the movement is authorised by the appropriate ministers for that administration.
- (3) The following are special category premises —
  - (a) non-commercial premises;

- (b) circuses;
  - (c) pet shops;
  - (d) wildlife parks;
  - (e) fenced areas where poultry or other captive birds are kept for scientific purposes or for purposes related to the conservation of endangered species;
  - (f) premises or parts of premises where only officially registered rare breeds of poultry or other captive birds are kept;
  - (h) wildlife rescue and rehabilitation centres.<sup>12</sup>
- (4) [Revoked]<sup>13</sup>
- (5) In this article, “officially registered rare breeds of poultry or other captive birds” means any poultry or other captive birds that have been officially recognised by the Secretary of State as having high conservation value or belonging to a species of rare breed as determined by the UK Farm Animal Genetic Resources Committee and published in the “UK breeds at risk” list<sup>5</sup> by the Secretary of State.

## 24 Tracing of meat and eggs from infected premises

- (1) Subject to paragraph (2), the Department or any person required by the Department, by notice, must endeavour to trace the following from infected premises —
- (a) the meat of all poultry slaughtered during the unregulated period of infection;
  - (b) poultry eggs laid at the premises during that period; and
  - (c) poultry hatched from such eggs.
- (2) The Department need not trace or require the tracing of meat or poultry eggs once they have moved from wholesale or retail premises.
- (3) “Unregulated period of infection” means the period from the date when, in the opinion of a veterinary inspector, avian influenza may first have been introduced to premises to the date when measures were imposed in relation to the premises under article 11.

## 25 Measures when meat and eggs have been traced

- (1) The Department must —
- (a) dispose of meat traced from infected premises under article 24; or
  - (b) require its disposal, by notice to the person in possession of the meat.

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<sup>5</sup> The list is published on GOV.UK ([www.gov.uk](http://www.gov.uk)) and details can be found at “FAnGR resources for farmers and livestock breeders”

- (2) The Department must —
  - (a) dispose of eggs traced from infected premises under article 24; or
  - (b) require their disposal, by notice to the person in possession of the eggs.
- (3) The Department must require, by notice to the occupier of any premises to which poultry already hatched from eggs traced under article 24 have been moved, that the poultry are not moved off those premises for at least 21 days from the date they arrived there.

## **26 Veterinary inquiry at infected premises**

The Department must ensure that veterinary inquiries continue at all infected premises for such period as it considers necessary.

## **27 Identification of contact premises**

- (1) A veterinary inspector must serve a notice on the occupier of any premises if the veterinary inspector suspects that highly pathogenic avian influenza —
  - (a) may have been carried there from other premises; or
  - (b) may have been carried to other premises from there.
- (2) Premises in respect of which a notice is served under article are contact premises for the purposes of this Part.

## **28 Restrictions at contact premises**

- (1) Subject to paragraph (2), the measures in Schedule 1 apply to contact premises until a veterinary inspector notifies the occupier that those measures are withdrawn or that the premises are infected premises.
- (2) A veterinary inspector may, by notice to the occupier of contact premises or by licence, grant the same derogations in respect of contact premises as the veterinary inspector can in respect of suspect premises under article 12.
- (3) A veterinary inspector may, by notice to the occupier of contact premises, also require the occupier to comply with one or more of the measures in Schedule 2.
- (4) When considering whether to require an occupier to comply with any of the measures in Schedule 2, a veterinary inspector must take the following criteria into account —
  - (a) the existence of any clinical signs of avian influenza in any birds on the contact premises;
  - (b) the susceptibility to avian influenza of the species of poultry on the contact premises;

- (c) any movements of poultry or other captive birds from infected premises to the contact premises after the earliest date a veterinary inspector considers avian influenza may have been introduced to the infected premises;
  - (d) the density of poultry in the area where the contact premises are located;
  - (e) the time passed since avian influenza was first confirmed and how far avian influenza has spread from infected premises;
  - (f) the proximity of the contact premises to infected premises;
  - (g) epidemiological links between the contact premises and infected premises; and
  - (h) the extent to which measures to control avian influenza are working.
- (5) When considering the proximity of the contact premises to infected premises under paragraph 4(f), a veterinary inspector must give particular consideration to the imposition of measures on premises which are –
- (a) within 500 metres of infected premises; or
  - (b) 500 metres or more from infected premises but are in an area with a high density of poultry.
- (6) When considering epidemiological links between the contact premises and infected premises in accordance with paragraph (4)(g), a veterinary inspector must give particular consideration to the imposition of measures on premises with links to more than one infected premises.
- (7) If the Department requires poultry or other captive birds on a contact premises to be killed, it must ensure that samples are taken from the dead birds and tested for avian influenza.

## **29 Declaration of protection, surveillance and restricted zones**

- (1) On confirmation by the Chief Veterinary Officer of highly pathogenic avian influenza on premises in the Island, the Department must declare a protection zone and a surveillance zone.
- (2) The Department must, if it considers necessary to reduce the risk of the spread of avian influenza, declare one or more restricted zones in addition to protection and surveillance zones.
- (3) Paragraphs (1) and (2) do not affect the power of the Department to disapply measures or to apply alternative measures under articles 31(3), 32(3) and 34.

## **30 Site of Zones**

- (1) A protection zone declared under paragraphs (1) or (2) of article 29 must (subject to paragraph (8)) –

- (a) be centred on the outbreak point; and
  - (b) have a radius of at least 3 kilometres.
- (2) A surveillance zone declared under paragraphs (1) or (2) of article 29 must (subject to paragraph (8)) —
  - (a) be centred on the outbreak point; and
  - (b) have a radius of at least 10 kilometres.
- (3) A restricted zone must —
  - (a) either —
    - (i) be centred on the outbreak point; or
    - (ii) be adjacent to the surveillance zone or to another restricted zone; and
  - (b) be of such size as the Department considers necessary.
- (4) The Department must take account of the criteria set out in paragraph (5) when deciding —
  - (a) what size zones to declare under paragraphs (1) or (2) of article 29; and
  - (b) whether to declare restricted zones under paragraph (2) of article 29.
- (5) The criteria referred to in paragraph (4) are —
  - (a) the results of veterinary inquiries;
  - (b) the geographical features of the area around the infected premises;
  - (c) the location and proximity of other premises containing poultry and other captive birds in the area;
  - (d) patterns of movement of and trade in poultry and other captive birds in the area;
  - (e) the facilities and personnel available to control movements within the zone (including any movement of poultry or other captive birds off premises for slaughter and disposal).

### **31 Measures in protection zones**

- (1) The measures in article 33 and Schedules 4 and 8 apply in respect of a protection zone, subject to paragraphs (2) and (3) and articles 35 and 37.
- (2) Paragraph (3) applies if the Department has carried out a risk assessment and does not believe that the disapplication of any measure under that paragraph would endanger disease control.
- (3) In a declaration of a protection zone, the Department may —
  - (a) disapply one or more of the measures in Schedule 4 to movements of racing pigeons into, from and within the zone;

- (b) disapply one or more of the measures in paragraph 14 of Schedule 4 and in article 66(2) if –
  - (i) the premises where avian influenza has been confirmed are special category premises; and
  - (ii) avian influenza has been confirmed in poultry on those premises.
- (4) The Department must ensure that –
  - (a) premises containing poultry and other captive birds within a protection zone are identified as soon as possible; and
  - (b) a veterinary inspector examines poultry and other captive birds at all such premises, carrying out examinations at commercial premises as soon as possible.
- (5) The Department may, despite paragraph (4)(b), authorise a reduced level of surveillance to that provided for in that paragraph if –
  - (a) the premises on which avian influenza is confirmed are special category premises; and
  - (b) it is satisfied that reduced surveillance would not endanger diseases control.
- (6) The Department must ensure that such veterinary inquiries as it considers necessary to monitor for avian influenza are carried out at premises to which things are moved within and out of a protection zone.

### **32 Measures in surveillance zones**

- (1) The measures in article 34 and Schedules 5 and 8 apply in respect of a surveillance zone, subject to paragraph (3) and articles 36 and 38.
- (2) Paragraph (3) applies if the Department has carried out a risk assessment and does not believe that the disapplication of any measure under that paragraph would endanger disease control.
- (3) In the declaration of a surveillance zone, the Department may –
  - (a) disapply one or more of those measures to movements of racing pigeons into, from and within the zone;
  - (b) disapply one or more of the measures in paragraphs 6, 11 or 15 of Schedule 5 (restrictions on the movement of poultry and eggs within and outside the zone and of poultry, other captive birds and mammals onto premises) if –
    - (i) the premises where avian influenza has been confirmed are special category premises; and
    - (ii) avian influenza has been confirmed in poultry on those premises.

- (4) The Department must ensure that all commercial poultry premises within a surveillance zone are identified as soon as possible.

**33 Restrictions on the movement of wild game bird products originating in a protection, surveillance or restricted zone**

- (1) The Department may, on the basis of a risk assessment, impose restrictions on the movement of wild game bird products.
- (2) Where such restrictions are imposed, a person must not move any wild game bird product intended for human consumption from a protection, surveillance or restricted zone to —
  - (a) an unrestricted area in the Island; or
  - (b) any place outside the Island.
- (3) Where a movement would otherwise be prohibited by restrictions imposed under paragraph (1), a veterinary inspector or an inspector acting under the direction of a veterinary inspector may by licence authorise —
  - (a) the movement of —
    - (i) meat products, from wild game birds originating in a protection, surveillance or restricted zone, which have been heated throughout the product in question to a minimum temperature of 70°C;
    - (ii) fresh meat from wild game birds originating outside the protection, surveillance or restricted zone, which has been —
      - (A) produced in accordance with section 4 of Annex 3 to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin;
      - (B) subject to the official controls set out in Article 18 of Regulation (EU) 2017/625<sup>6</sup> of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed laws, rules on animal health and welfare, plant health and plant protection products;
    - (iii) processed fresh meat and products containing such meat from wild game birds originating outside the protection, surveillance or restricted zone, produced in accordance with Sections 5 and 6 of Annex 3 to Regulation (EC) No 853/2004;

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<sup>6</sup> As it forms part of Manx law by virtue of paragraph 54(11) of the Schedule to the European Union and Trade Act 2019 (Retained Direct EU Legislation) (DEFA and OFT) Regulations 2019.

- (b) the movement to an unrestricted area in the Island of fresh meat and meat products from wild game birds originating in a protection, surveillance or restricted zone, provided the meat, or meat products has, or have, been —
  - (i) marked in accordance with paragraph 2 of Schedule 8;<sup>14</sup>
  - (ii) cut and stored in the handling establishment separately from other products which have originated outside the protection, surveillance or restricted zone.
- (4) The measures in Schedule 8 apply in respect of movements covered by this article.

