



Jersey

**DISEASES OF ANIMALS (AVIAN
INFLUENZA) (JERSEY) ORDER 2005**

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DISEASES OF ANIMALS (AVIAN INFLUENZA) (JERSEY) ORDER 2005

Arrangement

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Jersey

DISEASES OF ANIMALS (AVIAN INFLUENZA) (JERSEY) ORDER 2005¹

THE ENVIRONMENT AND PUBLIC SERVICES COMMITTEE, in pursuance of Articles 1(2), 1(3), 3, 6, 10, 14, 25 and 42 of the Diseases of Animals (Jersey) Law 1956², orders as follows –

Commencement [[see endnotes](#)]

PART 1

PRELIMINARY PROVISIONS

1 Interpretation

In this Order –

“approved disinfectant” has the meaning assigned to it in the Diseases of Animals (Approved Disinfectants) (Jersey) Order 1958³;

“avian influenza” means an infection of poultry caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in 6 week old chickens greater than 1.2;

“diseased” means affected by avian influenza;

“disinfect” means disinfect with an approved disinfectant;

“eggs” means eggs of poultry;

“examine” includes the taking of specimens for laboratory examination;

“fully cooked”, in relation to a poultry carcass or part of a poultry carcass, means cooked throughout the whole of its substance so as to render it unnecessary for it to be further cooked before being used for human consumption;

“import”, in relation to poultry, does not include enabling a racing pigeon to return to Jersey by releasing it outside Jersey;

“infected area” means an area to which a declaration under Article 15 relates;

“infected place” means a place to which a declaration under Article 7 or 14(3) relates;

“Law” means the Diseases of Animals (Jersey) Law 1956⁴;

“poultry” means all species of birds;

“poultry carcase” includes part of a carcase (other than feathers) and the viscera from a carcase;

“suspected” means suspected of being diseased.⁵

2 Definitions in Law extended

- (1) For all the purposes of the Law, in its application, by virtue of paragraph (2), to avian influenza, the definition “poultry” shall be extended to comprise all species of birds.
- (2) For all the purposes of the Law, in its application to poultry, the definition “disease” shall be extended to include avian influenza.

PART 2

IMPORTATION, EXPORTATION AND LICENCING ETC.⁶

3 Regulation of import

- (1) Subject to this Order, no person shall import into Jersey –
 - (a) any live poultry; or
 - (b) any eggs intended for hatching,unless the import is authorized under a licence granted by or on behalf of the Minister.
- (2) Subject to this Order, no person shall import into Jersey any poultry carcase unless –
 - (a) the import is authorized under a licence granted by or on behalf of the Minister; or
 - (b) the poultry carcase is –
 - (i) fully cooked before import, or
 - (ii) eviscerated and prepared for human consumption before import,and, if it originates from a country or territory that is not a member of the European Union, is a country or territory in which there have been no cases, confirmed by the relevant authorities in the country or territory, of avian influenza in poultry or animals within the 12 month period before the import.⁷

3A Export of racing pigeons⁸

- (1) A person shall not export from Jersey to a country or territory outside the British Islands a racing pigeon unless –
 - (a) the pigeon is being exported for sale or breeding purposes; or
 - (b) the export is authorized under a licence granted by or on behalf of the Minister.
- (2) A licence may be granted under Article 4(2)(aa) by the Minister, or a person authorized by the Minister, only if he or she is satisfied that the place to which the racing pigeon is to be exported is not a place where there is a significant risk that it could come into contact with avian influenza.

