

EXD 178(AI)

The Welsh Government

Commission Implementing Decision (EU) 2018/1136

The Avian Influenza (Preventive Measures) (Wales) Regulations 2006

General licence to arrange a fair, market, show, exhibition or other gathering involving the collecting together of captive birds in Wales

1) In accordance with regulation 6(1) of the Avian Influenza (Preventive Measures) (Wales) Regulations 2006 S.I. 2006/2803 (W.242) ("the 2006 Regulations") the Welsh Ministers grant this general licence which permits, subject to compliance by the licensee with the conditions in the Schedule, the gathering of captive birds with the exception of:

- *galliforme* birds (including pheasants, partridge, quail, chickens, turkey, guinea fowl);
- *anseriforme* birds (including ducks, geese, swans);
- birds that are reared or kept in captivity for the production of meat or eggs for consumption, the production of other commercial products, for restocking supplies of game or for the purposes of any breeding programme for the production of these categories of birds.

2) A veterinary risk assessment has been carried out in accordance with regulation 6(3)(a) of the 2006 Regulations.

3) The Welsh Ministers are satisfied that (subject to the conditions set out in the Schedule), bird gatherings and the transit of birds to and from gatherings will not significantly increase the risk of transmission of avian influenza virus.

4) This general licence applies to the collection of captive birds (excluding those which are listed in paragraph 1) at fairs, markets, shows, exhibitions and other gatherings that are to take place on or after 8 November 2021, subject to the conditions set out in the Schedule.

5) This General Licence applies in the higher risk areas (HRAs) identified by the Welsh Ministers under Commission Implementing Decision (EU) 2018/1136 as a derogation from the prohibition of gatherings in higher risk areas as authorised by the Welsh Ministers under Article 4(4)(e) of that Decision.

6) An epidemiological assessment has been carried out in accordance with Article 4(1) of the Decision.

7) The General Licence dated 15 May 2021 is hereby revoked with effect from 00:01 on 8 November 2021.

8) This general licence may be amended, suspended or revoked at any time in accordance with regulation 3(1) of the 2006 Regulations by the Welsh Ministers with immediate effect if the veterinary risk assessment changes with regard to the risk of spread of avian influenza virus.

Signed by Christianne Glossop, CVO Wales

For and on behalf of the Welsh Ministers:

At 17:00 on 5 November 2021

Non-compliance with this licence constitutes an offence under the 2006 Regulations and on conviction under section 73 of the Animal Health Act 1981 a person may be liable to a fine and/or imprisonment.

Schedule of conditions

General and interpretation

1. In this Schedule:

- “licensee” is the person arranging the bird gathering who is responsible for compliance with the conditions of this licence;
- “event” is another term used in this Schedule for an individual gathering;
- “participant” is a person who brings birds to a gathering or removes them from the curtilage of a gathering after the event;
- “curtilage” of the gathering comprises all areas of a premises used for a gathering, which includes areas where live birds and poultry products are kept, and areas where waste (such as bedding, droppings, or other waste material of animal origin) are stored;
- “premises” includes any land, buildings or other place. For the avoidance of doubt this means all private or public places, such as car parks, derelict land, and lay-bys. It also includes vehicles;
- “vehicle” includes a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle; a detachable part of any vehicle; and a container or other structure designed or adapted to be carried on a vehicle;
- “bird expert” a named person(s) appointed by the licensee who is an experienced bird keeper with experience of the species of bird(s) attending the gathering. The person does not need to be a veterinary surgeon but must be sufficiently experienced to spot signs of ill health.

Notification

2. The licensee must notify the Animal and Plant Health Agency (APHA) at least 7 days before the event;
3. Any notifications to APHA must include at least the following information:
- (a) The date (or range of dates) the bird gathering will take place;
 - (b) The location of the gathering, including full postal address and postcode, and CPH number (if applicable);
 - (c) Details of the licensee, including full name of contact person, contact address, telephone number and email address (where available);
 - (d) Anticipated numbers and type(s) of birds that will be gathered together; and
 - (e) The purpose or purposes of the gathering.