### **34 Restrictions on trade in things from areas where measures have been disapplied.**

Unless a person is licensed by a veterinary inspector, a person must not supply any of the following for export outside of the Isle of Man if it has come from premises in respect of which any of the measures in Schedules 4 or 5 have been disapplied under articles 31 or 32 —

- (a) poultry;
- (b) other captive birds;
- (c) hatching eggs;
- (d) used litter;
- (e) manure;
- (f) slurry.

### **35 Alternative measures where avian influenza is confirmed at a hatchery or in other captive birds on special category premises**

- (1) If, following confirmation of highly pathogenic avian influenza at a hatchery or in any other captive birds on special category premises, or any birds on special category premises listed in article 23(3)(a) to (e) or (h) the Department is satisfied that applying less stringent measures than those in articles 29 to 32 would not endanger disease control, it may decide —
  - (a) not to make a declaration of any controlled zone around the premises;
  - (b) to declare fewer zones than required under article 29;
  - (c) to declare a controlled zone smaller in size than provided for in article 30;
  - (d) to specify in its declaration of a controlled zone that one or more of the measures in Schedules 4 and 5 do not apply in that zone.<sup>15</sup>
- (2) The Department must carry out a risk assessment before reaching a decision under paragraph (1).



### **36 Measures in restricted zones**

- (1) The Department must, in a declaration of a restricted zone under article 29, apply, in each zone so declared, such measures as it considers necessary to reduce the risk of the spread of avian influenza.
- (2) These measures may include some or all of the measures in Schedules 4 and 5 and article 37.

### **37 Additional measures in protection and surveillance zones**

- (1) If it considers such action necessary to reduce the risk of the spread of avian influenza, the Department must impose by declaration measures additional to those in Schedules 4 and 5 in respect of a protection or surveillance zone.
- (2) The Department's power to declare additional measures includes the power to prohibit or restrict —
  - (a) the movement of vehicles or people involved in —
    - (i) the supply of animal feed;
    - (ii) the supply of agricultural equipment;
    - (iii) the collection of eggs;
    - (iv) the collection of carcasses for disposal;
  - (b) the movement of those working on premises, including veterinary surgeons;
  - (c) the movement of any person onto any premises, including common, unenclosed and waste land and agricultural buildings, notwithstanding the existence of any public or private right of way or any other right of access to, or permission to gain access to, the premises.
- (3) The power to prohibit or restrict movement under paragraph (2)(c) applies only in relation to a protection zone and does not include a power to prohibit or restrict movement onto premises by —
  - (a) the owner or occupier of the premises;
  - (b) any person whose principal residence or place of employment is those premises;
  - (c) any person entering under the authority of a licence granted under this Order.

### **38 Ending of protection, surveillance and restricted zone**

- (1) The Department may, by declaration, end a protection zone but subject to paragraph (3) must not, in the case of a protection zone declared under article 29, do so until —

- (a) at least 21 days have elapsed since the completion at all infected premises in the zone of the preliminary cleansing and disinfection measures referred to in Part 2 of Schedule 3; and
  - (b) a veterinary inquiry has been completed on all premises within the zone identified as containing poultry or other captive birds.
- (2) On the ending of any protection zone, the area which formed that protection zone becomes part of the surveillance zone centred on the same outbreak point as the protection zone.
- (3) The Department may, by declaration, end a surveillance zone but, in the case of a zone declared under article 29, must not do so until at least 30 days have elapsed since the completion at all infected premises in the zone of the preliminary cleansing and disinfection measures referred to in Part 2 of Schedule 3.
- (4) The restrictions that would otherwise apply by virtue of paragraph (1)(a) or (3) do not apply where the Department is satisfied that their application of restrictions is not necessary to reduce the risk of the spread of avian influenza.

## **PART 5 – MEASURES ON SUSPICION OR CONFIRMATION OF HIGHLY PATHOGENIC AVIAN INFLUENZA IN REGULATED PLACES AND VEHICLES**

### **39 Veterinary measures at slaughterhouses**

If the Chief Veterinary Officer suspects that highly pathogenic avian influenza exists at any slaughterhouse or if the Chief Veterinary Officer has confirmed that it exists there, the Department must –

- (a) serve a notice on the occupier of the slaughterhouse informing the occupier of this and applying the measures set out in paragraphs 3, 4 and 5 of Schedule 1; and
- (b) ensure that a veterinary inquiry is carried out at the slaughterhouse.

### **40 Veterinary inquiry where avian influenza is suspected or confirmed in vehicles**

An inspector must ensure that a veterinary inquiry is carried out in relation to any vehicle on which the inspector knows or suspects that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists.

**41 Slaughter of birds in slaughterhouses where disease is suspected or confirmed**

The occupier of a slaughterhouse where highly pathogenic avian influenza is suspected or confirmed must ensure that all poultry present on the premises at the date a notice is served on the occupier under article 39(a) are slaughtered there without delay and in accordance with a veterinary inspector's instructions.

**42 Poultry meat and by-products in slaughterhouses where disease is suspected or confirmed**

- (1) The occupier of a slaughterhouse where highly pathogenic avian influenza is suspected or confirmed must, in accordance with a veterinary inspector's instructions —
  - (a) keep poultry referred to in article 41 separate from any other poultry subsequently arriving at the slaughterhouse; and
  - (b) keep the following separate from other bird carcasses, poultry meat and by-products —
    - (i) bird carcasses and poultry meat from poultry referred to in article 41;
    - (ii) the by-products of such poultry;
    - (iii) poultry meat from any other poultry which may have been contaminated at the slaughterhouse during the killing of such poultry or the production process;
    - (iv) the by-products of the poultry referred to in paragraph (iii).
- (2) Paragraph (1) applies to poultry moved to a slaughterhouse on a vehicle in accordance with article 43, as if references to article 41 were to that article.
- (3) The occupier of a slaughterhouse where highly pathogenic avian influenza is confirmed must dispose of the things set out in paragraph (1)(b) in accordance with a veterinary inspectors' instructions or assist a veterinary inspector in removing those things from the premises.

**43 Control of vehicles**

- (1) An inspector who knows or suspects that any poultry, other captive bird or any thing on any vehicle is infected or contaminated with highly pathogenic avian influenza may, by notice to the owner or driver of the vehicle or to the occupier of any premises —
  - (a) require the detention at such place as the inspector directs of any vehicle, equipment or other thing suspected of being contaminated; and
  - (b) direct that the vehicle be moved to such premises as the inspector directs.

- (2) Any expenses arising from the movement or detention of any bird or any thing (including the cost of feeding and watering any bird) must be paid by its owner.

#### **44 Cleansing and disinfection of regulated places and vehicles**

- (1) The occupier of any regulated place where highly pathogenic avian influenza is suspected or confirmed must cleanse and disinfect those premises and any equipment and vehicles on those premises which may be contaminated in accordance with a veterinary inspector's instructions.
- (2) The owner or driver of any vehicle on which highly pathogenic avian influenza is suspected or confirmed must cleanse and disinfect the vehicle.

#### **45 Reintroduction of poultry and other captive birds**

A person must not reintroduce poultry to a slaughterhouse where highly pathogenic avian influenza was suspected or confirmed until an inspector has confirmed that the cleansing and disinfection referred to in article 44 have been completed and at least 24 hours have elapsed since their completion.

#### **46 Measures at other premises and for vehicles**

- (1) If the Department suspects that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists at any slaughterhouse or in any vehicle or if the Chief Veterinary Officer has confirmed that it exists there, the Department must –
  - (a) apply the measures in Schedule 1 to the premises of origin;
  - (b) apply the measures in Schedule 1 to premises which it considers to be suspect premises (because of their epidemiological link with the premises of origin); and
  - (c) apply the measures in Schedule 2 to the premises of origin, unless it is satisfied (having considered the results of veterinary inquiries) that this is not necessary.
- (2) If the Department suspects that highly pathogenic avian influenza exists at any border inspection post or if the Chief Veterinary Officer has confirmed that it exists there, the Department must apply the measures in Schedule 1 to premises which it considers to be suspect premises because of their epidemiological link with the border inspection post.
- (3) The Department must apply measures under this article by notice to the occupier of the relevant premises.
- (4) In this article, “premises of origin” means any premises from which poultry or other captive birds which may be infected were moved to the slaughterhouse or on the vehicle.

## **PART 6 – MEASURES ON CONFIRMATION OF LOW PATHOGENIC AVIAN INFLUENZA**

### **47 Measures when low pathogenic avian influenza is confirmed**

- (1) If the Chief Veterinary Officer confirms that low pathogenic avian influenza or low pathogenic avian influenza virus exists on any premises other than regulated places, the Department must –
  - (a) apply, by notice to the occupier of the infected premises, such of the measures in Part 1 of Schedule 6 as the Department considers necessary, and the measures in article 33 and Schedule 8, to reduce the risk of the spread of avian influenza; and
  - (b) ensure that a veterinary inquiry is carried out at the infected premises.
- (2) If the Chief Veterinary Officer confirms that low pathogenic avian influenza or low pathogenic avian influenza virus exists at a regulated place, the Department may apply, by notice to the occupier of that place, such of the measures in Part 1 of Schedule 6 as the Department considers necessary, and the measures in article 33 and Schedule 8, to reduce the risk of the spread of avian influenza.
- (3) A veterinary inspector must not license any movement otherwise prohibited under Part 1 of Schedule 6 unless satisfied that it would not significantly increase the risk of the spread of low pathogenic avian influenza.
- (4) When reaching a decision under paragraph (3), a veterinary inspector must, in particular, take into account the criteria in Part 2 of Schedule 6.
- (5) An inspector who knows or suspects that any poultry, other captive bird or any thing on any vehicle is infected or contaminated with low pathogenic avian influenza may, by notice to the owner or driver of the vehicle or to the occupier of any premises –
  - (a) require the detention at such place as the inspector directs of any vehicle, equipment or other thing suspected of being contaminated; and
  - (b) direct that the vehicle be moved to such premises as the inspector directs.
- (6) Any expenses arising from the movement or detention of any bird or any thing, including the cost of feeding and watering any bird, must be paid by its owner.

### **48 Killing of poultry and other captive birds**

- (1) The Department must ensure that all poultry on the holding and all other captive birds of the species in which low pathogenic avian influenza has

been confirmed on the holding are killed or slaughtered under official supervision in such a way as to prevent the spread of avian influenza.

- (2) The Department may require other captive birds on the premises to be killed or slaughtered on the basis of an assessment of the risk that they pose as regards the spread of avian influenza or to birds on other premises that are determined on the basis of epidemiological inquiry to be contact premises.

