



ANALYSIS

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1961, No. 36

An Act to amend the Poultry Act 1924

[18 October 1961]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Poultry Amendment Act 1961, and shall be read together with and deemed part of the Poultry Act 1924 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definitions of the terms “disease” and “eggs”, and substituting the following definitions:

“ ‘Disease’ means any of the diseases mentioned in the Schedule hereto; and includes any other disease affecting poultry which the Governor-General, by Order in Council, from time to time declares to be a disease for the purposes of this Act:

“ ‘Eggs’ means the eggs of poultry:”.

(2) Section 2 of the principal Act is hereby further amended by adding the following definition:

“‘Poultry run’ has the same meaning as in the Poultry Runs Registration Act 1933.”

3. Suitability of buildings used on poultry runs for holding eggs—The principal Act is hereby amended by inserting, after section 5, the following section:

“5A. (1) No person shall use any building on any poultry run for the holding or storing of eggs unless that building conforms to or is superior to the requirements in that behalf of any regulations made under this Act.

“(2) For the purposes of subsection (1) of this section the term ‘eggs’ means eggs intended for human consumption, whether they are still in the shell or are broken out from the shell.”

4. Outbreak of disease among poultry—The principal Act is hereby amended by repealing section 7, and substituting the following section:

“7. (1) Every owner of poultry who discovers or suspects an outbreak of disease among his poultry shall—

“(a) Report the outbreak or suspected outbreak of disease to the nearest office of the Department of Agriculture within twenty-four hours; and

“(b) Ensure that no poultry is removed from the land on which the diseased or supposedly diseased poultry is kept until all poultry on that land has been inspected by an Inspector; and

“(c) Ensure that, until the poultry has been so inspected, the diseased or supposedly diseased poultry is isolated, as far as practicable, from other poultry.

“(2) Where an Inspector finds that any poultry is diseased he may, by notice in writing in the prescribed form, direct the owner of the poultry to comply with any of the following requirements:

“(a) Forthwith to destroy in the manner set out in the notice the diseased poultry and any other poultry on the land on which the diseased poultry was kept:

“(b) Forthwith to isolate from all other poultry, as far as practicable, any poultry which is diseased or which the Inspector has reason to suspect is diseased:

“(c) To ensure that for a period set out in the notice no poultry is removed from the land on which the diseased poultry was kept:

“(d) Forthwith to take such other steps for the prevention of the spread of disease as may be set out in the notice.

“(3) If any owner of poultry fails to take any measures or to do any acts required under subsection (2) of this section, the Inspector may himself perform the same at the expense in all things of the owner, who shall not thereby be relieved from any liability that he may have incurred under this Act by reason of his default.

“(4) Any expenses incurred by an Inspector under subsection (3) of this section shall be repaid to the Inspector on demand, and in default of payment the amount of such expenses may be recovered from the owner as a debt due to the Crown.”

5. Control of pullorum disease—The principal Act is hereby amended by inserting, after section 7, the following section:

“7A. (1) For the purposes of this section—

“‘Carrier’, in relation to pullorum disease, means any poultry having in its internal organs the specific infectious agent of that disease, though it may exhibit no other sign or symptom of that disease:

“‘Chicken’ means any poultry under the age of one month:

“‘Day-old chicks’ means any poultry under the age of seventy-two hours:

“‘Hatchery’ means any poultry run where day-old chicks or hatching-eggs are produced for sale:

“‘Hatching-eggs’ means eggs intended to be used for the production of poultry.

“(2) Where any Inspector is satisfied that any chickens on any poultry run are infected with pullorum disease he may require the owner of the chickens to state the source from which he obtained them and, if they were obtained from a hatchery as day-old chicks, sufficient particulars relating to the hatchery as will enable it to be readily identified.

“(3) Where the chickens were bred by their owner, the Inspector may, by notice in writing in the form prescribed, require him to submit all poultry described in the notice to the pullorum agglutination test within the time limited in the notice.

“(4) Where the chickens were obtained from a hatchery as day-old chicks, the Inspector may require the owner of the hatchery to state the name and address of every person from

whom he has obtained hatching-eggs within the preceding month, and the Inspector may also, by notice in writing in the prescribed form, require the owner of the hatchery and every such person to submit all poultry described in the notice to the pullorum agglutination test within the time limited in the notice.

“(5) Where any person is required to submit poultry to the pullorum agglutination test in accordance with the provisions of this section the test shall be made at the expense of that person by a person for the time being approved in that behalf by the Director-General of Agriculture.

“(6) Where, in accordance with this section, any poultry is submitted to the pullorum agglutination test and is shown by such test to be a carrier of pullorum disease, the owner of the poultry shall cause it to be destroyed or disposed of in such manner and within such period as an Inspector may direct in writing.”

6. Sale of diseased poultry—The principal Act is hereby further amended by repealing section 8, and substituting the following section:

“8. (1) Subject to subsection (2) of this section, no person shall knowingly sell, or offer or expose for sale, or have in his possession for sale, any poultry which is diseased.

“(2) Nothing in subsection (1) of this section shall apply to the sale of any poultry for human consumption if the disease from which the poultry suffers does not render it unfit for human consumption.

“(3) Any Inspector may, by notice in writing in the prescribed form, require any person who offers or exposes for sale or has in his possession for sale any diseased poultry to destroy or dispose of it within such period and in such manner as the Inspector may direct.”

7. Sales by agent or servant—Section 9 of the principal Act is hereby amended by omitting the words “or eggs”.

8. Penalties—Section 10 of the principal Act is hereby amended by omitting the word “twenty”, and substituting the word “fifty”.

9. Repeal of obsolete provisions—Section 11 of the principal Act is hereby amended by repealing paragraphs (b) and (c).

10. Regulations—The principal Act is hereby further amended by repealing section 12, and substituting the following section:

“12. (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

“(a) Prescribing the sanitary requirements that must be observed in the keeping of poultry, or in holding or storing poultry on any premises, or in the carriage of poultry:

“(b) Prescribing the sanitary requirements that must be observed where incubators are used for the hatching of eggs:

“(c) Prescribing standards of construction, ventilation, and sanitation for buildings used on poultry runs for holding or storing eggs intended for human consumption, whether they are still in the shell or are broken out from the shell:

“(d) Regulating the grading, packing, storing, and handling of poultry intended for consumption in New Zealand:

“(e) Regulating the killing, processing, grading, packing, storing, and handling of poultry intended for export from New Zealand:

“(f) Prescribing reasonable charges for the grading of poultry or for other services rendered by officers under this Act:

“(g) Prescribing forms of notice and other forms required under this Act:

“(h) Prescribing fines not exceeding twenty pounds for the breach of any regulation made under this Act:

“(i) Generally providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the administration thereof.

“(2) All regulations made under this Act and all Orders in Council made under section 11 hereof shall be laid before Parliament.”

11. Diseases affecting poultry—(1) The principal Act is hereby further amended by adding the Schedule set out in the Schedule to this Act.

(2) The Poultry Diseases Order 1941 is hereby consequentially revoked.

Section 11

SCHEDULE

Section 2

“SCHEDULE**DISEASES AFFECTING POULTRY**

Avian Encephalomyelitis
Avian Leucosis
Avian Pneumoencephalitis
Blackhead
Coccidiosis
Fowl Cholera
Fowl Pest
Fowl Pox
Fowl Typhoid
Infectious Bronchitis
Infectious Laryngotracheitis
Paratyphoid Infection
Pullorum Disease
Tuberculosis.”

This Act is administered in the Department of Agriculture.
