

EXECUTIVE NOTE

THE AVIAN INFLUENZA (PREVENTIVE MEASURES) (SCOTLAND)

REGULATIONS 2005 SSI/2005/530

THE AVIAN INFLUENZA (PREVENTIVE MEASURES IN ZOOS) (SCOTLAND)

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1. The above 2 Instruments are made in exercise of powers conferred by section 2(2) of the European Communities Act 1972 (1972 c.68). The first implements Commission Decision 2005/734/EC (O.J. No. L 274, 20.10.05, p 105) providing for biosecurity measures to reduce the risk of transmission of Highly Pathogenic Avian Influenza (HPAI). That Decision was amended by Decision 2005/745/EC (O.J. No. L 279, 22.10.05, p79). The second Instrument implements Commission Decision 2005/744/EC (O. J. No. L 279, 22.10.05, p75) and provides for requirements for the prevention of HPAI in susceptible birds kept in zoos.

Policy Objectives

2. One of the pillars of the Animal Health and Welfare Strategy is preparedness against the incursion of a fast spreading exotic animal disease such as Avian Influenza (AI). These 2 Instruments meet EU wide obligations designed to reduce the risk of the most virulent strain of AI (Highly Pathogenic Avian Influenza or subtype H5N1) occurring and/or spreading. They have been introduced in recognition of the increased global threat of AI and the recognition that preventative measures against its spread to the domestic bird population is preferable to responding to a disease outbreak. Generally the powers provided by the Regulations would only be used where the risk of AI passing from migrating birds was considered to be high. However, the ban on bird gatherings would be an ongoing requirement with individual events only being authorised by licence on the basis of a veterinary risk assessment. The intention is to allow events to resume as soon as possible on the basis of a veterinary risk assessment.

The Regulations

3. The Avian Influenza (Preventive Measures) (Scotland) Regulations provide a requirement on Scottish Ministers to evaluate the risk of transmission of AI virus from wild birds to poultry and other captive birds and to take appropriate measures to reduce that risk. In the light of the evaluation, Ministers could declare AI prevention zones or serve notices on premises at risk, and the Regulations list the measures which may be applied. The holding of gatherings of birds is prohibited unless they are licensed by a veterinary inspector after a risk assessment. Keepers of 50 or more poultry on commercial poultry premises are required to keep written records, and this information to be notified to Scottish Ministers. Other keepers of birds may also be required to provide similar information. Premises may be monitored by inspectors appointed by Scottish Ministers and by local authorities. Enforcement, offences and default powers are also provided by means of the Regulation.

4. The Avian Influenza (Preventive Measures in Zoos) (Scotland) Regulations require Scottish Ministers to evaluate the risk of transmission of AI virus to

susceptible birds in zoos and to take appropriate measures to reduce that risk. In the light of the evaluation, Ministers could declare AI zoo prevention zones or serve notices on such premises at risk, and the Regulations list the measures which may be applied. Scottish Ministers may require the vaccination of susceptible birds in zoos. Premises may be monitored by inspectors appointed by Scottish Ministers and by local authorities. Enforcement, offences and default powers are also provided by means of the Regulation.

Consultation

5. The rapid development of the Commission Decisions has precluded any formal consultation with stakeholders. However, we have engaged with key stakeholders to ensure that they are aware of the European Commission requirements and our plans for transposition into domestic legislation.

Financial Effects

6. On the basis of an initial assessment it is not believed that the costs of meeting these new requirements will be significant. Generally they will only come into effect where the disease threat is considered high. Heightened biosecurity will incur some additional costs but these are considered to be proportional to the benefits. The impact of the Regulations will be considered as part of the decision to activate the legislation. The licensing requirements for bird events will incur time commitments for organizers but no charge will be made for the issue of the licence.

**Scottish Executive Environment and Rural Affairs Department
October 2005**