

GUERNSEY STATUTORY INSTRUMENT

2022 No. 9

**The Avian Influenza (Precautionary Measures) Order,  
2022**

<i>Made</i>	31 <sup>st</sup> January, 2022
<i>Coming into operation</i>	31 <sup>st</sup> January, 2022
<i>Laid before the States</i>	2022

**THE COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE –**

- (a) having reasonable grounds to believe that it is necessary to give such directions to prevent or minimise the spread, or the risk of the spread, of avian influenza within or to Guernsey, and
- (b) having first carried out an assessment of the risks to the health of birds and other animals and to public health in the event of avian influenza spreading within or to Guernsey and having consulted with the States Veterinary Officer as to, taking into account those risks –
  - (i) whether the measures are proportionate, and
  - (ii) the need for appropriateness and practicability of the proposed directions,

in exercise of the powers conferred on it by sections 1, 2, 3, 4, 10 and 13 of the Avian Influenza (Precautionary Measures) and Miscellaneous Provisions (Amendment)

Ordinance, 2006<sup>a</sup>, and of all other powers enabling it in that behalf, hereby directs by Order:-

**Measures in relation to domestic birds.**

1. (1) The owner or person in charge of any domestic bird must –
  - (a) give the Committee written notice of the following, in accordance with paragraph (2) –
    - (i) its species and the species and number of any domestic birds kept at the same premises,
    - (ii) the name, mobile and landline telephone number and e-mail address of the owner or person in charge of the bird, and
    - (iii) the address of the premises at which the bird is kept,
  - (b) ensure that that bird and all other domestic birds kept at those premises are fed and watered, and are isolated, confined, housed or kept in a manner and under any conditions necessary to ensure that wild birds cannot access food and water made available to those birds, and

---

<sup>a</sup> Ordinance No. XXXIV of 2006. This enactment has been amended.

- (c) ensure that any feed, bedding or litter or any other thing intended for use by or for that bird and all other domestic birds kept at those premises is stored, held or otherwise kept at a place and in any conditions necessary to ensure that wild birds and vermin cannot access that feed, bedding, litter or other thing.

(2) The notice under paragraph (1)(a) must be given to the Committee –

- (a) by e-mail addressed to [svo@gov.gg](mailto:svo@gov.gg), or by any other manner specified by the Committee by notice published on <https://gov.gg/animalhealth>, and

(b) on or before the later of the following –

- (i) 7 February, 2022, or
- (ii) the fifth business day following the end of the day on which the owner or person in charge first took ownership or (as the case may be) charge of the bird.

(3) Where there is any change in information previously notified to the Committee under paragraph (1)(a), the owner or person in charge of the bird must give written notice of that change to the Committee on or before the expiry of 5 business days following the end of the day on which the change took place.

(4) For the purposes of this article, a written notice containing the information in paragraph (1)(a)(i), (ii) and (iii) given to the Committee before the

commencement of this Order by the owner or person in charge of the bird is deemed to be a written notice duly given under paragraph (1)(a).

**Measures in relation to imported birds.**

2. (1) Where any imported bird has been imported into Guernsey from any other part of the Bailiwick or another country or territory where there is an outbreak or a suspected outbreak of avian influenza, or has been so imported within 30 days of such an outbreak or suspected outbreak occurring in the country or territory concerned –

- (a) the owner or person in charge of the bird must immediately return it to the part of the Bailiwick in question or to the country or territory of last dispatch, or if that is not possible, must isolate, confine, house or keep it in a manner and under any conditions determined by the States Veterinary Officer and notified to that owner or person in charge, prior to being returned to the part of the Bailiwick in question or to the country or territory of last dispatch,
- (b) neither the person in charge of the bird, nor the owner of that bird where paragraph (2) applies, may have contact with any other domestic bird for a period determined by the States Veterinary Officer and notified to that owner or person in charge except in accordance with any conditions so specified and notified, and

(c) the owner or person in charge of the bird must ensure that any feed, bedding, litter or other thing used by that bird and any waste produced by it is -

(i) cleansed, disinfected or otherwise treated, or

(ii) disposed of or destroyed,

at a place, by means, by a person and in accordance with conditions determined by the States Veterinary Officer and notified to that owner or person in charge.

(2) This paragraph applies if the owner of the imported bird -

(a) is not the person in charge of that bird, but

(b) knows or has any reason to suspect that the owner has had any contact with -

(i) that bird,

(ii) any feed, bedding, litter or other thing used by that bird, or

(iii) any waste produced by that bird.

(3) For the purposes of this article and article 3, there is an outbreak or suspected outbreak of avian influenza in a country or territory where -

- (a) the competent authority of that country or territory declares or notifies the public that there is such an outbreak or suspected outbreak in that country or territory, or
- (b) the World Organisation of Animal Health (OIE) publishes a statement or other information to the effect that there is such an outbreak or suspected outbreak in that country or territory.

