1954 No. 121

The Live Poultry (Restrictions) Order, 1954

Made - - - -	*1st February*, 1954
Coming into operation	*5th February*, 1954

The Minister of Agriculture and Fisheries, in exercise of the powers conferred on him by Sections 1, 20, 45 and 85 of the Diseases of Animals Act, 1950(a), and of all other powers enabling him in this behalf, hereby orders as follows:—

Citation and Commencement

1.—(1) This Order may be cited as the Live Poultry (Restrictions) Order, 1954.

(2) This Order, except the provisions of Part I and Articles 9, 10, 12 and 14 hereof, shall come into operation on the 5th day of February, 1954; and the said provisions shall come into operation on the 19th day of February, 1954.

Interpretation

2.—(1) In this Order—

"Day-old chick of poultry" means a live bird of the following species, that is to say, domestic fowls, turkeys, geese, ducks and guinea-fowls, during the first 72 hours of its life or while it has not been fed, whichever period is the shorter.

"Hatching eggs" means the eggs of poultry intended for hatching;

"Minister" and "Ministry" mean the Minister and the Ministry of Agriculture and Fisheries respectively;

"Poultry" means live birds of the following species, that is to say, domestic fowls, turkeys, geese, ducks and guinea-fowls, but does not include day-old chicks of the same species;

"Poultry carcase" means the carcase of any bird of the following species, that is to say, domestic fowls, turkeys, geese, ducks and guinea-fowls and includes part of a carcase;

"Poultry dealer" means a person habitually engaged in the business of buying and reselling poultry or day-old chicks of poultry but does not include a person who as auctioneer sells poultry or day-old chicks of poultry which are the property of another person, and a person shall not be deemed to be a poultry dealer by reason only that he sells for slaughter poultry which he has purchased and fed for that purpose;

"Premises" includes land with or without buildings;

"Scheduled area" means the area described in the Schedule to this Order;

(a) 14 Geo. 6. c. 36.

"Store Poultry" means poultry not intended for immediate slaughter and being over the age of 28 days or, in the case of ducks, over the age of nine days.

(2) Any farm, holding or premises which is partly within and partly outside the Scheduled area shall be deemed to be wholly within such area. For this purpose, detached parts of farms, holdings or premises shall be deemed to be separate premises.

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

PART I

Application

3. The provisions of this Part of the Order shall apply to England and Wales except the Isles of Scilly.

Prohibition of Holding of Sales of Poultry

4. The holding of a market, fair or sale of poultry or of day-old chicks of poultry is hereby prohibited. This prohibition shall not apply to—

(*a*) the holding of a sale of poultry or of day-old chicks of poultry on any premises to which no poultry or day-old chicks of poultry have been moved on the day on which the sale is held and within the 28 days next preceding such day; or

(*b*) the holding on market premises of any auction sale of poultry or day-old chicks of poultry that have been produced on premises where the business of a hatchery is carried on; provided that at the time of sale the poultry or chicks, as the case may be, are on and have not been moved from the premises on which they were hatched and that they are moved direct from such premises to the premises of the purchaser; or

(*c*) the holding of a market, fair or sale of poultry authorised by a licence issued by a Local Authority under the provisions of Articles 5 and 6 hereof.

Licensed Sales of Poultry Intended for Immediate Slaughter

5. A Local Authority may grant a licence authorising the holding of a market, fair or sale of poultry intended for immediate slaughter; provided that no licence shall be granted by a Local Authority for the holding of a market, fair or sale of such poultry as aforesaid on any premises on any day if on the same day and on the same premises—

(*a*) poultry intended for immediate slaughter have been or are to be sold otherwise than by auction;

(*b*) store poultry have been or are to be sold whether by auction or by private treaty; or

(*c*) day-old chicks of poultry have been or are to be sold.

No poultry that have been brought to such an authorised market, fair or sale of poultry shall be moved alive from the premises on which the

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

market, fair or sale is held except direct to premises on which there are no poultry or day-old chicks of poultry other than birds intended for immediate slaughter where they shall be detained until slaughter.

Licensed Sales of Store Poultry

6.—(1) A Local Authority may grant a licence authorising the holding of a market, fair or sale of store poultry; provided that no licence shall be granted by a Local Authority for the holding of a market, fair or sale of store poultry on any premises on any day if on the same day and on the same premises—

(*a*) store poultry have been or are to be sold otherwise than by auction;

(*b*) poultry intended for immediate slaughter or poultry carcases have been or are to be sold whether by auction or by private treaty; or

(*c*) day-old chicks of poultry have been or are to be sold.

(2) No person shall bring or send any poultry to such an authorised market, fair or sale of store poultry unless the birds are brought or sent thereto direct from the premises on which they were reared.

(3) Poultry shall not be brought or sent for sale at such an authorised market, fair or sale of store poultry except by the rearer thereof, not being a poultry dealer.

(4) No person shall bring or send poultry to such an authorised market, fair or sale of store poultry unless the birds are accompanied by a declaration in writing made by the rearer of the birds, specifying the number, species and breed of the birds and stating

(i) that the birds have been reared by him;

(ii) that they are being brought or sent to the market, fair or sale direct from specified premises on which they have been reared; and

(iii) that no poultry or poultry carcases (other than poultry carcases intended for consumption on those premises) have been or will be moved on to those premises at any time before the removal of the said birds therefrom to the authorised market, fair or sale and after the commencement of a period of 28 days preceding the day on which that removal occurs.