#### **49 Movement of eggs from premises where low pathogenic avian influenza is confirmed**

- (1) If the Department directs that poultry on infected premises are to be slaughtered, the Department must not license the movement of eggs off the premises prior to the poultry being slaughtered and the carcasses removed from the premises unless the Department is satisfied that the movement would not significantly increase the risk of the spread of low pathogenic avian influenza.
- (2) The Department may only license the movement of such eggs for disposal.

#### **50 Veterinary surveillance of poultry**

The Department must carry out such veterinary surveillance as it consider necessary at premises where poultry are kept before being slaughtered under article 48.

#### **51 Measures on special category premises**

- (1) The occupier of infected premises which are special category premises where poultry and other captive birds are not killed under sections 24 or 24A of the Act must ensure that —
  - (a) poultry and other captive birds are —
    - (i) housed; or
    - (ii) isolated (if so directed by a veterinary inspector on the basis that housing is impractical or would adversely affect the birds' welfare to a significant degree);
  - (b) no poultry or other captive bird is moved from the premises except —
    - (i) to a slaughterhouse or other premises in accordance with a licence granted by a veterinary inspector; or
    - (ii) to a slaughterhouse in another country or to other premises in another country, if the movement is licensed by a veterinary inspector and is authorised by the competent authority of that country.

- (2) The occupier of the premises must take all reasonable steps to minimise contact between birds isolated under paragraph (1)(a)(ii) and wild birds.
- (3) A veterinary inspector must not grant a licence under paragraph (1)(b) unless satisfied, following tests on the birds, that there is not a significant risk that the proposed movement would spread highly pathogenic avian influenza.

## **52 Veterinary surveillance of birds**

The Department must ensure that birds on infected premises which are special category premises not killed under sections 24 or 24A of the Act are monitored for avian influenza.

## **53 Tracing of poultry and eggs**

- (1) The Department must endeavour to trace the following from infected premises —
  - (a) hatching eggs from poultry laid during the unregulated period of infection; and
  - (b) poultry hatched from eggs laid during that period.
- (2) The Department must ensure that such veterinary inquiries as it considers necessary to monitor for avian influenza are carried out at premises to which eggs and poultry are so traced.

## **54 Identification of contact premises**

- (1) The Department must serve a notice on the occupier of any premises other than regulated places if it suspects that low pathogenic avian influenza —
  - (a) may have been carried there from other premises; or
  - (b) may have been carried to other premises from there.
- (2) Premises in respect of which a notice is served under this article are contact premises for the purposes of this Part.

## **55 Restrictions at contact premises**

- (1) The Department must, by notice to the occupier of contact premises, apply such of the measures in Schedule 1 as it considers necessary to reduce the risk of the spread of avian influenza.
- (2) If the Department considers it necessary to prevent the spread of low pathogenic avian influenza, it must —
  - (a) direct that contact premises be deemed to be infected premises; and
  - (b) state, in the direction, which measures in this Part and in Schedule 6 apply to the contact premises.

- (3) A direction under paragraph (2) must be by notice to the occupier of the contact premises and the Department must not serve such a notice unless it has taken into account the criteria set out in paragraph (4) of article 28, as read with paragraphs (5) and (6) of article 28.
- (4) If the Department requires poultry or other captive birds on contact premises to be killed, it must ensure that samples are taken from the dead birds and tested for avian influenza.

## **56 Declaration of a low pathogenic avian influenza restricted zone**

- (1) On confirmation by the Chief Veterinary Officer of low pathogenic avian influenza on premises other than a regulated place the Department must, subject to paragraph (2), declare a low pathogenic avian influenza restricted zone.
- (2) The Department may, on the basis of a risk assessment, decide not to declare a low pathogenic avian influenza restricted zone if the premises where low pathogenic is confirmed are –
  - (a) a hatchery; or
  - (b) special category premises.

## **57 Size of zones**

- (1) A low pathogenic avian influenza restricted zone must –
  - (a) be centred on the outbreak point; and
  - (b) have a radius of at least 1 kilometre.
- (2) “Outbreak point” has the meaning it has in article 30.

## **58 Measures in low pathogenic avian influenza restricted zones**

- (1) The measures in Schedule 7 apply in respect of a low pathogenic avian influenza restricted zone, subject to paragraphs (2) and (3).
- (2) The Department may, in a declaration under article 56, disapply some or all of the measures in Schedule 7 if –
  - (a) the infected premises are a hatchery or special category premises; and
  - (b) the Department has carried out a risk assessment and does not believe that the disapplication would endanger disease control.
- (3) The Department may, if it considers it necessary to reduce the risk of the spread of avian influenza, impose, by declaration, measures additional to those in Schedule 7 in respect of the low pathogenic avian influenza restricted zone.
- (4) The Department must ensure that –



- (a) commercial premises in the low pathogenic avian influenza restricted zone are identified as soon as possible;
- (b) tests for avian influenza are carried out on commercial poultry premises within a radius of at least 1 kilometre of the boundary of the infected premises or, the Department thinks it more appropriate, of the part of the infected premises where avian influenza was found.

## **59 Duration of restricted zones**

- (1) The measure in article 58 must be maintained for at least the minimum period and until the Department, on the basis of investigations and laboratory tests carried out in the restricted zone in accordance with the diagnostic manual and a risk assessment, has determined that the risk of the spread of low pathogenic avian influenza is negligible.
- (2) In paragraph (1), "the minimum period" means —
  - (a) in a case where preliminary cleansing and disinfection at the infected premises has been carried out in accordance with one or more of the procedures in article 67, 21 days following completion of that preliminary cleansing and disinfection;
  - (b) in any other case, 42 days following the date on which the outbreak is confirmed.

## **PART 7 – MEASURES TO REDUCE THE RISK OF THE SPREAD OF INFLUENZA VIRUSES OF AVIAN ORIGIN TO OTHER SPECIES**

### **60 Tests on animals at premises where avian influenza is confirmed**

- (1) The Department must ensure that any pigs kept on premises where avian influenza is confirmed are tested for infection with influenza virus of avian origin.
- (2) The Department may, if it thinks necessary to prevent the spread of avian influenza or influenza of avian origin, require such tests to be carried out on other mammals kept on the premises.

### **61 Killing of mammals**

The Department must ensure that mammals to be killed under sections 24 or 24A of the Act because they are affected or suspected of being affected with influenza virus of avian origin or have been exposed to such disease are —

- (a) slaughtered as soon as possible, in accordance with a veterinary inspector's instructions; and

- (b) transported in accordance with a veterinary inspector's instructions (if they are moved off the premises for slaughter).

## **62 Movements off the premises**

- (1) Subject to paragraph (2), a person must not move any mammal tested under article 60 off the premises until a veterinary inspector has confirmed that the mammal is not infective and licenses the movement.
- (2) A 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 satisfied (as a result of further tests on the animals) that the movement will not significantly increase the risk of the spread of avian influenza.

## **63 Other measures to control the spread of the virus in mammals**

- (1) If the Department considers it necessary to monitor or control the spread of avian influenza or influenza of avian origin in mammals, the Department may —
  - (a) do any of the following, after serving notice on the occupier of the premises —
    - (i) test pigs and other mammals on contact premises for influenza virus of avian origin;
    - (ii) prohibit the movement of mammals or categories of mammals off contact premises unless it is licensed by a veterinary inspector;
    - (iii) carry out surveillance or require surveillance to be carried out at any premises where mammals are kept; and
  - (b) impose such measures additional to those set out in subparagraph (a) and articles 60 and 62 as it considers necessary, by declaration of an avian influenza (restrictions on mammals) zone or by notice to the occupier of any premises.
- (2) Premises are contact premises for the purposes of this Part if, in the view of the Department, they are premises —
  - (a) to which influenza virus of avian origin may have been carried from premises where the virus has been confirmed; or
  - (b) from which the virus may have been carried to premises where the virus has been confirmed.

## **PART 8 – GENERAL MEASURE ON SUSPICION OR CONFIRMATION OF AVIAN INFLUENZA**

### **64 Restrictions relating to things moved from the United Kingdom**

- (1) Subject to paragraph (2), measures in this Order applying in respect of any thing moved from a controlled zone or from any of the premises referred to in paragraph (3) apply in respect of any such thing moved from an equivalent zone or equivalent premises in the United Kingdom.
- (2) Paragraph (1) only applies if the person to whom the measure applies is aware or should reasonably have been aware that the thing moved is from such an equivalent zone or equivalent premises.
- (3) The premises referred to in paragraph (1) are –
  - (a) suspect premises;
  - (b) contact premises;
  - (c) infected premises; and
  - (d) premises subject to restrictions under Part 7.

### **65 Measures relating to slaughter and to poultry meat**

- (1) A person must not move poultry meat from poultry originating in a protection zone unless licensed to do so by a veterinary inspector and the poultry meat –
  - (a) bears a mark (or is in packaging which bears a mark) approved by the Department and which –
    - (i) identifies the poultry meat as coming from a protection zone; and
    - (ii) complies with paragraphs 9, 10, 11 and 13 of section 1(C) of Annex II to Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin; and
  - (b) is obtained, cut, transported and stored separately from poultry meat from outside the zone.
- (2) A person must not move poultry meat from poultry from outside a protection zone unless the meat –
  - (a) is obtained, cut, transported and stored separately from meat produced from poultry originating in the zone; and
  - (b) in the case of meat produced from poultry from an area which, subsequent to such production, becomes a protection zone –
    - (i) was produced at least 21 days before the date a veterinary inspector estimates as the date of earliest infection at premises in the protection zone; and

- (ii) has been obtained, cut, transported and stored separately from meat produced after that date.
- (3) Poultry meat from poultry outside a protection zone which does not meet the requirements of paragraph (2)(b) is subject to the measures in paragraph (1) applicable to meat from poultry originating in such a zone.
- (4) A person other than the final consumer of meat marked with a mark referred to in paragraph (1)(a) must not deface, obliterate or remove that mark, unless licensed by the Department.
- (5) In this article, “poultry meat” means poultry meat and any product containing it which has not been heat treated at a minimum temperature of 70°C, which temperature must be reached throughout the meat or product.
- (6) 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.<sup>16</sup>
- (7) 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.<sup>17</sup>

## **66 Poultry moved to premises outside controlled zones other than for slaughter**

- (1) The occupier of any premises not in a protection or surveillance zone to which day-old chicks are moved must ensure that they are not moved off the premises for at least 21 days from the date they arrived there if those chicks were –
  - (a) hatched from eggs originating in such a zone or from eggs which have come into contact with such eggs; and
  - (b) moved from a hatchery in such a zone.
- (2) The occupier of any premises not in a protection zone or a surveillance zone to which ready-to-lay poultry or brood-and-move poultry from a protection or surveillance zone are moved must ensure that they are not moved off the premises for at least 21 days from the date they arrived there.<sup>18</sup>
- (3) The occupier of any premises outside a low pathogenic avian influenza restricted zone to which poultry are moved from such a zone must ensure that poultry other than day old chicks hatched from eggs originating outside the zone are not moved off the premises for at least 21 days from the date they arrived there.