(4) Nothing in this article authorises a person to import a bird into Guernsey from any other part of the Bailiwick or any other country or territory without a licence or permit required for such an importation under the Import (Control) (Guernsey) Order, 2010<sup>b</sup>.

**Measures in relation to wild birds.**

3. Where the Committee has reasonable grounds to believe that any wild bird –

- (a) may have travelled to Guernsey from another part of the Bailiwick or another country or territory where there is an outbreak or a suspected outbreak of avian influenza or within 30 days of such an outbreak or suspected outbreak occurring,
- (b) may have been in contact with any bird that might have been infected with avian influenza or in any

---

<sup>b</sup> G.S.I. No. 39 of 2010. This enactment has been amended.

other way exposed to infection with that disease in any place referred to in paragraph (a), or

- (c) may have otherwise become infected with avian influenza,

the States Veterinary Officer or any other person authorised by that officer may inspect, test or treat that bird at a place and by means determined by the States Veterinary Officer.

**Measures in relation to premises.**

4. (1) The owner or person in charge of any premises where a domestic bird is present must ensure that the bird is isolated, confined, housed or kept in a manner and under any conditions necessary to ensure that that bird cannot, at any time, come into direct or indirect contact with any wild bird or the droppings of any wild bird.

- (2) Nothing in paragraph (1) limits article 1(1)(b).

**Measures in relation to certain activities.**

5. No person may hold or carry out any show, display, fair, exhibition, competition or other event involving any gathering of birds.

**Interpretation**

- 6. (1) In this Order, unless the context requires otherwise –

"avian influenza" means an infection of poultry or other domestic bird caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six-week-old chickens greater than 1.2,

"Committee" means the States Committee for the Environment & Infrastructure,

"domestic bird" means any bird kept by or under the control of a person including any free-range bird but excluding –

- (a) for the avoidance of doubt, any bird which is owned but has been released into the wild, and
- (b) any bird falling within paragraph (a) or (b) of the definition of imported bird in this paragraph,

"Guernsey" includes the islands of Herm and Jethou,

"imported bird" means any bird -

- (a) which has been imported into Guernsey, but which is present at or in transit to or from any of the following places –
  - (i) a place which is approved or appointed for any of the purposes of section 7,
  - (ii) a shed or depot which is approved under section 10A, or
  - (iii) any place to which it has been moved pursuant to a direction under section 11,

of the Customs and Excise (General Provisions)  
(Bailiwick of Guernsey) Law, 1972<sup>c</sup> ("the 1972 Law"),

- (b) to which any of the circumstances in section 22(i) to (iii) of the 1972 Law applied on its importation, or
- (c) which has been in Guernsey no more than 30 days from the date of its importation,

"infected" includes acting as a host to or harbouring,

"outbreak" or "suspected outbreak": see article 2(3),

"owner" means the person having, or appearing to the Committee to have, the right to dispose of the bird, premises or thing in question, as the case may be,

"person" includes any body or authority,

"premises" includes buildings and other land and if a person occupies two or more non-adjacent areas each of them comprise separate premises for the purposes of this Order,

"States Veterinary Officer" includes the Deputy States Veterinary Officer,

---

<sup>c</sup> Ordres en Conseil Vol. XXIII, p. 573. This enactment has been amended.

"treatment" includes vaccination, and

"wild bird" means any bird in a wild or feral state and includes any bird which reasonably appears to have been abandoned.

(2) For the avoidance of doubt, a duty, obligation, prohibition or restriction imposed by this Order is a requirement made under this Order.

**Extent.**

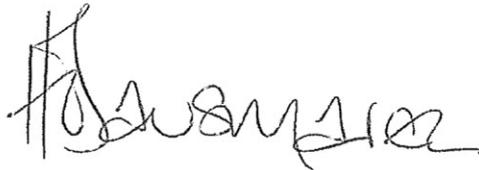
7. This Order has effect in the islands of Guernsey, Herm and Jethou.

**Citation, Commencement and Expiry.**

8. (1) This Order may be cited as the Avian Influenza (Precautionary Measures) Order, 2022.

(2) This Order comes into force on 31<sup>st</sup> January, 2022 and ceases to have effect on 1<sup>st</sup> January, 2023.

Dated this 3<sup>rd</sup> day of January, 2022



H. L. de Sausmarez

President of the Committee for the Environment & Infrastructure

For and on behalf of the Committee

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order sets out the precautionary measures directed by the Committee to protect domestic birds in Guernsey from the risk of avian flu.

These precautionary measures relate to domestic birds, imported birds, wild birds and premises at which domestic birds are kept, and prohibit any show, display, fair, exhibition, competition or other event involving any gathering of birds.

This Order comes into force on 31<sup>st</sup> January 2022 and ceases to have effect on 1<sup>st</sup> January, 2023.