4 Directions, licences, permits and authorizations

- (1) The provisions of this Order are subject to –
 - (a) any direction which may at any time be given by or on behalf of the Minister under the Law; and
 - (b) any licence, permit or authorization which may be granted under this Order by or on behalf of the Minister.
- (2) The Minister, or a person authorized by the Minister, may grant to a person a licence –
 - (a) to import into Jersey live poultry, eggs intended for hatching, or poultry carcasses;
 - (aa) to export from Jersey a racing pigeon;
 - (ab) to import into Jersey, or to use, or both, a vaccine against avian influenza; or
 - (b) to conduct a fair, market, exhibition, show or other gathering of poultry to which poultry owned by different persons are transported for exhibition or sale.⁹
- (3) A licence, permit or authorization may be granted under this Order subject to conditions.
- (4) Any conditions to which a licence or permit is subject shall be specified on the licence or permit.
- (5) Each person holding a licence, permit or authorization granted under this Order shall comply with every condition subject to which that licence, permit or authorization is granted.
- (6) Any licence, permit or authorization granted under this Order may be revoked, suspended or varied at any time by the Minister or a person authorized to do so on behalf of the Minister.

5 Poultry, etc. may only be imported at specified ports

Poultry, eggs intended for hatching, and poultry carcasses, that are imported into Jersey shall be landed only at the port of St. Helier or the States of Jersey Airport.

PART 3**OTHER RESTRICTIONS****6 Veterinary enquiry by Minister**

If notice has been given under Article 4 of the Law that any poultry are affected with avian influenza or where there are reasonable grounds for suspecting that any poultry are affected with avian influenza, the Minister shall cause all the poultry on the premises on which the diseased or suspected poultry are to be found to be examined by the Veterinary Officer.

7 Declaration of infected places

- (1) If the examination under Article 6 shows that diseased poultry are, or have been within 60 days, on any premises, the Minister shall declare those premises to be an infected place.
- (2) As soon as practicable after declaring any premises to be an infected place under paragraph (1), the Minister shall cause to be served on the occupier of those premises a notice of the declaration.
- (3) The Minister may at any time vary a declaration under paragraph (1).
- (4) If the Minister varies a declaration under paragraph (3), he or she shall cause to be served on the occupier of the infected place a notice specifying the variation.
- (5) The occupier of premises on the infected place shall comply with the rules set out in Article 8(1) that apply to that place as well as any additional and modified rules that may be specified in a notice served under Article 8(2).
- (6) The Minister may cause notices to be affixed or exhibited on or about an infected place to ensure notice is given to the public that the premises have been declared to be an infected place.
- (7) The Minister, as soon as he or she is satisfied that any premises declared to be an infected place no longer constitute a danger of spreading the infection of avian influenza, shall revoke the declaration issued under paragraph (1) in relation to those premises.
- (8) The Minister shall, as soon as practicable after revoking a declaration under paragraph (7) in relation to premises, cause a notice of the revocation to be served on the occupier of the premises.

8 Rules applicable to infected places

- (1) Subject as directed under paragraph (2), any premises declared to be an infected place under Article 7 or 14 shall, so long as those premises remain so declared, be subject to the following rules –
- (a) except under and in accordance with a permit in writing granted by or on behalf of the Minister, no poultry or animal shall be moved into or out of the infected place;
 - (b) except under and in accordance with a permit in writing granted by or on behalf of the Minister, no poultry carcase or animal carcase shall be moved out of the infected place;
 - (c) except under and in accordance with a permit in writing granted by or on behalf of the Minister, no fodder, litter, dung, utensil, pen, hurdle, vehicle or other thing shall be moved out of the infected place;
 - (d) all liquid manure, urine or shed washings shall be thoroughly disinfected to the satisfaction of an inspector before being allowed to drain or escape from any shed, yard or other like place in which diseased or suspected poultry are or have been kept;
 - (e) except under and in accordance with a permit in writing granted by or on behalf of the Minister, no person other than the occupier of the infected place, the occupier's employees, the members of the occupier's household or an inspector shall enter or leave the infected place;
 - (f) any person entering any shed, field or other place in the infected place in which diseased or suspected poultry are or have been kept shall wear boots which are capable of being disinfected and shall, before leaving the place, thoroughly cleanse and disinfect his or her clothing and boots and also his or her hands;
 - (g) a receptacle containing an approved disinfectant shall be kept in some convenient place at all exits from the infected place as may be required by the Veterinary Officer and fresh disinfectant shall be placed in the receptacles as often as may be required by the Veterinary Officer.
- (2) The Minister may cause to be served on the occupier of an infected place notice –
- (a) directing that the additional rules specified in the notice shall apply to the infected place; or
 - (b) directing that any of the rules set out in paragraph (1) shall cease to apply to the infected place or shall be modified to the extent or in the manner specified in the notice.