- (4) The occupier of any premises to which any thing is moved under this article must, for at least 21 days from the date the thing was moved to the premises, make the following daily records –
  - (a) the number or approximate number of poultry on the premises;
  - (b) the number of poultry falling ill on the premises;
  - (c) the number of poultry dying on the premises;
  - (d) the amount of feed and, where possible, water being consumed by any poultry on the premises; and
  - (e) any egg production on the premises.
- (5) Records made under paragraph (4) must be kept for at least 6 weeks from the date the last record was made.
- (6) The Department must ensure that such veterinary inquiries as it considers necessary to monitor for avian influenza take place at the premises to which things are moved.
- (7) The occupier of any premises to which poultry is moved under this article shall, for at least 21 days from the date on which the poultry was moved to the premises, take such measures to reduce the risk of spread of avian influenza to poultry, other captive birds or wildlife, including a requirement to house or otherwise keep that poultry separate from other birds or mammals on the premises, as may be directed by a veterinary inspector.<sup>19</sup>

## **67 Cleansing, disinfection and treatment**

- (1) Any person who is required by or under this Order to cleanse, disinfect or treat any premises (other than regulated places) or any thing (including any vehicle under his or her control) on those premises must do so in accordance with Schedule 3.
- (2) Any person who is required under this Order to cleanse, disinfect or treat regulated places, any thing on those premises or any vehicle not referred to in paragraph (1) must do so in accordance with a veterinary inspector's instructions.
- (3) The occupier of any premises required to be cleansed or disinfected under this Order, or on which cleansing and disinfection of any vehicle is so required, must provide adequate facilities, equipment and materials to carry out such cleansing and disinfection.
- (4) A veterinary inspector may, by notice to the occupier of premises referred to in paragraph (1), provide that part of the premises the subject of that notice and which would otherwise be subject to the measures in Schedule 3 are subject instead to the measures in paragraph (2).
- (5) Any person who is required to disinfect under this Order must –

- (a) use disinfectants approved for use for the purpose of this Order by the Diseases of Animals (Approved Disinfectants) (England) Order 2007<sup>7</sup>;
  - (b) use them at the concentrations approved under that Order; and
  - (c) use them in accordance with —
    - (i) the manufacturer’s instructions (if any); or
    - (ii) (if different), the instructions of a veterinary inspector.
- (6) A veterinary inspector may, by notice to the occupier of any premises where avian influenza has been confirmed —
- (a) prohibit the keeping of poultry or other captive birds on the premises or on any part of the premises where the veterinary inspector believes avian influenza virus may still exist; and
  - (b) prohibit the entry of any person, vehicle, poultry, other captive bird, mammal or thing onto any premises or part of premises which the veterinary inspector believes cannot be cleansed and disinfected.
- (7) A veterinary inspector must not revoke a notice served under paragraph (6) unless —
- (a) at least a year has passed since the date the notice was served; or
  - (b) (in the case of fields on the premises or of any other part of the premises which is not a building or part of a building), the Chief Veterinary Officer has confirmed that the veterinary inspector may do so.

## 68 Restocking

- (1) Unless licensed by a veterinary inspector to do so, a person must not restock with poultry or other captive birds suspect premises, infected premises or contact premises if poultry or other captive birds kept on those premises have been killed under sections 24 or 24A of the Act.
- (2) A veterinary inspector must not license the restocking of commercial poultry premises until at least 21 days after the date final cleansing and disinfection was completed at the premises in accordance with Part 2 of Schedule 3.
- (3) Where premises subject to measures set out in Schedules 1, 2 or 6 have been restocked, a veterinary inspector may vary those measures, by notice to the occupier of the premises.

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<sup>7</sup> SI 2007/448

## **69 Surveillance at restocked commercial poultry premises**

- (1) The Department must ensure that the following measures are taken not more than 21 days after the date any poultry are brought onto commercial poultry premises for restocking —
  - (a) the examination of any poultry on the premises by a veterinary inspector;
  - (b) the taking from such poultry of such sample as the Department requires and the laboratory testing of such samples for avian influenza in accordance with the diagnostic manual;
  - (c) the testing for avian influenza of such poultry which die on the premises as veterinary inspector consider necessary.
- (2) A veterinary inspector who examines poultry under paragraph (1)(a) may carry out more than one examination of the birds and must conduct at least one examination as close as possible to the end of the 21 day period referred to in paragraph (1).

## **70 Additional measures at restocked commercial poultry premises**

- (1) The occupier of commercial poultry premises which have been restocked must, for at least 21 days from the date of restocking, make the following daily records —
  - (a) the number or approximate number of poultry on the premises;
  - (b) the number of poultry falling ill on the premises;
  - (c) the number of poultry dying on the premises;
  - (d) the amount of feed and, where possible, water being consumed by poultry on the premises; and
  - (e) any egg production on the premises.
- (2) The occupier of commercial poultry premises must ensure that records made under paragraph (1) are kept for at least 6 weeks from the date the last record was made.

## **71 Measures at other restocked premises**

The Department may, in relation to other restocked premises where poultry or other captive birds are kept —

- (a) apply the measures in article 69; and
- (b) by notice to the occupier of the premises, require him or her to carry out the measures in article 70.

## **72 Designation of premises to which things may be moved.**

- (1) On receipt of an application in writing by the occupier of the premises, the Department may designate the following premises for the following purposes –
  - (a) a slaughterhouse for the purpose of receiving poultry moved under a licence granted under this Order;
  - (b) a hatchery for the purpose of receiving eggs moved under a licence granted under this Order;
  - (c) an egg packing centre for the purpose of receiving eggs moved under a licence granted under this Order; or
  - (d) any premises for the purpose of receiving eggs moved under a licence granted under this Order for use for scientific, diagnostic or pharmaceutical purposes.
- (2) The Department must not make a designation unless it is satisfied that the risk of the transmission of avian influenza from the premises is minimal.
- (3) Where a premises is specified in a licence granted under Part II of the Cruelty to Animals Act 1997 that premises is deemed to be designated under paragraph (1)(d), unless the Department directs otherwise by notice to the occupier of the premises.

## **73 Duty to provide reasonable assistance**

- (1) Any person required to give reasonable assistance or information to a person executing this Order must, unless that person has a reasonable cause, do so without delay.
- (2) The occupier of any premises from or to which an inspector wishes any thing to be moved under licence under this Order must allow an inspector or any person authorised by the Department to enter those premises for the purposes of deciding whether or not such a licence should be granted or maintained.

## **74 Provision of information**

A person must not knowingly provide false or misleading information to a person executing this Order.

## **75 Records of movements authorised by licence**

- (1) Any person moving poultry, other captive birds or their products under a licence granted under this Order must, as soon after the movement as is reasonably practicable, make a record of –
  - (a) what is moved, including its quantity;
  - (b) the date of the movement;
  - (c) the name of the consignor;



- (d) the address of the premises from which the movement started;
  - (e) the registration number of any vehicle used;
  - (f) the name of the consignee; and
  - (g) the address of the destination.
- (2) The person making such a record must retain it for at least 6 weeks from the date the movement was completed.

## **76 Retention and production of records**

- (1) Any person who is required by this Order to make or keep a record must —
- (a) retain it for at least 12 months from the date the record is made (unless otherwise required under this Order); and
  - (b) produce it on demand to an inspector and provide him or her with copies, if required.
- (2) An inspector may enter any premises for the purpose of inspecting any records required to be kept under this Order and may —
- (a) copy such records (in whatever form they are held);
  - (b) require any computer records to be produced in a form which can be taken away; and
  - (c) remove any record and retain it until the inspector has carried out his or her functions under this Order.

## **77 Duty to comply with declarations, licences and notices**

- (1) Any person to whom any requirement in a declaration, licence, notice or designation under this Order applies must —
- (a) comply with the requirement (unless authorised otherwise by licence); and
  - (b) comply with any reasonable requests which an inspector may make to that person to ensure that the requirement is met.
- (2) Subject to articles 43(2), 47(6) and 78(4), the costs incurred by any person in taking any action required under this Order, or of refraining from taking action prohibited under it, must be met by that person unless the Department directs otherwise in writing.

## **78 Change of occupation of premises under restriction**

- (1) This article applies if the keeper of any poultry, other captive bird or mammal is unable to move it from premises on the termination of the keeper's right of occupation because of a movement restriction imposed by or under this Order and continues to apply for 7 days after any such restriction has been removed.

- (2) The person entitled to occupation of the premises following that termination must –
  - (a) provide such facilities for feeding, tending or otherwise using the poultry, other captive bird or mammal (including selling it) as the keeper may reasonably require; and
  - (b) allow entry to the premises to the keeper and any person authorised by the keeper at reasonable times for feeding, tending or otherwise using the poultry, other captive bird or mammal.
- (3) If the keeper is unable or unwilling to feed or tend the poultry, other captive bird or mammal, the person entitled to occupation of the premises must take such steps as are necessary to ensure it is properly fed and tended.
- (4) The keeper of the poultry, other captive bird or mammal is liable to pay the reasonable costs incurred under this article by any person feeding or tending it, or providing facilities for feeding, tending or otherwise using it.

#### **79 Killing of birds and destruction of things which may be contaminated**

- (1) Before causing poultry or other birds to be killed under sections 24 or 24A of the Act, the Department must give notice of its intention to do so to the occupier of the premises where the birds are kept or to their keeper.
- (2) Before causing any mammal to be killed under sections 24 or 24A of the Act, the Department must give notice of the Department's intention to do so to the occupier of the premises where the mammal is kept or to its keeper.

#### **80 Duty of the Department to erect signs**

- (1) The Department must, if reasonably practicable, ensure that the boundaries of controlled zones other than avian influenza (restrictions on mammals) zones are indicated by signs erected in a conspicuous position on roads entering the zones on which poultry are likely to be moved.
- (2) The Department must, if reasonably practicable, ensure that the boundaries of avian influenza (restrictions on mammals) zones are indicated by signs erected in a conspicuous position on roads entering the zones on which mammals, or mammals specified in the declaration of the zones, are likely to be moved.
- (3) The Department must cause a notice of any restriction or prohibition on the movement of any person onto any premises in a protection zone declared under article 37(2)(c) ("a restriction notice") to be displayed at –
  - (a) every entrance to the premises;
  - (b) at such places on any public or private right of way the subject of the declaration as it considers appropriate; and

- (c) at any other location it considers appropriate.

