1971 No. 311

POULTRY

The Live Poultry (Restrictions) Order 1971

Made - - - *26th February* 1971

Coming into Operation *8th March* 1971

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers vested in them under sections 1, 20, 45, 84 and 85 of the Diseases of Animals Act 1950(a) as read with the Transfer of Functions (Animal Health) Order 1955(b) and of all other powers enabling them in that behalf, hereby order as follows :—

Citation and commencement

1. This Order, which may be cited as the Live Poultry (Restrictions) Order 1971, shall come into operation on 8th March 1971.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

"the Act" means the Diseases of Animals Act 1950 ;

"day-old chick of poultry" means a live bird of the following species, that is to say, domestic fowls, turkeys, geese, ducks, guinea-fowls, pheasants, partridges and quails 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 ;

"poultry" means live birds of the following species, that is to say, domestic fowls, turkeys, geese, ducks, guinea-fowls, pheasants, partridges and quails, 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, guinea-fowls, pheasants, partridges and quails, and includes part of a carcase ;

"poultry dealer" means a person carrying on the business of buying and reselling poultry or day-old chicks of poultry, but a person shall not be deemed to be a poultry dealer by reason only that he sells for slaughter poultry that he has kept for 28 days or longer ;

"premises" includes land with or without buildings ;

"store poultry" means poultry not intended for immediate slaughter and being over the age of 28 days or, in the case of geese and ducks, over the age of 9 days ;

"veterinary inspector" means a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food.

(a) 1950 c. 36. For change of title of the Minister see S.I. 1955/544 (1955 I, p. 1200).
(b) S.I. 1955/958 (1955 I, p. 1184).

(2) For the purposes of the Act, in so far as it applies to poultry, and of this Order, the definition of the expression "poultry" in section 84(2) of the Act is hereby extended so as to comprise quails.

(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, and as if this Order and the Orders hereby revoked were Acts of Parliament.

PART I

Application

3. The provisions of this Part of this Order shall apply to England and Wales.

Regulation of holding of poultry exhibitions and shows

4.—(1) No person shall hold or cause or permit to be held an exhibition or show of poultry except under the authority of a licence granted by the local authority and at the premises specified in the licence.

(2) The person to whom any such licence is issued shall—

(*a*) maintain a record showing, in respect of each bird entered for the exhibition or show authorised by the licence, the date of its arrival at and removal from the premises specified in the licence, the name and address of the person who exhibited it and (if known) the name and address of the person who removed it from those premises ; and

(*b*) permit any officer of the Ministry of Agriculture, Fisheries and Food or of the local authority to inspect that record :

Provided that nothing in this paragraph shall require the licensee to retain any entry in the record beyond the period of 3 months from the making of the entry.

Prohibition of holding of sales of poultry

5. No person shall hold or cause or permit to be held a sale of poultry or of day-old chicks of poultry (whether on market premises or elsewhere). 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 or within the 28 days next preceding such day ;

(*b*) the holding of a sale of poultry or day-old chicks of poultry that are not, at the time of the sale, on the premises where the sale is held ;

(*c*) the holding, during any exhibition or show authorised by a licence issued under the provisions of Article 4 hereof and at the premises on which the exhibition or show is held, of any sale of poultry exhibited in that exhibition or show ;

(*d*) the holding of a sale of poultry authorised by a licence issued by a local authority under the provisions of Article 6 or Article 7 hereof and for the time being in force.

Licensed sales of poultry intended for immediate slaughter

6.—(1) A local authority may grant to any person a licence authorising the

(a) 1889 c. 63.

holding by him on premises specified therein of a sale by auction of poultry intended for immediate slaughter:

Provided that no such licence shall be granted by a local authority for the holding of a sale of such poultry as aforesaid on any premises on any day if on the same premises and on the same day—

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

(*b*) store poultry or day-old chicks of poultry have been or are to be exposed for sale whether by auction or by private treaty.

(2) No person shall move or cause to be moved any poultry (except geese and ducks) to the premises specified in a licence granted under paragraph (1) of this Article for the purpose of the sale thereby authorised unless and until each bird has been marked by the clipping back of its tail feathers to such an extent that not more than half the original length of the main tail feathers of the bird remains.

(3) No person shall move or cause to be moved alive any poultry which have been moved to the premises specified in a licence granted under paragraph (1) of this Article for the purpose of the sale thereby authorised from those premises except direct to premises on which there are no poultry (other than poultry intended for immediate slaughter) or day-old chicks of poultry, and no person shall move or cause to be moved any such poultry as are first mentioned in this paragraph from such last mentioned premises until they have been slaughtered.