9 Removal of dung or other things from infected place

Except under and in accordance with a permit in writing granted by or on behalf of the Minister, a person shall not send or carry, or cause to be sent or carried, on any highway, road or lane, any dung, fodder, litter or other thing that has

been in an infected place, or that has been in any place in contact with or used about diseased or suspected poultry.

10 Cleansing and disinfection

- (1) The occupier of every shed or other place in which diseased poultry have been kept while so diseased or has died or been slaughtered, shall ensure that the shed or other place is cleansed and disinfected under the supervision of an inspector as follows –
 - (a) the whole of the interior of the shed or other place, including the fittings, shall first be thoroughly washed or sprayed with an approved disinfectant;
 - (b) all dung and other discharges shall then be scraped from the walls, fittings and floors, and the shed or other place shall then be swept out and the sweepings and all litter, dung or other thing that has been in contact with, or used about, any poultry shall be removed from the shed or other place; and
 - (c) the floor of the shed or other place and all other parts of the shed or other place with which poultry or their droppings or any discharge may have come in contact shall again be thoroughly washed or sprayed with an approved disinfectant.
- (2) Notwithstanding paragraph (1) –
 - (a) the Minister may require the occupier of an infected place to demolish and destroy by burning, under the supervision of an inspector, any timber stalling or other timber in a shed or other place which has, or may have, been in contact with diseased or suspected poultry; and
 - (b) the occupier shall ensure that all litter, dung or other thing removed from the shed or other place shall, as soon as it is removed, be thoroughly disinfected or burnt or otherwise destroyed.
- (3) The occupier of any field or other similar place in which there has been diseased or suspected poultry shall ensure that the field or place is cleansed and disinfected in the manner that the Veterinary Officer requires.
- (4) If the occupier of an infected place fails to carry out the cleansing and disinfection, or to take any other action, required under this Article, the Minister may, without prejudice to any proceedings in respect of the failure, cause the cleansing and disinfection to be carried out, or other action to be taken.
- (5) The Minister may recover from the occupier, as a civil debt, the expenses incurred by the Minister in causing action to be taken under paragraph (4) in relation to the premises.

11 Prohibition on movement of poultry exposed to infection and power to require isolation of poultry

- (1) If there is reason to suspect that there are on any premises suspected poultry, or any poultry which has been exposed to the infection of avian

influenza, the Minister may cause to be served on the occupier of those premises a notice –

- (a) prohibiting the movement of that poultry, or any animal, out of those premises;
- (b) prohibiting the movement into or out of those premises of any other poultry or animal; and
- (c) requiring the suspected poultry, or any animal on those premises, to be isolated from all other poultry or animals on those premises in the field, shed, stable, sty or other place, forming part of those premises, that may be specified in the notice.

- (1A) In paragraph (1), “poultry” does not include wild birds.¹⁰
- (2) The occupier of premises in relation to which a notice under paragraph (1) is served shall comply with the terms of the notice.
- (3) The Minister may revoke a notice served under paragraph (1).
- (4) If the Minister revokes a notice served on an occupier of premises under paragraph (1) he or she shall cause to be served on the occupier of the premises notice of the revocation.
- (5) The Minister may cause any poultry or animal on premises in respect of which a notice under paragraph (1) has been served to be examined by the Veterinary Officer for the purpose of determining whether or not that poultry is diseased or the animal may be harbouring the disease.