## **PART 9 – INSPECTION, ENFORCEMENT, AMENDMENTS AND REVOCATIONS**

### **81 Disapplication of measures to those executing this Order**

Measures in this Order prohibiting or restricting the movement of any person or the use of any thing do not apply to the following in their execution of the Order –

- (a) the Department;
- (b) any person authorised by the Department to execute the Order.

### **82 Veterinary investigations**

- (1) An inspector executing this Order may –
- (a) mark, or cause to be marked, for identification purposes any bird, mammal, carcase or other thing;
- (b) count birds and mammals;
- (c) take samples from any bird, mammal, carcase or other thing; and
- (d) bring such people and things as the inspector considers necessary.
- (2) Any person who enters premises under paragraph (1)(d) may return unaccompanied to take any further steps necessary to carry out the relevant functions.
- (3) A person carrying out a veterinary investigation who suspects that avian influenza or influenza virus of avian origin exists or has existed on the premises must seek to establish –
- (a) the length of time avian influenza has existed on the premises or on any vehicle;
- (b) the possible origin of avian influenza on the premises;
- (c) which premises may have been exposed to contamination by avian influenza from the same origin or from the premises under investigation; and
- (d) the extent to which avian influenza may have been carried to or from the premises under investigation by the movement of birds, people, animals, vehicles, eggs, carcasses, implements or any other thing.
- (4) The occupier of the premises under investigation and any person appearing to the person carrying out the investigation to have charge of birds or mammals on the premises must provide such assistance as the person carrying out the investigation may reasonably require.

- (5) A person must not deface, obliterate or remove any mark applied under paragraph (1)(a) except with the written authority of a veterinary inspector.
- (6) Any person who carries out an investigation under this Order must keep a record of the dates he or she visits premises, of his or her findings at the premises and of any action he or she has required the occupier of the premises to take.
- (7) Any person (“P”) who imposes any requirements or restrictions under this Order must take account of the results of any relevant veterinary inquiries of which P should reasonably be aware.
- (8) Any person who carries out an investigation under this Order must do so in accordance with the diagnostic manual.

### **83 General powers of inspectors**

- (1) An inspector executing this Order may require the detention and isolation of any vehicle, equipment or other thing, by serving a notice on the occupier of the premises where it is kept, or on the person in charge of it.
- (2) A veterinary inspector executing this Order, or an inspector acting under a veterinary inspector’s direction, may —
  - (a) cleanse and disinfect any premises and any thing;
  - (b) require the cleansing and disinfection of any thing, by serving a notice on the occupier of the premises where it is kept, or on the person in charge of it;
  - (c) require the cleansing and disinfection of any premises, by serving a notice on the occupier of the premises; or
  - (d) require, by notice, the occupier of any premises or the keeper of any animal or bird —
    - (i) to keep or isolate the animal or bird in a specified place; and
    - (ii) to separate the animal or bird from any other animal or bird.

### **84 Powers of inspectors in case of default**

- (1) If any person fails to comply with a requirement of this Order or of a declaration, licence, notice or designation under it, an inspector may take the steps the inspector considers necessary to ensure the requirement is met at the expense of that person.
- (2) An inspector’s powers under paragraph (1) include powers to —
  - (a) direct any person to take or refrain from specified action in respect of any place, animal, bird, vehicle, or other thing; and
  - (b) seize and detain any thing.

## 85 Amendment of the Diseases of Poultry Order 2006

In article 2 of the Diseases of Poultry Order 2006<sup>8</sup>, for the definition of “designated disease” substitute —

“designated disease” means —

- (a) paramyxovirus 1 in pigeons;
- (b) Newcastle disease; and
- (c) avian influenza, but excludes highly pathogenic avian influenza and low pathogenic avian influenza, as defined by the Avian Influenza and Influenza of Avian Origin in Mammals Order 2022; **22**.

**MADE 24 OCTOBER 2022**

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<sup>8</sup> SD 2006/0828



**SCHEDULE 1**

[Article 11]

**MEASURES WHERE AVIAN INFLUENZA OR AVIAN INFLUENZA VIRUS IS  
SUSPECTED ON PREMISES**

**1 Record of poultry, other captive birds and mammals**

The occupier must make and update daily a record of poultry, other captive birds and mammals kept on the premises showing, for each species, the number or approximate number —

- (a) alive;
- (b) which have died;
- (c) which show clinical signs of avian influenza;
- (d) which are likely to be infected; and
- (e) born or hatched.

**2 Housing or isolation of poultry and other captive birds**

- (1) The occupier must ensure that poultry and other captive birds are —
  - (a) housed; or
  - (b) kept isolated (if so directed by a veterinary inspector on the basis that housing is impractical or would adversely affect the birds' welfare to a significant degree).
- (2) The occupier must take all reasonable steps to minimise contact with wild birds, in accordance with a veterinary inspector's instructions.

**3 Prohibition on the movement of poultry and other captive birds to and from the premises**

A person must not move any poultry or other captive birds to or from the premises unless licenced by a veterinary inspector.

**4 Prohibition on the removal of other things liable to transmit avian influenza**

A person must not remove from the premises any carcase, poultry meat, poultry feed, utensils, material, waste, droppings, poultry or other captive bird manure, slurry, used litter or anything else liable to transmit avian influenza unless licenced to do so by a veterinary inspector, and appropriate biosecurity measures in order to minimise the risk of spread of disease are observed.

**5 Prohibition on the movement of people, animals and vehicles to and**

**from the premises**

- (1) A person must not —
  - (a) move to or from the premises;
  - (b) move any mammal, vehicle or equipment to or from the premises, unless the movement is licenced by a veterinary inspector or by an inspector under the direction of a veterinary inspector.
- (2) Sub-paragraph (1) does not apply to persons or pet animals which —
  - (a) only have access to that part of the premises where people live;
  - (b) have no contact with poultry or other captive birds on the premises; and
  - (c) have no access to any cages or areas on the premises where poultry or other captive birds are kept.

**6 Restrictions on the movement of eggs**

A person must not move any eggs from the premises for disposal except under the authority of a licence granted by a veterinary inspector.

**7 Disinfection at entrances and exits**

The occupier must, in accordance with an inspector's instructions, provide and maintain means of disinfection at entrances and exits of the premises and of buildings housing poultry or other captive birds.



**SCHEDULE 2**

[Article 14]

**MEASURES ON PREMISES WHERE HIGHLY PATHOGENIC AVIAN  
INFLUENZA IS CONFIRMED**

**1 Duty to provide reasonable assistance**

The occupier must give all reasonable assistance to any person exercising a duty relating to the killing of poultry or other captive birds under sections 24 or 24A of the Act.

**2 Measures to minimise the risk of spread of avian influenza to wild birds**

The occupier must take such action as a veterinary inspector reasonably requires to reduce the risk of the spread of avian influenza to wild birds.

**3 Disposal of carcasses and eggs**

The occupier must ensure that all carcasses and eggs not seized or disposed of by a veterinary inspector are disposed of in accordance with a veterinary inspector's instructions (unless the veterinary inspector licenses their use for diagnosis of disease).

**4 Tracing**

The occupier must give all reasonable assistance to a veterinary inspector in the tracing of any thing liable to transmit avian influenza to or from the premises.

**5 Cleansing and disinfection**

The occupier must cleanse and disinfect the infected premises in accordance with article 67 and Schedule 3.

**6 Restocking**

The occupier must not restock the premises except in accordance with article 68.

**SCHEDULE 3**

[Article 38]

**CLEANSING AND DISINFECTION OF PREMISES OTHER THAN REGULATED  
PLACES AND OF ANY THING (INCLUDING ANY VEHICLE) ON THOSE  
PREMISES****PART 1 – GENERAL PROCEDURES FOR CLEANSING,  
DISINFECTION AND TREATMENT****1 General procedure**

- (1) Any person carrying out cleansing, disinfection and treatment (including measures to control rodents and insects) must do so in accordance with this Part or (if different) with any instructions given by a veterinary inspector.
- (2) Any person using a disinfectant or degreasing agent under this Order must ensure that they are used as effectively as possible and must, in particular, give consideration to the following in deciding which products to use and how to use them –
  - (a) the nature of the premises to be cleansed or disinfected;
  - (b) the type of vehicle or other thing to be cleansed or disinfected; and
  - (c) any instructions from the manufacturer of the product (or of a veterinary inspector) as to pressure, minimum temperature and required contact time.
- (3) A person cleansing and disinfecting under this Order must ensure that –
  - (a) bedding, litter and faecal matter are thoroughly soaked with disinfectant;
  - (b) equipment and installations which would otherwise impair effective cleansing and disinfecting are, where possible, removed or dismantled and either cleansed and disinfected or destroyed, if this is considered necessary by the person carrying out the cleansing and disinfecting or is required by a veterinary inspector;
  - (c) the ground, any floors, ramps and walls are washed and cleansed by thorough brushing and scrubbing.
- (4) A person washing with liquids applied under pressure must avoid recontaminating areas or parts previously cleansed.
- (5) A person (“P”) who has cleansed and disinfected part of any premises must avoid recontaminating that part as P cleanses and disinfects other parts.

- (6) A person carrying out a cleansing or disinfecting procedure must ensure that a written record of that procedure is made, showing the date and time the procedure took place.
- (7) A person (“P”) who makes such a record must keep it at the premises or (if P is a person in charge of a vehicle and the procedure involved cleansing or disinfecting that vehicle), with the vehicle.

## **PART 2 – SPECIFIC PROCEDURES FOR THE CLEANSING AND DISINFECTING OF INFECTED PREMISES**

### **2 Scope of this Part**

This Part applies to the cleansing and disinfecting of infected premises except to the extent that its requirements are varied by a veterinary inspector.

### **3 Cleansing and disinfection – timing**

Cleansing and disinfection must be carried out during and after the killing of poultry or other captive birds and in accordance with a veterinary inspector’s instructions.

### **4 Cleansing and disinfection precautions**

A person carrying out a cleansing or disinfection procedure must take all appropriate measures to reduce the risk of avian influenza virus spreading and must, in particular –

- (a) use appropriate equipment;
- (b) wear protective clothing (which must be cleansed and disinfected or disposed of after use);
- (c) take a shower after the cleansing and disinfection;
- (d) cleanse and disinfect any equipment which may be contaminated before it is removed from the premises; and
- (e) turn off the power supply to any ventilation system, if required to do so by a veterinary inspector.

### **5 Preliminary cleansing and disinfection**

Following killing –

- (a) carcasses must be sprayed with disinfectant;
- (b) transportation of carcasses and of any tissue or blood spilled during killing or post-mortem examination from the infected premises for disposal must be in closed, leak-proof containers and in accordance with a veterinary inspector’s instructions;

- (c) the following parts of the infected premises must have disinfectant applied as soon as the killed poultry and other captive birds have been removed —
  - (i) parts where the poultry or other captive birds were housed;
  - (ii) parts contaminated during the killing of the poultry or other captive birds;
  - (iii) parts contaminated during any post-mortem examination;
- (d) any tissue or blood spilled during the killing or any post-mortem must be collected and disposed of with the killed poultry or other captive birds; and
- (e) disinfectant must remain on the surfaces to which it has been applied for at least 24 hours.

