STATUTORY INSTRUMENTS

1971 No. 2053

POULTRY

The Newcastle Disease (England and Wales) Order 1971

Made - - - 16*th December* 1971

Coming into Operation 1*st January* 1972

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(1), 20(v), 45, 47(1) and 85(1) of the Diseases of Animals Act 1950(**a**), as read with the Transfer of Functions (Animal Health) Order 1955(**b**) and 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 Newcastle Disease (England and Wales) Order 1971, applies to England and Wales and shall come into operation on 1st January 1972.

Interpretation

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

"carcase" means the carcase of any poultry or any part thereof ;

"licensed vaccine" means either—

(*a*) a vaccine which is the subject of, and which is being used in accordance with the provisions of, a current product licence issued under the Medicines Act 1968(**c**), or an animal test certificate so issued, or

(*b*) 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 ;

"Minister" means the Minister of Agriculture, Fisheries and Food ;

"poultry" means any live bird or birds of the following species, that is to say, domestic fowls, turkeys, geese, ducks and guinea fowls, and partridges, pheasants, pigeons and quails (**d**) kept in contact with domestic fowls, turkeys, geese, ducks or guinea fowls ;

"Veterinary Inspector" means a veterinary inspector appointed by the Minister.

(2) The Interpretation Act 1889(**e**) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(**a**) 1950 c. 36. For change of title of the Minister see S.I. 1955/554 (1955 I, p. 1200).

(**b**) S.I. 1955/958 (1955 I, p. 1184). (**c**) 1968 c. 67.

(**d**) For the extension of the definition of poultry in section 84(2) of the Diseases of Animals Act 1950 to include quails see S.I. 1971/311 (1971 I, p. 1046).

(**e**) 1889 c. 63.

Notification of Newcastle disease

3.—(1) Every person having in his possession or under his charge any poultry or carcase which is affected or suspected of being affected with Newcastle disease shall, with all practicable speed, give notice of the fact to a constable of the police force for the area wherein the poultry or carcase is, or to the Veterinary Inspector appointed for the time being by the Minister to receive such information within the area wherein the poultry or carcase is.

(2) A veterinary surgeon who examines any poultry or carcase and suspects that the poultry or carcase is affected with Newcastle disease shall, with all practicable speed, give notice of the fact to a constable of the police force for the area wherein the poultry or carcase is, or to the Veterinary Inspector appointed as aforesaid to receive such information within the area wherein the poultry or carcase is.

(3) A constable receiving any such notice shall immediately transmit the information by the most expeditious means to the Veterinary Inspector appointed as aforesaid to receive such information within the area wherein the poultry or carcase is.

Restrictions on premises

4. The occupier of premises on which there is any poultry or carcase affected with or suspected of being affected with Newcastle disease, shall forthwith and until a Veterinary Inspector attends those premises for the purpose of the diagnosis of the disease—

(*a*) prevent the access of any person (other than a person exercising any right of entry or way granted by law or a person attending the poultry) to the part of the premises on which the poultry or carcase is or has been kept ; and

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

Provision of assistance

5. For the purpose of establishing whether information in any manner received concerning the existence or suspected existence of Newcastle disease on any premises is correct, the occupier of such premises and any person in his employment shall render to a Veterinary Inspector such reasonable assistance as he may require for such purpose as aforesaid and shall permit him to examine any poultry or carcase found on such premises.

Prohibition of vaccination with unlicensed vaccine

6. No person shall vaccinate, or cause or permit to be vaccinated, any poultry against Newcastle disease except with a licensed vaccine.

Local authority to enforce order

7. The provisions of this order shall, except where it is otherwise provided, be executed and enforced by the local authority.

Amendment of the Fowl Pest Order of 1936

8. Article 12(1) of the Fowl Pest Order of 1936(**a**) as amended (**b**) shall, in the application of that order to England and Wales, have effect as if in the definition of "Fowl pest" the words "any of the forms of that disease, including Newcastle disease and" were omitted.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th December 1971.

(L.S.)

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

Gordon Campbell,
16th December 1971. Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order provides that the Fowl Pest Order of 1936, as amended, shall no longer apply in relation to Newcastle disease in poultry in England and Wales. Under the provisions of the new order, which applies to England and Wales, Newcastle disease remains a disease notification of the existence of which is required to be made as soon as practicable to a police constable or to a veterinary inspector of the Ministry of Agriculture, Fisheries and Food. The owner or person in charge making the notification is required to retain on the premises all poultry and carcases, and to prevent, so far as he legally may, the admission of persons until a diagnostic visit has been made. The vaccination of poultry against Newcastle disease with an unlicensed vaccine is prohibited.

(a) S. R. & O. 1936/1297 (Rev. XVIII, p. 442; 1936 II, p. 2086).

(b) The amending orders are not relevant to the subject matter of this Order.

SI 1971/2053
ISBN 0-11-012053-1