12 Power to require housing or removal of poultry or animals

- (1) For the purpose of preventing the spreading of avian influenza, the Minister may cause to be served on the occupier of any premises where poultry, litter, or poultry fodder are kept, a notice requiring poultry, litter or poultry fodder on the premises to be moved indoors or kept in such a way that the poultry, litter or poultry fodder shall not come into contact with wild birds or any dung or other discharges from wild birds.¹¹
- (1A) In paragraph (1), “poultry” does not include wild birds.¹²
- (2) For the purpose of preventing the spreading of avian influenza, the Minister may cause to be served on the occupier of any premises where animals are kept a notice requiring the removal of the animals –
 - (a) from pasture to enclosed yards, sheds, stables, sties or any other place forming part of those premises; or
 - (b) from pastures in which the animals are at the time when the notice is delivered to other pastures in the same occupation that are specified in the notice.
- (3) The occupier of premises in relation to which a notice under paragraph (1) or (2) is served shall comply with the terms of the notice.
- (4) If poultry, litter, poultry fodder or animals are moved indoors in pursuance of a notice under paragraph (1) or (2), the occupier of the premises shall keep the poultry, litter, poultry fodder or animals indoors in accordance with the notice.¹³

- (5) The Minister may revoke a notice served under paragraph (1) or (2).
- (6) If the Minister revokes a notice served on an occupier of premises under paragraph (1) or (2) he or she shall cause to be served on the occupier of the premises notice of the revocation.

13 Prohibition on holding of bird fairs, exhibitions etc.

- (1) A person shall not conduct a fair, market, exhibition, show, or other gathering of poultry, to which poultry owned by different persons are transported for exhibition or sale, unless the person is licensed to do so by or on behalf of the Minister.
- (2) A person shall not transport poultry to, or exhibit or sell poultry at, a fair, market, exhibition, show, or other gathering of poultry, to which poultry owned by different persons are transported for exhibition or sale, unless the person conducting the fair, market, exhibition, show or other gathering of poultry is licensed by or on behalf of the Minister to conduct the gathering.

14 Prohibition on exposure and movement of diseased or suspected poultry and poultry which have been exposed to infection

- (1) Except as authorized or directed under any other provision of this Order, a person shall not –
 - (a) expose diseased or suspected poultry, or any poultry which have been exposed to the infection of avian influenza, in a market, sale-yard, place of exhibition or any other public or private place where poultry are commonly exposed for sale or exhibition;
 - (b) place diseased or suspected poultry, or any poultry which have been exposed to the infection of avian influenza, in any place adjacent to or connected with a market, sale-yard or other place where poultry are commonly placed before or after exposure for sale or exhibition;
 - (c) on any highway, road or lane, send or carry, or cause to be sent or carried, diseased or suspected poultry, or poultry which have been exposed to the infection of avian influenza; or
 - (d) place outdoors or keep outdoors diseased or suspected poultry or poultry which have been exposed to the infection of avian influenza.
- (2) If diseased or suspected poultry, or poultry which have been exposed to the infection of avian influenza, are exposed, sent, carried, kept or otherwise dealt with in contravention of this Article, the Minister may cause that poultry to be seized, and removed to and detained in, a place of detention that the Minister may appoint.
- (3) If diseased or suspected poultry, or poultry which have been exposed to the infection of avian influenza, are found in or on any of the places specified in paragraph (1), the Minister may declare the place where the poultry were found to be an infected place.

- (4) If poultry is seized by virtue of paragraph (2), the Minister may recover from the owner, as a civil debt, the expenses incurred in the seizure, removal and detention of the poultry.

15 Declaration of infected areas

- (1) If the Minister has, under Article 7 or 14, declared any premises to be an infected place, the Minister may declare the whole of Jersey, or any part of Jersey, to be an infected area.
- (2) A declaration under paragraph (1) shall be of no effect until notice of the fact that it has been made and of its contents has been published in a newspaper circulating in Jersey.