## 6 Final cleansing and disinfecting

Following preliminary cleansing and disinfection —

- (a) manure and used bedding must be treated in accordance with Part 3 of this Schedule; and
- (b) all surfaces must be subjected to the following procedures —
  - (i) grease and dirt must be removed from them by the application of a degreasing agent;
  - (ii) they must then be cleansed with water;
  - (iii) they must be washed with cold water, following which further disinfectant must be applied; and
  - (iv) after 7 days, they must again be treated with a degreasing agent, rinsed with water, sprayed with disinfectant and rinsed again with water.

## PART 3 – DISINFECTION OF LITTER, MANURE AND SLURRY WHICH MAY BE CONTAMINATED

### 7 Contaminated manure

Manure and used bedding which may be contaminated must be —

- (a) steam treated at a temperature of at least 70°C;
- (b) destroyed by burning;
- (c) buried deep enough to prevent access by wild birds and animals;  
or
- (d) stacked to heat, sprayed with disinfectant and left for at least 42 days.

**8 Contaminated slurry**

Slurry which may be contaminated must be stored for at least 60 days after the last addition of infectious material unless, in the case of slurry which has been treated in accordance with a veterinary inspector's instructions, a veterinary inspector authorises a shorter storage period.

**9 Licence to move manure, litter and bedding**

Manure, litter and bedding which may be contaminated may, if licensed by a veterinary inspector, be moved to —

- (a) a treatment plant carrying out procedures for the destruction of avian influenza virus;
- (b) storage prior to destruction; or
- (c) such other place as the veterinary inspector may license.

**10 Transportation of manure, litter or bedding**

The transport of such manure, litter or bedding must be in closed, leak-proof vehicles or containers and in accordance with a veterinary inspector's instructions.

**SCHEDULE 4**

[Article 31]

**MEASURES IN A PROTECTION ZONE****1 Record of visitors**

- (1) Subject to paragraph 5, the occupier of any premises in the zone where poultry or other captive birds are kept must make records of —
- (a) the name and address of any person visiting the premises (unless the visit is only to a part of the premises where people live and where no poultry or other captive birds are kept);
  - (b) the date of the visit; and
  - (c) whether the person had any contact with poultry or other captive birds on the premises.

**2 Record of poultry**

The occupier of any premises in the zone must make a record of all poultry entering or leaving those premises as soon as reasonably practicable after the movement.

**3 Record of poultry and egg movements**

Subject to paragraph 5, any person who is engaged in the transport or marketing of poultry or poultry eggs in the zone must make a record as soon as reasonably practicable of all poultry and poultry eggs transported or marketed by that person.

**4 Poultry movements to be recorded**

The records referred to in paragraphs 2 and 3 above must include —

- (a) the quantity and description (including species of poultry or type of egg) transported or marketed;
- (b) in the case of a movement from premises in the zone —
  - (i) the date of the movement off the premises;
  - (ii) the premises of destination (if known);
  - (iii) the name and address of the person to whom ownership or possession is being or has been transferred;
- (c) in the case of a movement on to premises in the zone —
  - (i) the date of the movement;
  - (ii) the premises from which the movement originated (if known);

- (iii) the name and address of the person from whom ownership or possession is being or has been transferred;
- (d) in the case of marketing without an associated movement, the identity and address of the person to whom and the date on which ownership was transferred.

## **5 Scope of record keeping duties**

- (1) Paragraphs 1 and 3 do not apply in respect of —
  - (a) a movement of eggs direct to retail premises, at or from such premises or subsequent to such a movement;
  - (b) the movement of people to zoos, wildlife parks or (unless required by the Department) any other premises open to the public, provided the public has no access to any area where birds are kept;
  - (c) the movement of the following onto any premises where poultry or other captive birds are kept —
    - (i) any person on a public right of way or exercising a right of access to the premises;
    - (ii) trespassers;
    - (iii) any person executing this Order.

## **6 Isolation of poultry and other captive birds**

The occupier of premises in the zone where poultry or other captive birds are kept must ensure that they are —

- (a) housed; or
- (b) kept isolated (if so directed by a veterinary inspector on the basis that housing is impractical or would adversely affect the birds' welfare to a significant degree).

## **7 Measures where birds not housed**

If birds are kept isolated but not housed, the occupier must —

- (a) ensure that they have no contact with poultry or other captive birds on other premises; and
- (b) take all reasonable steps to minimise their contact with wild birds, in accordance with a veterinary inspector's instructions.

## **8 Restrictions on the movement of poultry, other captive birds and mammals onto and off premises**

- (1) Subject to sub-paragraph (2), a person must not move poultry, other captive birds or mammals from or to premises in the zone where poultry or other captive birds are kept, unless the movement is licensed by a

veterinary inspector or by an inspector under the direction of a veterinary inspector.

- (2) Sub-paragraph (1) does not apply to mammals which —
- (a) only have access to that part of the premises where people live;
  - (b) have no contact with poultry or other captive birds on the premises; and
  - (c) have no access to any cages or areas on the premises where poultry or other captive birds are kept.

## **9 Disposal of carcasses**

The occupier must ensure that all carcasses not seized or disposed of by a veterinary inspector are disposed of in accordance with a veterinary inspector's instructions (unless the veterinary inspector licenses their use for diagnosis of disease).

## **10 Biosecurity measures**

The occupier and any person entering or leaving premises in the zone where poultry, other captive birds or eggs are kept must —

- (a) take such biosecurity measures as he or she considers necessary to reduce the risk of the spread of avian influenza to or from the premises; and
- (b) comply with any biosecurity requirements which a veterinary inspector or an inspector under the direction of a veterinary inspector, by notice to him or her, imposes.

## **11 Litter, poultry manure and slurry**

A person must not remove from premises in the zone or spread used poultry litter, poultry manure or poultry slurry unless licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector.

## **12 Gatherings of poultry**

A person must not permit any poultry or other captive birds to be collected together at any fair, market, show, exhibition or other gathering in the zone.

## **13 Release of game**

- (1) A person must not release game birds, unless licensed by a veterinary inspector.<sup>20</sup>
- (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.<sup>21</sup>



**14 Restrictions on the movement of poultry, eggs, poultry meat and carcasses**

A person must not move any poultry, poultry meat, or eggs, semen, blood samples or carcasses from poultry or other captive birds, poultry meat or carcasses into, within or out of the zone unless the movement is —

- (a) set out in paragraph 16 and is —
  - (i) direct; and
  - (ii) licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector;
- (b) of table eggs direct to wholesale or retail premises, or subsequent to such a movement; or
- (c) within the same premises.<sup>22</sup>

**15 Transport by road and rail**

Poultry and eggs may be transported through the zone on a major highway or railway if no stop is made within the zone.

**16 Movements which may be licensed by a veterinary inspector or by an inspector under a veterinary inspector's direction**

The movements referred to in paragraph 14(a) are movements of the following —

- (a) poultry meat;
- (b) poultry to a designated slaughterhouse in the zone from premises outside the zone;
- (c) day-old chicks hatched from eggs produced in the zone or from eggs which came into contact with such;
- (d) day-old chicks hatched from eggs originating outside the protection zone kept separate from eggs produced in such a zone (if the requirements of paragraph 17 are met);
- (e) ready-to-lay poultry or brood-and-move poultry to premises or part of premises where no poultry are kept (if the requirements of paragraph 18 are met);<sup>23</sup>
- (f) hatching eggs from outside the zone to a designated hatchery in the zone or to designated premises for use for scientific, diagnostic or pharmaceutical purposes;
- (g) hatching eggs from the zone —
  - (i) to a designated hatchery; or
  - (ii) to designated premises for use for scientific, diagnostic or pharmaceutical purposes (if, in both cases, the requirements of paragraph 20 are met);
- (h) eggs for disposal;

- (i) carcasses for disposal or diagnosis; and
- (j) poultry to a veterinary surgery for treatment, or return to the premises of origin following such a movement;<sup>24</sup>
- (k) semen to a breeding premises or to designated premises for scientific, diagnostic or pharmaceutical purpose;<sup>25</sup>
- (l) blood to a laboratory or veterinary practice for scientific or diagnostic purposes.<sup>26</sup>

## 17 Day-old chicks

- (1) Day-old chicks hatched from eggs produced in the zone, or hatched from eggs which had contact with such eggs, must not be moved unless —
  - (a) they are transported in vehicles sealed by a veterinary inspector or in accordance with a veterinary inspector's instructions;
  - (b) appropriate biosecurity measures are applied during transport and are to be applied at the premises of destination.
  - (c) [Revoked]<sup>27</sup>
- (2) The occupier of premises to which day-old chicks are transported in accordance with paragraph (1) must not move the day-old chicks from those premises for a period of 21 days following movement of the chicks onto the premises.

## 18 Requirements for the movement of day-old chicks hatched from eggs originating outside the zone

Day-old chicks from eggs originating outside the protection zone must not be moved unless the hatchery within the protection zone is operated in such a way that those eggs do not come into contact with eggs or day-old chicks from within the zone.

## 19 Requirements for the movement of ready-to-lay poultry

- (1) Ready-to-lay poultry or brood-and-move poultry must not be moved from premises within the zone unless —
  - (a) poultry and other captive birds at the premises have been examined by a veterinary inspector; and
  - (b) the ready-to-lay poultry or brood-and-move poultry are transported in vehicles sealed by the veterinary inspector or in accordance with a veterinary inspector's instructions.<sup>28 29</sup>
- (2) The occupier of premises to which ready-to-lay poultry or brood-and-move poultry are moved must not move such poultry from those premises for a period of at least 21 days from the day on which that poultry was moved onto the premises.<sup>30</sup>

**20 Requirements for the movement of hatching eggs from the zone to a designated hatchery or to designated premises for use for scientific, diagnostic or pharmaceutical purposes**

Hatching eggs must not be moved from the zone to a designated hatchery, or to designated premises for use for scientific, diagnostic or pharmaceutical purposes unless –

- (a) a veterinary inspector has confirmed that the veterinary inspector does not suspect avian influenza in the flocks from which the eggs derive;
- (b) the eggs and their packaging are disinfected before dispatch; and
- (c) the eggs are transported in vehicles sealed by a veterinary inspector or in accordance with a veterinary inspector's instructions.

**21 Requirements for poultry meat from the zone**

Poultry meat in the zone from poultry originating in the zone is subject to the requirements set out in article 65(2) and 65(3).