4. Any changes to the information provided at condition 3 points (a), (b), (c) or (e) or any significant changes in (d) which occur between notification and any event must also be notified to APHA as soon as possible before the event.
5. Where the event takes the form of regular dealing or remote or internet sales then the premises used by the licensee for the gathering of birds following such a sale must be registered with APHA, and the licensee must notify APHA at least annually of the frequency and volume of such sales.

Biosecurity

6. The licensee must take all reasonable steps to prevent the spread of notifiable avian disease onto, within and off the premises where the gathering is held.
7. The licensee of any fair, market, show or exhibition must provide biosecurity advice in advance of such an event to all participants that must include:
 - (a) a recommendation that birds should be health-checked using self-certification before travelling to any gathering; and
 - (b) a recommendation that any birds travelling from a gathering to any premises (whether they are returning to premises of origin or to a new location) must be isolated from other birds at that premises and health-monitored for at least one week afterwards. Any suspicion of a notifiable disease during that period should be notified to APHA immediately.
8. The licensee must not allow any cage, crate, basket, receptacle or other container onto a gathering which is visibly contaminated with bird droppings or other material of bird origin, other than faeces produced during the transportation of the birds to the gathering. The licensee must make this requirement known in advance to all participants in its advertising literature, on entry forms or by any other appropriate means.
9. Thorough cleansing and disinfection of all solid surfaces exposed to birds or faecal material must be carried out by the licensee as soon as practicable after birds have left the gathering and before the next event. These surfaces include, but are not limited to, hard-standing, concrete, paved or tarmac areas, floors, walls, tables and vehicles used at the event. If an area cannot be cleansed and disinfected (for example grassed areas) then a further gathering may not be held until authorised in writing by APHA.
10. The licensee must:
 - i) ensure that no birds are allowed to enter a gathering unless the participant declares that they do not originate from premises or areas which are under restrictions related to suspicion or confirmation of a notifiable avian disease, including from any temporary disease controlled zone imposed by Ministers;
 - ii) ensure that a veterinary surgeon is available to attend at short notice, during the whole time that birds are present at the event, and the licensee must consult that veterinary surgeon if birds show signs of ill-health or a welfare problem;

iii) ensure that when they arrive at the event venue the birds remain isolated from all other birds on the event site until all such birds have been individually inspected by a named bird expert designated by the licensee;

iv) ensure that any birds that fail the inspection, or show any signs suggestive of avian notifiable disease during and soon after the event, are reported immediately to APHA. In this instance restrictions will be placed on the entire event preventing any activities until a veterinary inspector can rule out the disease either on clinical grounds or through sampling. The suspect birds must also be kept isolated from other birds until examined by a veterinary inspector and written authority is obtained from APHA permitting them to leave the gathering;

v) ensure that waste material, including any feed to which any birds had access, all bedding, droppings, bird carcasses or other material of bird origin, that remain at the end of the event, is:

a) disposed of so that birds (including wild birds) do not have access to them (this should include double-bagging, followed by secure removal by a suitably licensed waste operator), or

b) treated so as to remove the risk of transmission of disease; and

c) areas where such material is found is also appropriately cleansed and disinfected.

vi) ensure that any cages, crates, baskets, pens or other containers not removed from the premises by those attending the gathering are cleansed and disinfected as soon as reasonably practicable after the end of the gathering and in any case before they are used again;

vii) ensure that cleansing and disinfection facilities (for example hand-washing facilities, disinfectant mats and foot-dips) are available to participants and visitors on site, and that participants adhere to good biosecurity practices ; and

viii) ensure that anyone seen to be visibly contaminated with faecal material, feathers or other material of bird origin is refused entry to the bird area until such contamination has been removed.