16 Restrictions applicable to infected areas

- (1) A person shall not move poultry or an animal, or allow poultry or an animal to stray, along, over or across any highway, road or lane in an infected area.
- (2) Paragraph (1) shall not apply to the movement of poultry or an animal in circumstances that are specially authorized by or on behalf of the Minister.
- (3) A dog in an infected area shall be kept tied up or on a leash unless it is –
 - (a) on enclosed premises or otherwise confined; or
 - (b) on a beach or a part of a beach designated by an Order made under the Law as an area where a person is permitted to exercise an unleashed dog.
- (4) Any dog which is not kept under control as prescribed by paragraph (3) may be seized and treated as a dog seized under Article 7 of the Dogs (Jersey) Law 1961¹⁴ or, if the Minister thinks fit, may be slaughtered.
- (5) Hunting, the holding of point-to-point meetings and the racing or coursing, or the training for racing or coursing, of any dogs in an infected area is prohibited.
- (6) Except under and in accordance with a permit in writing granted by or on behalf of the Minister, a person shall not –
 - (a) hold or permit to be held any exhibition, show or demonstration of agricultural or horticultural produce on any farm premises in an infected area;
 - (b) hold or permit to be held any demonstration or exhibition of agricultural or horticultural equipment or machinery on any farm premises in an infected area; or
 - (c) hold or permit to be held any sale of farm effects on any farm premises in an infected area.
- (7) For the purposes of this Article, any premises which are situated partly within an infected area and partly outside that area shall be deemed to be wholly within the infected area.

17 Power to close footpaths and premises in infected areas

- (1) Notwithstanding the existence of any footpath or right of way, the Minister may prohibit the entry of any person into any field, shed or other place in an infected area by giving notice in writing to that effect to the occupier of that field, shed or other place.
- (2) The owner of any animals or poultry in a field, shed or other place in respect of which a prohibition under paragraph (1) has been imposed, or the owner's employees or agents, may enter that field, shed or other place, for the purpose of feeding or tending those animals or poultry but, except under and in accordance with a permit in writing granted by or on behalf of the Minister, shall not enter that field, shed or other place for any other purpose.
- (3) The Minister may cause notices to be affixed or exhibited, in the manner he or she thinks fit, for ensuring notification of any prohibition imposed under this Article.

18 Change of occupation of premises in an infected area

- (1) If on the termination of the owner's right of occupation of any premises in an infected area, the owner of any poultry or animals on those premises is unable to remove them from the place because of any restriction of movement imposed by or under this Order, the person entitled to the occupation of those premises on the termination –
 - (a) shall afford the owner of those animals, and any person authorized by the owner, all the facilities for feeding, tending or otherwise using that poultry or those animals, or for the sale of that poultry or those animals, as the owner may reasonably require; or
 - (b) if the owner of that poultry or those animals is unable or unwilling to avail himself or herself of the facilities, shall take all the steps that are reasonably necessary for the proper feeding or tending of, or otherwise using, that poultry or those animals.
- (2) This Article shall continue to apply so long as the restriction on movement prevents the removal of that poultry and those animals and for the 2 days next following the day on which those restrictions are removed.
- (3) The owner of the poultry or animals shall be liable to pay to the person who affords the facilities or renders the services to which this Article relates the sum agreed between them as payable by way of remuneration or reimbursement of expenses.
- (4) If the parties are unable to agree the sum to be paid under paragraph (3), the sum to be so paid shall be determined by an arbitrator agreed upon between the parties or, if the parties cannot agree upon an arbitrator, an arbitrator nominated by the Minister on the application in writing of either of the parties.