**22 Requirements for poultry meat from outside the zone**

Poultry meat in the zone from poultry originating outside the zone is subject to the requirements set out in article 65(2)(a).

**23 Cleansing and disinfection of vehicles carrying any thing which may be contaminated**

A person who moves any poultry, other captive bird, meat, feed, manure, slurry, litter or any other thing which may be contaminated must cleanse and disinfect the vehicle and any equipment used to transport that thing as soon as it is unloaded, in accordance with article 67.

**24 Cleansing and disinfection of vehicles**

A person who enters or leaves premises in the zone by vehicle must cleanse and disinfect any part of the vehicle which may have been contaminated without delay, in accordance with article 67.

**25 Access to prohibited places**

A person must not enter any place the subject of a restriction notice under article 80 except in accordance with that notice or with article 37.

**SCHEDULE 5**

[Article 32]

**MEASURES IN A SURVEILLANCE ZONE****1 Record of visitors**

Subject to paragraph 5, the occupier of any premises where poultry or other captive birds are kept must make records of —

- (a) the name and address of any person visiting the premises (unless the visit is only to a part of the premises where people live and where no poultry or other captive birds are kept);
- (b) the date of the visit; and
- (c) whether the person had any contact with poultry or other captive birds on the premises.

**2 Record of poultry**

The occupier of any premises where poultry or other captive birds are kept in the surveillance zone must —

- (a) make a record of all poultry entering or leaving those premises as soon as reasonably practicable after the movement; and
- (b) immediately report to the Department any increased morbidity or mortality or significant drop in egg production or, where relevant, feed or water intake, or other relevant information relating to the production of eggs on the premises.

**3 Record of poultry movements**

Subject to paragraph 5, any person who is engaged in the transport or marketing of poultry or poultry eggs in the surveillance zone must, as soon as is reasonably practicable, make a record of all poultry and poultry eggs transported or marketed by them.

**4 Poultry movements to be recorded**

The records referred to in paragraphs 2 and 3 above must include —

- (a) the quantity and description (including species of poultry and type of egg) transported or marketed;
- (b) in the case of a movement from premises in the surveillance zone —
  - (i) the date of the movement off the premises;
  - (ii) the premises of destination (if known); and

- (iii) the name and address of the person to whom ownership or possession is being or has been transferred;
- (c) in the case of a movement onto premises in the surveillance zone —
  - (i) the date of the movement;
  - (ii) the premises from which the movement originated (if known);
  - (iii) the name and address of the person from whom ownership or possession is being or has been transferred;
- (d) in the case of marketing without an associated movement, the identity and address of the person to whom and the date on which ownership was transferred.

## **5 Scope of record keeping duties**

Paragraphs 1 and 3 do not apply in respect of the movement of —

- (a) eggs direct to retail premises, at or from such premise or subsequent to such a movement;
- (b) people to zoos, wildlife parks or (unless required by the Department) any other premises open to the public, provided the public has no access to any area where birds are kept;
- (c) the following onto any premises where poultry or other captive birds are kept —
  - (i) any person on a public right of way or exercising any other right of access to the premises;
  - (ii) trespassers; or
  - (iii) any person executing this Order.

## **6 Restrictions on the movement of poultry, other captive birds and mammals onto and off premises**

A person must not move poultry, other captive birds from or to premises in the surveillance zone where poultry or other captive birds are kept, unless the movement is licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector.

## **7 Biosecurity measures**

The occupier and any person entering or leaving premises in the surveillance zone where poultry, other captive birds or eggs are kept must —

- (a) take such biosecurity measures as he or she considers necessary to reduce the risk of the spread of avian influenza to or from the premises; and

- (b) comply with any biosecurity requirements which a veterinary inspector or an inspector under the direction of a veterinary inspector by notice to him or her, imposes.

## **8 Litter, poultry manure and slurry**

- (1) A person must not remove from premises in the surveillance zone or spread used poultry litter, poultry manure or poultry slurry unless licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector.
- (2) The movement of manure, with appropriate biosecurity measures in place, may be authorised, by a veterinary inspector, from premises situated in a surveillance zone to a designated plant, for treatment or immediate storage for subsequent treatment, to mitigate against the risk of the spread of avian influenza virus.

## **8A Removal of carcasses**

- (1) Subject to paragraph (2), a person must not 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.<sup>31</sup>

## **9 Gatherings of poultry**

A person must not permit any poultry or other captive birds to be collected together at any fair, market, show, exhibition or other gathering in the surveillance zone.

## **10 Release of game**

- (1) A person must not release game birds, unless licensed by a veterinary inspector.<sup>32</sup>
- (2) For the purpose of this paragraph, game birds includes any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan or ducks bred for shooting.<sup>33</sup>

## **11 Restrictions on the movement of poultry and eggs within the zone**

- (1) Subject to paragraph 12, a person must not move any poultry or eggs into or within the zone (other than through the zone by road or rail without stopping), unless they comply with all relevant biosecurity measures laid down by a veterinary inspector in licence conditions.<sup>34</sup>

- (2) The occupier of premises to which poultry are moved, shall not move any of that poultry from those premises for a period of at least 21 days from the day on which that poultry was moved onto the premises.<sup>35</sup>

## **12 Wholesale and retail distribution of eggs within the zone**

Paragraph 11 does not apply to the movement of eggs direct to wholesale or retail premises, or subsequent to such a movement.

## **13 Biosecurity measures**

A veterinary inspector must not grant a licence under paragraph 11 unless the veterinary inspector is satisfied that the licensee will take appropriate biosecurity measures and the taking of such measures must be conditions of the licence.

## **14 Restrictions on the movement of poultry and eggs out of the zone**

- (1) Subject to paragraph 15, a person must not move any poultry, or eggs, semen, blood samples or carcasses from poultry or other captive birds, out of the surveillance zone, unless the movement is –
- (a) a movement set out in sub-paragraph (2); and
  - (b) licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector.<sup>36 37</sup>
- (2) The movements referred to in sub-paragraph (1) are movements of –
- (a) day-old chicks hatched from eggs originating within the protection or surveillance zone or from eggs which came into contact with such eggs (if the requirements of paragraph 16 are met);
  - (b) day-old chicks hatched from eggs originating outside the protection and surveillance zones kept separate from eggs produced in such a zone (if the requirements of paragraph 17 are met);
  - (c) ready-to-lay poultry or brood-and-move poultry to premises or a part of any premises where no poultry are kept;<sup>38</sup>
  - (d) hatching eggs from the surveillance zone –
    - (i) to a designated hatchery; or
    - (ii) to designated premises for use for scientific, diagnostic or pharmaceutical purposes (if, in both cases, the requirements of paragraph 18 are met);
  - (e) eggs for disposal;
  - (f) poultry to a veterinary surgery for treatment, or to the premises of origin on return following such a movement;
  - (g) semen to a breeding premises or to a designated premises for scientific, diagnostic or pharmaceutical purpose;<sup>39</sup>

- (h) blood to a laboratory or veterinary practice for scientific or diagnostic purposes.<sup>40</sup>

**15 Wholesale and retail distribution of table eggs**

Paragraph 14 does not apply to a movement of table eggs direct to wholesale or retail premises or subsequent to such a movement.

**16 Requirements for the movement of day-old chicks hatched from eggs produced within the protection or surveillance zone or from eggs which have had contact with such eggs**

Day-old chicks from eggs produced within the protection or surveillance zone or from eggs which have had contact with such eggs must not be moved unless any biosecurity measures laid down by a veterinary inspector by notice or licence condition are complied with.

**17 Requirements for the movement of day-old chicks hatched from eggs originating outside the protection and surveillance zones**

Day-old chicks from eggs originating outside any avian influenza protection and surveillance zones must not be moved unless the hatchery within the zone is operated in such a way that eggs from outside the zone do not come into contact with eggs or day-old chicks from within the zone.

**18 Requirements for the movement of hatching eggs from the surveillance zone to a designated hatchery, or to designated premises for use for scientific, diagnostic or pharmaceutical purposes**

Hatching eggs must not be moved from the surveillance zone to a designated hatchery or to designated premises for use for scientific, diagnostic or pharmaceutical purposes unless the eggs and their packaging are disinfected before they leave the premises.

**19 Cleansing and disinfection of vehicles carrying any thing which may be contaminated**

A person who transports any poultry, other captive bird, meat, feed, manure, slurry, litter or any other thing which may be contaminated must cleanse and disinfect the vehicle and any equipment used to transport that thing as soon as it is unloaded, in accordance with article 67.

**20 Cleansing and disinfection of vehicles**

A person who enters or leaves premises in the surveillance zone by vehicle must cleanse and disinfect without delay any part of the vehicle which may have been contaminated, in accordance with article 67.





## SCHEDULE 6

[Article 47]

## MEASURES WHEN LOW PATHOGENIC AVIAN INFLUENZA IS CONFIRMED

**PART 1 – MEASURES ON PREMISES WHERE LOW  
PATHOGENIC AVIAN INFLUENZA IS CONFIRMED****1 Record of poultry, other captive birds and mammals**

The occupier must make and update daily a record of poultry, other captive birds and mammals kept on the premises showing, for each species the number or approximate number —

- (a) alive;
- (b) which have died;
- (c) which show clinical signs of avian influenza;
- (d) which the occupier thinks are likely to be infected; and
- (e) born or hatched.

**2 Housing or isolation of poultry and other captive birds**

- (1) The occupier must ensure that poultry and other captive birds are —
  - (a) housed; or
  - (b) kept isolated (if so directed by a veterinary inspector on the basis that housing is impractical or would adversely affect the birds' welfare to an significant degree).
- (2) If the birds are kept isolated, the occupier must take all reasonable steps to minimise their contact with wild birds, in accordance with a veterinary inspector's instructions.

**3 Prohibition on movement of poultry and other captive birds to and from the premises**

A person must not move any poultry or other captive birds to or from the premises, unless licensed by a veterinary inspector.

**4 Duty not to tamper with or remove seal on vehicles transporting poultry**

A person must not tamper with a seal on a vehicle transporting poultry to a slaughterhouse or remove it until the vehicle has arrived at the slaughterhouse.

**5 Cleansing and disinfection of vehicles transporting any bird or thing**

**which may be contaminated**

A person who transports any bird or any thing which may be contaminated must, as soon as the bird or thing is unloaded, cleanse and disinfect the vehicle and any equipment used for transportation in accordance with article 67.

**6 Prohibition on the movement of people, animals, vehicles and equipment to and from premises**

- (1) Subject to paragraph (2), a person must not move to or from the premises and a person must not move any mammal, vehicle or equipment to or from the premises, unless the movement is licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector.
- (2) Sub-paragraph (1) does not apply to persons or pet animals which —
  - (a) only have access to that part of the premises where people live;
  - (b) have no contact with poultry or other captive birds on the premises; and
  - (c) have no access to any cages or areas on the premises where poultry or other captive birds are kept.

