1963 No. 629

POULTRY

The Fowl Pest (Amendment) Order 1963

Made - - - - *25th March* 1963
Coming into Operation *1st April* 1963

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by sections 1, 45, 47, 50 and 85 of the Diseases of Animals Act 1950(a), and of all other powers enabling them in that behalf, hereby order as follows: —

Citation, extent and commencement

1. This Order, which may be cited as the Fowl Pest (Amendment) Order 1963, applies to Great Britain and shall come into operation on 1st April 1963.

Amendments of Fowl Pest Order of 1936

2. The Fowl Pest Order of 1936, as altered(b), shall be further altered as follows :—

(*a*) for Article 2 there shall be substituted the following Article: —

"*Restrictions on premises*

2.—(1) The occupier of premises on which there are any poultry, or the carcases of any poultry affected with or suspected of being affected with fowl pest shall forthwith and (subject to paragraph (2) of this Article) until the expiry of a period of 48 hours from the beginning of the day next following the day on which the poultry or carcases (as the case may be) became affected or were suspected of becoming affected as aforesaid—

(*a*) prevent the access of poultry or of any person (other than the person attending the poultry) to the premises or part of the premises on which any diseased or suspected bird or carcase is or has been kept; and

(*b*) detain on the premises all poultry thereon and the carcases of any poultry, except the dressed carcases of birds not affected with or suspected of disease.

(2) The restrictions imposed by this Article shall cease to have effect on service of a notice under Article 2A (2) or Article 4 (1) of this Order.";

(*b*) For Article 2A there shall be substituted the following Article: —

"2A.—(1). For the purpose of ascertaining whether information in any manner received concerning the existence or suspected existence

(a) 14 Geo. 6. c. 36. (b) S.R. & O. 1936/1297, 1947/871, 1176 (Rev. XVIII, p. 442: 1936 II, p. 2086; 1947 I, p. 1839).

of fowl pest is correct a veterinary inspector may examine any poultry, or carcase of any poultry, and may enter any premises, and the occupier of the premises and the persons in his employment shall render such reasonable assistance as may be required for such purpose as aforesaid.

(2) Where a veterinary inspector is satisfied in relation to any premises that any such information as aforesaid is incorrect he may by notice served on the occupier of the premises forthwith cancel the restrictions imposed by Article 2 (1) of this Order." ;

(*c*) in Article 4 (1) the word "Veterinary" shall be omitted and for the word "forthwith" there shall be substituted the words "if he thinks fit" ;

(*d*) in Article 4 (2) in Rule 3 therein, the words "intended for hatching" shall be omitted, and at the end of Rule 1 and of the said Rule 3 there shall be added in each case the words "except with a licence granted by an inspector or officer of the Ministry and in accordance with such conditions as may be specified therein" ;

(*e*) in Article 7 (1), after the word "shall", there shall be inserted the words "if so required by an inspector of the Ministry" ;

(*f*) Article 8 (1), other than the proviso thereto, shall be omitted, and in lieu thereof there shall be substituted the following: —

"8.—(1) Where it appears to an inspector of the Ministry or of a local authority that there are or have been within 28 days on any premises poultry which have been exposed to the infection of fowl pest, the inspector may serve a notice (in the Form B set forth in the schedule to this Order, or to the like effect) on the occupier of the said premises, or on the occupier of any other premises in the district on which it appears to the inspector that poultry thereon may be or have been exposed, or that there is risk of their becoming exposed, to such infection, or on the person in charge of any such poultry as aforesaid ; and upon service of such a notice the premises and poultry therein referred to shall be subject to the restrictions thereby imposed: " ;

(*g*) after Article 8 there shall be inserted the following Article: —

"*Prohibition of vaccination with unlicensed vaccine*

8A. No person shall vaccinate, or cause or permit to be vaccinated any poultry against fowl pest except with a licensed vaccine." ;

(*h*) in Article 12 (1) the definition of "disinfectant" shall be omitted, and the two following definitions shall be inserted :—

"'disinfectant' means a disinfectant approved for the purposes of the Diseases of Animals (Disinfection) Order of 1936(a), or of this Order ; ", and

"'licensed vaccine' means a vaccine of which the manufacture for sale or the importation into Great Britain is licensed, as respects England and Wales by the Minister, or as respects Scotland by the Secretary of State, under any order for the time being in force made under Part II of the Diseases of Animals Act 1950 ; " ; and

(a) S.R. & O. 1938/191 (Rev. II, p. 320: 1938 I, p. 303).

(*i*) at the end of Article 12 there shall be added the following paragraph: —

"(3) The Interpretation Act 1889(a) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament."

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th March 1963.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 25th March 1963.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, made under the Diseases of Animals Act 1950, further amends the Fowl Pest Order of 1936. The principal alteration is the substitution of permissive for mandatory powers in relation to the control of fowl pest, thus enabling the former requirements of the Order to be waived in cases where the Minister ceases henceforth to cause poultry to be slaughtered (under section 48 of the Act) on account of this disease.

The Order also prohibits the vaccination of poultry except with vaccines which have been licensed under orders made under Part II of the Act (which regulate the manufacture and importation of veterinary therapeutic substances).

(a) 52 & 53 Vict. c. 63.