Location of gathering

11. The gathering must not be located within any notifiable avian disease Protection, , Surveillance, Temporary Control Zone, Temporary Movement Restriction Zone or Restricted Area and if one is imposed during the course of the gathering then the contingency plan arrangements (see condition 15 below) must be invoked immediately and advice sought from APHA.

Record keeping

12. The licensee must require all participants bringing birds to a gathering, other than participants bringing racing pigeons to a race event, to complete and return a signed declaration form before allowing entry to where live birds are kept or gathered, confirming:

- a) they have read and will comply with the biosecurity information provided;
 - b) that to the best of their knowledge their birds have not been in contact with any notifiable avian disease agents and do not show any signs of infection; and
 - c) the address of the premises of origin of the birds, with confirmation that the birds do not originate from a premises within a Protection, Surveillance or other notifiable avian disease controlled zone.
13. The licensee must make a record of all people who bring birds to their gathering, or take such birds from the gathering, and keep such record for at least 3 months following the event. The licensee must present these records when requested by an APHA inspector or Local Authority inspector. The record must be provided to an inspector if requested. The record must include at least the following information:
- a) Full name;
 - b) Home address including postcode and details of premises of origin of the birds if different from the home address;
 - c) Telephone numbers (landline and/or mobile);
 - d) Email address (if available);
 - e) Number and type(s) of birds exhibited, raced, re-homed, bought or sold, details of the origin and eventual destination of the birds; and
 - f) The signed declaration referred to in condition 12 (required for all participants except those bringing racing pigeons at a race event).
14. The licensee must require as a condition of entry, for all events or gatherings, that all participants check their birds for disease prior to departure from the event or gathering.

Contingency Plan

15. The licensee must have in place and available for inspection written contingency plan arrangements that set down what will happen if there is suspicion or confirmation of a notifiable avian disease at or near to the event. As a minimum the plan must include:
- i) how birds suspected of notifiable avian disease will be separated from other birds;
 - ii) where notifiable avian disease is suspected at the gathering, the plan must explain how birds will be kept at the premises until an APHA Veterinary Inspector has given instructions for birds to leave the premises; and
 - iii) arrangements to keep birds at the event premises if movements off it are restricted because the gathering subsequently becomes located in an avian notifiable disease controlled zone.

Notes

1. The statutory rules on bird gatherings apply to all bird keepers, whether the birds are kept commercially, as a hobby, or as pets.
2. Control of bird gatherings is intended to reduce the risk of the dispersal of undetected avian influenza virus. Regulation 6 of the 2006 Regulations prohibits the collecting together of poultry or other captive birds unless licensed by the Welsh Ministers. Regulation 4(4) of Commission Implementing Decision (EU) 2018/1136 allows gatherings only if satisfactory biosecurity measures are in place to prevent the risk of transmission of disease. This licence covers a variety of situations where birds are collected together and the following text is intended to help bird keepers understand whether these rules apply to their activity.
3. The type and species of bird and type of gathering that may not benefit from this general licence are:
 - *galliforme* birds (including pheasants, partridge, quail, chickens, turkey, guinea fowl);
 - *anseriforme* birds (including ducks, geese, swans);
 - birds that are reared or kept in captivity for the production of meat or eggs for consumption, the production of other commercial products, for restocking supplies of game or for the purposes of any breeding programme for the production of these categories of birds.

Gatherings of these species are prohibited in accordance with regulation 6(2) of the 2006 Regulations.

