

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force Commission Decision [2005/744/EC](#) laying down the requirements for the prevention of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 in susceptible birds kept in zoos in the Member States (OJ No L 279, 22.10.2005, p. 75).

They require the Scottish Ministers to evaluate the risk of the transmission of avian influenza virus to susceptible birds in zoos and to take appropriate measures to reduce such risk (regulation 4(1) and (2)).

Regulation 4(2) provides for the Scottish Ministers to declare avian influenza prevention (zoos) zones or to serve notices of restrictions on premises. Regulation 4(3) sets out the measures which may be applied.

Regulation 5 provides for the Scottish Ministers to require vaccination of susceptible birds in zoos if they think necessary.

Regulations 6, 7, 8 and 9 deal with the powers of inspectors appointed by the Scottish Ministers and by local authorities, and with penalties and enforcement.

A regulatory impact assessment has not been prepared in respect of these Regulations.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Avian Influenza (Preventive Measures in Zoos) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 2 words substituted by [S.S.I. 2018/391 reg. 24\(2\)](#)
- reg. 4(6) omitted by [S.S.I. 2018/391 reg. 24\(3\)](#)
- reg 8 am (23.1.2006) by [S.S.I. 2005/647 reg 2](#)