Any such declaration as aforesaid shall be surrendered to the proper Officer of the Local Authority on arrival of the birds at the premises on which the market, fair or sale is to take place.

(5) No poultry that have been brought to such an authorised market, fair or sale of store poultry shall be moved from the premises on which the market, fair or sale of store poultry has been held, except to premises from which they shall not be moved alive for 28 days.

Restrictions on Movement of Poultry

7.—(1) The taking or sending of poultry from any premises on to which there has been a movement of poultry or poultry carcases (other than poultry carcases intended for consumption on those premises) at any time before that taking or sending and after the commencement of a period of 28 days next preceding the day on which the taking or sending occurs is hereby prohibited. This provision shall not prevent the movement of poultry from a market, fair or sale of store poultry or poultry for immediate slaughter

the holding of which has been authorised by a Local Authority or from an exhibition of poultry organised by an Agricultural Society or Poultry Club. Poultry removed from an exhibition of poultry organised as aforesaid shall not, before the expiration of a period of 28 days next following the day on which they were so removed, be moved to the same exhibition or to any other exhibition of poultry.

(2) A poultry dealer shall not bring together on any premises poultry or day-old chicks of poultry moved from more than one farm, holding or other place.

PART II

Application

8. The provisions of this Part of the Order shall apply to the whole of Great Britain.

Prohibition of Movement of Poultry into Scotland

9. No poultry, day-old chicks of poultry or hatching eggs shall be moved into Scotland from any other part of Great Britain.

Prohibition of Movement of Poultry into the Isles of Scilly

10. No poultry, day-old chicks of poultry or hatching eggs shall be moved into the Isles of Scilly from any other part of Great Britain.

Prohibition of Movement of Poultry into the Scheduled Area

11. On and after the 5th day of February, 1954, no poultry shall be moved into the Scheduled area from any other part of Great Britain.

Prohibition of Consignment of Poultry to Railway Stations

12. No person shall consign or cause to be consigned poultry or day-old chicks of poultry to or to the order of any person at a railway station or at any place other than premises in the occupation of the last mentioned person.

PART III

Enforcement

13. The provisions of this Order shall be executed and enforced by the Local Authority.

Revocation

14. The Live Poultry (Restrictions) Order, 1952(**a**), as amended by the Live Poultry (Restrictions) (Amendment) Order, 1952(**b**) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this first day of February, nineteen hundred and fifty-four.

(L.S.) *Tom Dugdale,*
Minister of Agriculture and Fisheries.

(a) S.I. 1952/200 (1952 III, p. 2619). (b) S.I. 1952/1483 (1952 III, p. 2626).

SCHEDULE

An area comprising:—

The administrative Counties of Anglesey, Brecknock, Caernarvon, Cardigan, Carmarthen, Chester, Denbigh, Derby, Flint, Glamorgan, Hereford, Merioneth, Monmouth, Montgomery, Pembroke, Radnor, Salop, Stafford, Warwick and Worcester.

The Cities and County Boroughs of Birmingham, Cardiff, Chester, Coventry, Stoke-upon-Trent and Worcester.

The County Boroughs of Birkenhead, Burton-upon-Trent, Derby, Dudley, Merthyr Tydfil, Newport, Smethwick, Stockport, Swansea, Wallasey, Walsall, West Bromwich and Wolverhampton.

EXPLANATORY NOTE

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

This Order includes a new provision (coming into force on the 5th February, 1954) prohibiting the movement of poultry into an area comprising Wales and certain West Midland counties of England. It also revokes the Live Poultry (Restrictions) Order, 1952, as amended, with effect from 19th February, 1954, and replaces most of its provisions. Other provisions of the 1952 Order (relating to the keeping of records) are replaced by the Live Poultry (Movement Records) Order, 1954 (S.I. 1954/122), which also comes into operation on that date.

Apart from the prohibition of movement mentioned above and coming into force on the 5th February, 1954, the principal changes (which come into force on the 19th February, 1954) effected by the present Order are:—

(1) Guinea fowls are now included in the expression "poultry" and are, therefore, subject to the provisions of the Order.

(2) The conditions under which poultry and day-old chicks produced on hatchery premises may be sold by auction without a licence now include one to the effect that they shall be moved direct from those premises to the premises of the purchaser.

(3) The conditions under which markets, fairs and sales of poultry may be licensed have been modified.

(4) The provision prohibiting a rearer from sending less than twenty-five birds to a store poultry market has been omitted.

(5) The expression "store poultry" is now so defined as to exclude birds under the age of one month (or nine days in the case of ducks).

(6) Dealers are now excluded from the class of persons who may send poultry to an authorised market of store poultry.

(7) The prohibition of the movement of poultry from premises onto which there has been a movement of live poultry within the previous 28 days is extended so as to apply also where within that period there has been a movement on to the premises of poultry carcases (except carcases intended for consumption thereon).

(8) Poultry removed from an exhibition may not now be moved within the following 28 days to the same or any other exhibition.