Licensed sales of store poultry

7.—(1) A local authority may grant to any person a licence authorising the holding by him on premises specified therein of a sale by auction of store poultry at any time:

Provided that no such licence shall be granted by a local authority for the holding of a sale of store poultry on any premises on any day if on the same premises and on the same day—

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

(*b*) poultry intended for immediate slaughter, poultry carcases or day-old chicks of poultry have been or are to be exposed for sale whether by auction or by private treaty.

(2) No person shall move any poultry to the premises specified in such a licence granted under paragraph (1) of this Article for the purpose of the sale thereby authorised unless—

(*a*) he is the rearer of the poultry (not being a poultry dealer);

(*b*) he moves the poultry to those premises direct from the premises on which they were reared; and

(*c*) a declaration made by him in relation to the poultry in the form set out in Schedule 1 hereto is on request surrendered to an officer of the local authority on the arrival of the poultry at those premises.

Restrictions on movement of poultry

8.—(1) Subject to the provisions of this Article, whenever poultry or poultry carcases are moved to any premises, it shall not be lawful to move any poultry from those premises before the expiry of a period of 28 days from

the day on which the poultry or poultry carcases (as the case may be) were delivered to those premises:

Provided that this paragraph shall not apply—

(i) in respect of poultry carcases delivered to premises, if they were so delivered for consumption on those premises,

(ii) to the movement of poultry from premises, being a movement in respect of which a licence under the Fowl Pest Order of 1936(a), as amended (b) (or under Article 2 of the Animals (Miscellaneous Provisions) Order of 1927(c)) is in force, authorising (notwithstanding anything in the said Order of 1936) poultry to be moved from those premises.

(2) Nothing in the foregoing paragraph of this Article shall apply to the movement of poultry from premises specified in a licence issued under Article 4, 6 or 7 hereof to which they were moved for the purposes of the exhibition or show or of the sale, as the case may be, thereby authorised or to the movement of poultry from premises specified in a licence (in the form set out in Schedule 2 hereto) issued by an inspector or other officer of the Ministry of Agriculture, Fisheries and Food or by an inspector of a local authority under this paragraph to other premises so specified for slaughter there by the Jewish method for the food of Jews, or by the Moslem method for the food of Moslems.

(3) No person shall move or cause to be moved any poultry, which have been removed from any exhibition or show of poultry, to the same, or to any other, exhibition or show of poultry before the expiration of a period of 28 days next following the day on which they were so removed.

(4) 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

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

Prohibition of movement of poultry into Scotland

10. No person shall move or cause to be moved any poultry, day-old chicks of poultry or hatching eggs into Scotland from any other part of Great Britain.

Provided that the Secretary of State may by licence (which may at any time be revoked) authorise the movement into Scotland from any other part of Great Britain of poultry, day-old chicks of poultry or hatching eggs, if in special circumstances he thinks it expedient so to do, subject to such poultry, day-old chicks of poultry or hatching eggs (as the case may be) being detained at a quarantine station to be specified in the licence and there tested for disease under the supervision of a veterinary inspector; and subject to such other conditions (if any) as may be specified in the licence.

Prohibition of movement of poultry into Specified Areas

11. No person shall move or cause to be moved any poultry—

(a) S.R. & O. 1936/1297 (Rev. XVIII, p. 442: 1936 II, p. 2086).
(b) The relevant amending instrument is S.I. 1963/629 (1963 I, p. 760).
(c) S.R. & O. 1927/290 (Rev. II, p. 449: 1927 p. 78).

(*a*) into the area specified in Schedule 3 hereto from any other part of England and Wales;

(*b*) into Wales from any part of England or from Scotland;

(*c*) into the area specified in Schedule 4 hereto from any other part of England and Wales, or from Scotland.

Prohibition of consignment of poultry to railway stations

12. No person shall consign or cause to be consigned—

(*a*) poultry to, or to the order of, any person at a railway station; or

(*b*) poultry or day-old chicks of poultry to, or to the order of, any person at any premises other than a railway station, not being 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.

Provisions as to licences

14.—(1) A licence issued under this Order may be issued subject to such conditions as may be specified therein and may at any time be revoked by any person who is authorised by this Order to issue licences of the class to which that licence belongs.

(2) If any person contravenes or fails to comply with any conditions subject to which any licence is issued under this Order, he shall be guilty of an offence against the Act.

Transitional Provisions

15. Any licence granted under any Order revoked by Article 16 of this Order, and in force immediately before the coming into operation of this Order, shall have effect as if issued under this Order.