19 Power to require vaccination of poultry

- (1) For the purpose of preventing the spreading of avian influenza, the Minister may cause to be served on the owner of any poultry a notice requiring the poultry to be vaccinated against avian influenza within the period specified in the notice.
- (2) If a notice is issued under paragraph (1), the owner of the poultry shall ensure that the poultry is vaccinated against avian influenza within the period specified in the notice.
- (3) The Minister may revoke a notice served under paragraph (1).
- (4) If the Minister revokes a notice served on an owner of poultry under paragraph (1) he or she shall cause to be served on the owner notice of the revocation.

20 Power to require vaccination of poultry before movement

- (1) For the purpose of preventing the spreading of avian influenza, the Minister may cause to be served on the owner of any poultry a notice prohibiting poultry from being moved from the place at which the poultry is situated until the poultry is vaccinated against avian influenza and the period following vaccination, specified in the notice, has expired.
- (2) If a notice is issued under paragraph (1), poultry may not be moved from the place at which it is situated unless it is vaccinated against avian influenza and the period, following vaccination, specified in the notice under paragraph (1), has expired.
- (3) The Minister may revoke a notice served under paragraph (1).
- (4) If the Minister revokes a notice served on an owner of poultry under paragraph (1) he or she shall cause to be served on the owner notice of the revocation.

20A Importation and use of vaccines prohibited except under licence¹⁵

- (1) A person shall not, except under a licence granted by or on behalf of the Minister –
 - (a) import into Jersey a vaccine that may be used to vaccinate poultry against avian influenza; or
 - (b) use a vaccine that may be used to vaccinate poultry against avian influenza.
- (2) Paragraph (1) does not apply to the Veterinary Officer.

20B Persons with certain poultry to notify Veterinary Officer¹⁶

The Minister may, by notice in a newspaper circulating in Jersey, require that a person who has possession of a type of poultry specified in the notice shall provide to the Minister the information specified in the notice.

20C Movement by vehicle of suspect poultry¹⁷

For the purpose of preventing the introduction or spreading of avian influenza, if an inspector suspects that a vehicle is carrying diseased or suspected poultry, the inspector may –

- (a) require the driver of the vehicle to stop the vehicle;
- (b) order the vehicle to be driven directly to a place specified by the inspector;
- (c) at the place, inspect the poultry or require it to be inspected; and
- (d) require that the poultry not leave the place except in accordance with the instructions of an inspector.

PART 4**CONCLUDING PROVISION****21 Citation**

This Order may be cited as the Diseases of Animals (Avian Influenza) (Jersey) Order 2005.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Diseases of Animals (Avian Influenza) (Jersey) Order 2005	R&O.179/2005	24 November 2005 except - 9 December 2005, Article 21
Diseases of Animals (Avian Influenza) (Amendment) (Jersey) Order 2006	R&O.26/2006	27 March 2006

Table of Renumbered Provisions

Original	Current
21	Spent, omitted
22	Spent, omitted
23(1)	21
23(2)	Spent, omitted

Table of Endnote References

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- ¹ *This Order has been amended by Article 21. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government.*
- ² *chapter 02.400*
- ³ *chapter 02.400.14*
- ⁴ *chapter 02.400*
- ⁵ *Article 1 amended by R&O.26/2006*
- ⁶ *Part 2 heading substituted by R&O.26/2006*
- ⁷ *Article 3(2)(b) substituted by R&O.26/2006*
- ⁸ *Article 3A inserted by R&O.26/2006*
- ⁹ *Article 4(2) amended by R&O.26/2006*
- ¹⁰ *Article 11(1A) inserted by R&O.26/2006*
- ¹¹ *Article 12(1) substituted by R&O.26/2006*
- ¹² *Article 12(1A) inserted by R&O.26/2006*
- ¹³ *Article 12(4) substituted by R&O.26/2006*
- ¹⁴ *chapter 02.550*
- ¹⁵ *Article 20A inserted by R&O.26/2006*
- ¹⁶ *Article 20B inserted by R&O.26/2006*
- ¹⁷ *Article 20C inserted by R&O.26/2006*