**7 Disposal of carcasses**

The occupier must ensure that carcasses are disposed of as soon as possible in accordance with a veterinary inspector's instructions (unless the carcass is licensed by a veterinary inspector for use in the diagnosis of disease).

**8 Restrictions in relation to eggs**

Subject to paragraph 9, the occupier must ensure that eggs on the premises which are to be disposed of and which are not seized by a veterinary inspector are disposed of in accordance with a veterinary inspector's instructions.

**9 Hatching eggs on special category premises**

A veterinary inspector may, by notice to the occupier of special category premises, direct that hatching eggs on those premises need not be disposed of.

**10 Tracing**

The occupier must give all reasonable assistance to a veterinary inspector in the tracing of any thing liable to transmit avian influenza from and to the premises.

**11 Manure, slurry and bedding**

The occupier of the premises must ensure that manure, slurry and bedding which may be contaminated are treated in accordance with article 67.

**12 Cleansing and disinfection**

The occupier must cleanse and disinfect the premises in accordance with article 67 and Schedule 3.

**13 Other material which may be contaminated**

The occupier of the premises must ensure that any other material or substance which may be contaminated is treated in accordance with a veterinary inspector's instructions or disposed of.

**14 Duty to provide reasonable assistance**

The occupier must give all reasonable assistance to any person exercising a function relating to the killing of poultry or other captive birds under sections 24 or 24A of the Act.

**15 Restrictions on the movement of eggs**

A person must not move any eggs from the premises unless licensed by a veterinary inspector.

**16 Disinfection at entrances and exits**

The occupier must, in accordance with an inspector's instructions, provide and maintain means of disinfection at the entrances and exits of the premises and of buildings housing poultry or other captive birds

**PART 2 – CRITERIA TO BE CONSIDERED BY A VETERINARY  
INSPECTOR BEFORE PERMITTING MOVEMENTS FROM  
PREMISES WHERE LOW PATHOGENIC AVIAN INFLUENZA  
HAS BEEN CONFIRMED**

**17 The criteria**

The following are the criteria to be considered by a veterinary inspector before permitting movements from premises where low pathogenic avian influenza has been confirmed –

- (a) the species of birds on the premises;
- (b) the number of premises known, by the veterinary inspector, to contain poultry or other captive birds in the area around the premises;
- (c) the location of slaughterhouses, hatcheries and egg packing centres to which poultry and eggs could be moved;

- (d) biosecurity measures already in place or which could be applied at the premises, during movement and during slaughter;
- (e) possible routes on which things could be moved;
- (f) any evidence of disease spread;
- (g) any risk to human health; and
- (h) any treatment procedures which could be applied to any thing to be moved.

## SCHEDULE 7

[Article 58]

## MEASURES IN A LOW PATHOGENIC AVIAN INFLUENZA RESTRICTED ZONE

**1 Restrictions on the movement of poultry, other captive birds onto and off premises**

A person must not move poultry or other captive birds from or to premises within the restricted zone where poultry or other captive birds are kept, unless the movement is licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector.

**2 Biosecurity measures**

The occupier and any person entering or leaving premises in the restricted zone where poultry, other captive birds or eggs are kept must —

- (a) take such biosecurity measures as he or she considers necessary to reduce the risk of the spread of avian influenza to or from the premises; and
- (b) comply with any biosecurity requirements which a veterinary inspector or an inspector under the direction of a veterinary inspector, by notice to him or her, imposes.

**3 Litter, poultry manure and slurry**

A person must not remove from premises in the restricted zone or spread used poultry litter, poultry manure or poultry slurry unless licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector.

**4 Gatherings of poultry**

A person must not permit any poultry or other captive birds to be collected together at any fair, market, show, exhibition or other gathering, unless licensed by a veterinary inspector.

**5 Release of game**

- (1) A person must not release game birds, unless licensed by a veterinary inspector.<sup>41</sup>
- (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.<sup>42</sup>

**6 Restrictions on the movement of poultry, other captive birds and eggs**

**within the restricted zone**

Subject to paragraph 8, a person must not move any poultry, other captive birds or eggs into or within the restricted zone (other than through the zone by road or rail without stopping), unless licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector.<sup>43</sup>

**7 Restrictions on the movement of poultry and eggs out of the zone**

- (1) Subject to paragraph 8, a person must not move any poultry or eggs out of the restricted zone, unless the movement is —
  - (a) set out in sub-paragraph (2); and
  - (b) licensed by a veterinary inspector.
- (2) The movements referred to in paragraph (1) are movements of —
  - (a) poultry to premises or part of premises where no poultry are kept;
  - (b) day-old chicks from eggs originating within the restricted zone or from eggs which have come into contact with such eggs;
  - (c) day-old chicks from eggs originating outside the restricted zone, if the hatchery is operated in such a way that such chicks and eggs are kept separate from day-old chicks and eggs originating in the zone;
  - (d) hatching eggs —
    - (i) to a designated hatchery; or
    - (ii) to designated premises for use for scientific, diagnostic or pharmaceutical purposes (if, in both cases, the eggs and their packaging are disinfected before dispatch);
  - (e) eggs for disposal.

**8 Wholesale and retail distribution of eggs**

Paragraphs 6 and 7 do not apply to the movement of table eggs direct to wholesale or retail premises or subsequent to such a movement.

**9 Carcasses**

The occupier of any premises within the restricted zone must ensure that carcasses are disposed of in accordance with a veterinary inspector's instructions (unless the veterinary inspector licenses their use for diagnosis of disease).

**10 Cleansing and disinfection of vehicles**

A person who moves any poultry, other captive bird, meat, feed, manure, slurry, litter or any other thing which may be contaminated must cleanse and disinfect the vehicle and any equipment used to transport that thing as soon as it is unloaded, in accordance with article 67.





**SCHEDULE 8**

[Article 31, 32, 33, and 47]

**WILD GAME BIRD PRODUCTS**

**1 Restrictions on the movement of wild game bird products originating in a protection, surveillance or restricted zone**

- (1) A person moving a wild game bird product referred to in article 33(3)(b) must ensure that it does not come into contact with any other product of that kind.
- (2) Any wild game bird product which comes into contact with a wild game bird product moved under article 33(3) is subject to the measures applicable to such products under article 33(3) and under sub-paragraph (1) above.
- (3) In this paragraph, "processed fresh meat" means any of the following –
  - (a) minced meat, being boned meat which has been minced into fragments and contains less than 1% salt;
  - (b) a meat preparation, being fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat; and
  - (c) meat mechanically removed from flesh-bearing bones using means resulting in the loss or modification of the muscle fibre structure.

**2 Requirements for the marking of wild game bird meat and meat products**

- (1) Fresh meat and meat products referred to in article 33(3)(b) or their packaging must bear a mark (or must be in packaging which bears a mark) which is approved by the Department.
- (2) A person other than the final consumer of meat or meat products marked with a mark referred to in sub-paragraph (1) must not deface, obliterate or remove that mark, unless licensed by the Department.

**ENDNOTES****Table of Endnote References**

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<sup>1</sup> 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.

<sup>2</sup> Definition of “brood-and-move Galliformes” replaced by “brood-and-move poultry” and amended by SD2023/0161.

<sup>3</sup> Definition of “fresh meat” inserted by SD2023/0161.

<sup>4</sup> Definition of “meat product” inserted by SD2023/0161.

<sup>5</sup> Definition of “non-commercial premises” substituted by SD2023/0161.

<sup>6</sup> Definition of “poultry” substituted by SD2023/0161.

<sup>7</sup> Definition of “poultry product” inserted by SD2023/0161.

<sup>8</sup> Definition of “wild game bird” inserted by SD2023/0161.

<sup>9</sup> Definition of “wild game bird product” inserted by SD2023/0161.

<sup>10</sup> Definition of “wildlife rescue and rehabilitation centre” inserted by SD2023/0161.

<sup>11</sup> Para (5) revoked by SD2023/0161.

<sup>12</sup> Subpara (h) inserted by SD2023/0161. [Editorial Note: This inserted subparagraph is numbered (h) in SD2023/0161].

<sup>13</sup> Para (4) revoked by SD2023/0161.

<sup>14</sup> Para (i) amended by SD2023/0161.

<sup>15</sup> Para (1) amended by SD2023/0161.

<sup>16</sup> Para (6) inserted by SD2023/0161.

<sup>17</sup> Para (7) inserted by SD2023/0161.

<sup>18</sup> Para (2) amended by SD2023/0161.

<sup>19</sup> Para (7) inserted by SD2023/0161.

<sup>20</sup> Text renumbered as subpara (1) by SD2023/0161.

<sup>21</sup> Subpara (2) inserted by SD2023/0161.

<sup>22</sup> Para 14 amended by SD2023/0161.

<sup>23</sup> Subpara (e) amended by SD2023/0161.

<sup>24</sup> Subpara (j) amended by SD2023/0161.

<sup>25</sup> Subpara (k) inserted by SD2023/0161. [Editorial Note: Article 7(9)(c)(iii) incorrectly refers to sub-paragraph (m).]

<sup>26</sup> Subpara (l) inserted by SD2023/0161. [Editorial Note: Article 7(9)(c)(iii) incorrectly refers to sub-paragraph (m).]

<sup>27</sup> Para (c) revoked by SD2023/0161.

<sup>28</sup> Para (b) amended by SD2023/0161.

<sup>29</sup> Text renumbered as subpara (1) and amended by SD2023/0161.

<sup>30</sup> Subpara (2) inserted by SD2023/0161.

<sup>31</sup> Para 8A inserted by SD2023/0161.

<sup>32</sup> Text renumbered as subpara (1) by SD2023/0161.

<sup>33</sup> Subpara (2) inserted by SD2023/0161.

<sup>34</sup> Subpara (1) substituted for original text by SD2023/0161. [Editorial Note: Article 7(1)(c) of SD 2023/0161 incorrectly refers to “sub-paragraphs (1) and (2).]

<sup>35</sup> Subpara (2) inserted by SD2023/0161.

<sup>36</sup> Para (b) amended by SD2023/0161.

<sup>37</sup> Subpara (1) amended by SD2023/0161.

<sup>38</sup> Para (c) amended by SD2023/0161. [Editorial Note: Article 7(1)(d)(iii) incorrectly refers to sub-paragraph (2)(d).]

<sup>39</sup> Para (g) inserted by SD2023/0161.

<sup>40</sup> Para (h) inserted by SD2023/0161.

<sup>41</sup> Text renumbered as subpara (1) by SD2023/0161.

<sup>42</sup> Subpara (2) inserted by SD2023/0161.

<sup>43</sup> Para 6 amended by SD2023/0161.