Revocation of orders

16. The Orders specified in Schedule 5 hereto are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd February 1971.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 26th February 1971.

(L.S.)

Gordon Campbell,
Secretary of State for Scotland.

Article 7.

SCHEDULE 1

Form of Declaration to be completed by the rearer of live poultry moved to premises on which a licensed sale of store poultry is to be held

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I,
of
hereby declare:—

1. that I am the rearer of the live poultry described below;

2. that they were/will be moved to
(at which a licensed sale of store poultry is to be held on the
19) from where they
were reared; and

3. *that no live poultry or poultry carcases (except carcases intended for consumption on the last mentioned premises) were moved on to those premises either today before the poultry described below were moved, or at any time in the last preceding 28 days.

or

3A. *that no live poultry or poultry carcases (except carcases intended for consumption on the last mentioned premises) have been or will be moved on to those premises at any time before the removal of the poultry described below to the said sale and after the commencement of 28 days preceding the day on which the removal takes place.

DESCRIPTION OF POULTRY

Number	Species	Breed

Signed.....

Date.....

* Paragraph 3 is for use where the rearer signs the declaration at the premises where the sale is to be held in the presence of the officer of the local authority. Paragraph 3A is for use where the rearer signs it at some other place. The paragraph that is not applicable should be struck out.

Article 8.

SCHEDULE 2

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Movement Licence under Article 8(2)

I, the undersigned, being an inspector/officer of the Ministry of Agriculture, Fisheries and Food *or* an inspector of the local authority for the
of , do hereby license the movement of poultry
from the premises known as and occupied by
to the slaughterhouse known as for slaughter
there by the Jewish or Moslem method

Dated this day of , 19

(Signed)

N.B. This licence may be revoked at any time by an authorised person.
(Art. 14(1)).

Article 11.

SCHEDULE 3

The area comprising:—

The administrative Counties of Northumberland, Durham, Westmorland and Cumberland, including all Boroughs geographically situated therein.

The Cities and County Boroughs of Carlisle and Newcastle-upon-Tyne.

The County Boroughs of Barrow-in-Furness, Darlington, Gateshead, Hartlepool, South Shields, Sunderland and Tynemouth.

In the County of Lancashire:—

The Petty Sessional Divisions of North Lonsdale and Hawkshead.

Article 11.

SCHEDULE 4

The area comprising:—

The administrative Counties of Devon and Cornwall, including all Boroughs geographically situated therein.

The City, County and County Borough of Exeter.

The City and County Borough of Plymouth.

The County Borough of Torbay.

Article 16.

SCHEDULE 5

Column 1 Orders revoked	Column 2 References
The Live Poultry (Restrictions) Order 1957	S.I. 1957/787 (1957 II, p. 1919).
The Live Poultry (Restrictions) Amendment Order 1959	S.I. 1959/466 (1959 II, p. 2209).
The Live Poultry (Restrictions) Amendment Order 1961	S.I. 1961/1405 (1961 II, p. 2816).
The Live Poultry (Restrictions) Amendment Order 1963	S.I. 1963/2006 (1963 III, p. 4242).
The Live Poultry (Restrictions) Amendment Order 1966	S.I. 1966/951 (1966 II, p. 2297).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order revokes and re-enacts (with some amendments) the Live Poultry (Restrictions) Order 1957 (S.I. 1957/787), as amended by S.I. 1959/466, 1961/1405, 1963/2006 and 1966/951.

The principal provisions of the order as amended are :–

1. A prohibition on exhibitions or shows of poultry except under licence granted by the local authority. (Article 4).

2. A prohibition on the holding of sales of poultry or day-old chicks, subject to exemptions in certain specified circumstances including a provision for licensing by local authorities of the holding of a sale by auction of poultry intended for immediate slaughter or of store poultry. (Articles 5, 6 and 7).

3. A prohibition upon the movement of poultry from any premises to which poultry or poultry carcases are delivered for a period of 28 days from such delivery (subject to exceptions applicable to poultry moved under local authority licence and other specified cases). (Article 8).
(The above provisions apply to England and Wales).

4. A prohibition upon the movement of poultry, day-old chicks and hatching eggs into Scotland from the rest of Great Britain, subject to a power for the Secretary of State for Scotland to license exemptions in special circumstances. (Article 10).

5. A prohibition upon the movement of poultry into certain areas of England and Wales from other areas specified for that purpose. (Article 11, Schedules 3 and 4).

6. A prohibition upon the consignment of poultry to railway stations, or of poultry or day-old chicks to any premises other than a railway station which are not in the occupation of the person to whom the consignment is made. (Article 12).