4. This licence permits neither the gathering of poultry nor certain categories of captive bird as listed in the licence. This licence permits the gathering of other captive birds which include:
 - Columbiformes (including doves and pigeons);
 - Passerines (including finches, budgerigars and canary);
 - Psittaciformes (including parrots, macaws, cockatiels.);
 - Falconiformes (including hawks, harriers, buzzards, eagles);
 - Strigiformes (including owls); and
 - Racing pigeon gatherings for pigeon racing within the UK, Republic of Ireland and the Crown Dependencies
5. Article 11 (Racing pigeons) of the Diseases of Poultry (Wales) Order 2003 requires that:
 - (1) An organiser of a show or race which takes place wholly or partly in Wales shall ensure that all racing pigeons entered for the race or show have been vaccinated against paramyxovirus 1 in pigeons.
 - (2) Every person who owns or keeps racing pigeons shall keep a record of every race or show for which he or she enters pigeons.
6. The following features indicate a bird gathering is taking place:
 - bringing together birds from different source locations to the location of the gathering, and afterwards moving to destination premises, which may be their original locations or new locations.
 - birds remaining at the gathering location for 13 days or less, following the arrival of the last bird.

7. The following are examples of gatherings:

- bird fairs, markets, shows, sales or exhibitions
- pigeons brought together, including vehicles or liberation pens, for pigeon racing
- catching-up of wild game birds (where they come from multiple locations to a single location and are then moved onwards to different premises)
- movement of birds (except where the movement is direct to slaughter), sales or rehoming of birds, including through dealing or selling via the internet, hen 'hotels' (when birds are temporarily located somewhere other than their usual premises), where birds (whether or not these are the ones being sold) have come onto the premises in the previous 13 days.
- birds from multiple locations brought onto a vehicle and then dropped off at other multiple locations.

8. For clarity we do not consider the following to be bird gatherings:

- collection of birds at a licensed slaughterhouse for slaughter
- birds which are brought together from different locations, but where no birds leave until more than 13 days have passed since the last bird arrived on the premises
- selling birds as a dealer or via the internet when no birds leave until more than 13 days have passed since the last bird arrived on the premises
- where all of the birds brought together have come from the same premises and then return to that premises afterwards
- a sale of birds which have all come from the same single premises (a dispersal sale or 're-homing')
- catching-up of wild game birds during the relevant open season where they have come from multiple locations but are then moved to a single location afterwards, and remain there for breeding or other purposes
- a show involving only table eggs

The lists in notes 7 and 8 are not intended to be comprehensive.

9. Whilst events which are not gatherings do not need a licence, it is best practice to adopt good biosecurity measures and to keep a record of all movements of birds on and off the premises or vehicle.

10. If you are unsure whether your activity requires a licence, APHA can provide further advice.

11. The 2006 Regulations contain the following definitions–

"other captive bird" means any bird kept in captivity which is not poultry and includes pet birds and any bird kept for shows, races, exhibitions, competitions, breeding or for sale;

"poultry" means all birds that are reared or kept in captivity for the production of meat or eggs for consumption, the production of other commercial products, for restocking supplies of game or for the purposes of any breeding programme for the production of these categories of birds;

12. The Notifiable Avian Disease Control Strategy for Great Britain defines 'notifiable avian disease' as avian influenza and Newcastle disease.
13. The Diseases of Poultry (Wales) Order 2003 defines "racing pigeon" to mean any pigeon transported or intended for transport from its pigeon house (any installation used for keeping or breeding racing pigeons) to be released so that it may freely fly back to its pigeon house or to any other destination.
14. Disinfectants approved for use against poultry diseases are listed at www.gov.uk/guidance/defra-approved-disinfectant-when-and-how-to-use-it
15. Anyone in possession of any bird or bird carcass which they suspect may be infected with notifiable avian disease must immediately notify the Animal and Plant Health Agency www.gov.uk/apha
16. The relevant requirements of the Welfare of Animals (Transport) (Wales) Order 2007 and/or the Transport of Animals (Cleansing and Disinfection) (Wales) (No. 3) Order 2003 must be observed.
17. Further advice on biosecurity measures and any other legislation that may apply can be obtained from Welsh Government, GOV.UK or APHA.

Contacting APHA

18. APHA may be contacted via
 - the Customer Advice Centre at customeradvice@apha.gov.uk; or via
 - Customers in Wales Helpline **0300 303 8268**