
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 530

The Avian Influenza (Preventive Measures) (Scotland) Regulations 2005

Interpretation

2. In these Regulations—

“the Act” means the Animal Health Act 1981(1);

“the 2005 avian influenza survey” means the survey for avian influenza being carried out by the Scottish Ministers in accordance with Commission Decision [2005/464/EC](#) on the implementation of survey programmes for avian influenza in poultry and wild birds to be carried out in the Member States(2) and with the national plan approved by Commission Decision [2005/732/EC](#) approving the programmes for the implementation of Member States' surveys for avian influenza in poultry and wild birds during 2005 and laying down reporting and eligibility rules for the Community financial contribution to the implementation costs of those programmes(3);

“avian influenza” means an infection of poultry or other captive birds 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;

“avian influenza prevention zone” means a zone so declared under regulation 4(2)(a);

“commercial poultry premises” means premises where poultry are kept for commercial purposes and does not include premises where all poultry and their eggs are kept by their owners for their own consumption or, in the case of poultry, as pets;

“the Commission Decision” means Commission Decision [2005/734/EC](#) laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk(4) as amended by Commission Decision [2005/745/EC](#)(5);

“inspector” means an inspector appointed under the Act;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(6);

“other captive bird” means any bird, other than poultry, kept in captivity including any bird kept for shows, races, exhibitions and competitions (such as ornamental birds and racing pigeons);

“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;

“restrictions notice” means a notice issued under regulation 4(2)(b);

(1) [1981 c. 22.](#)

(2) O.J. L No. 164, 24.6.2005, p.52 as amended by Commission Decision [2005/726/EC](#), O.J. L 273, 19.10.2005, p.21.

(3) O.J. L 274, 20.10.2005, p.95.

(4) O.J. L 274, 20.10.2005, p.105.

(5) O.J. L 279, 22.10.2005, p.79.

(6) [1994 c. 39.](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Avian Influenza (Preventive Measures) (Scotland) Regulations 2005*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

“veterinary inspector” means a veterinary inspector appointed by the Scottish Ministers under the Act.

Commencement Information

I1 Reg. 2 in force at 28.10.2005 at midnight, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2007/69 art. 9](#)
- reg 2 am by [S.S.I. 2006/399 reg 2](#)
- reg 2 defn(s) subst by [S.S.I. 2005/646 regs 23](#)