
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 336

**The Avian Influenza and Influenza of Avian
Origin in Mammals (Scotland) Order 2006**

PART 1

Introduction

Interpretation

2. In this Order—

“the Act” means the Animal Health Act 1981;

“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 an area declared to be an avian influenza prevention zone under article 6(1)(a);

“avian influenza (restrictions on mammals) zone” means an avian influenza (restrictions on mammals) zone declared under article 60;

“border inspection post” means a place specified as such in Schedule 2 to the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000(1);

“carcase” means the carcase of any bird and includes any part of a carcase;

“Chief Veterinary Officer (Scotland)” means the Chief Veterinary Officer of the State Veterinary Service for Scotland;

“commercial poultry premises” means commercial premises where poultry are kept;

“commercial premises” means premises where poultry or other captive birds 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 use or, in the case of poultry, as pets;

“competent authority” means the authority in a member State authorised by the member State to carry out its functions under the Directive;

“contact premises” has the meaning given in article 24;

“controlled zone” means a protection zone, a surveillance zone, a restricted zone, a temporary movement restriction zone, a temporary control zone, a low pathogenic avian influenza restricted zone, an avian influenza prevention zone or an avian influenza (restrictions on mammals) zone;

“day-old chick” means all poultry less than 72 hours old which have not yet fed and muscovy ducks (*Cairina moschata*) and their crosses less than 72 hours old, whether or not fed;

“designated” means designated by the Scottish Ministers in accordance with article 70;

“the Directive” means Council Directive [2005/94/EC](#) on Community measures for the control of avian influenza and repealing Directive [92/40/EEC](#)(2);

“dispose” means treat in accordance with the Animal By-Products (Scotland) Regulations 2003(3) or as a veterinary inspector otherwise directs;

“the Divisional Veterinary Manager” means the veterinary inspector of the State Veterinary Service with this title for the area concerned;

“hatchery” has the same meaning as in Article 1(3)(c) of Council Regulation (EC) No. 2782/75 of the Council of 29th October 1975 on the production and marketing of eggs for hatching and of farmyard poultry chicks(4);

“highly pathogenic avian influenza” means an infection of poultry or other captive birds caused by—

- (a) avian influenza viruses of the subtypes H5 or H7 with genome sequences codifying for multiple basic amino acids at the cleavage site of the haemagglutinin molecule similar to that observed for other highly pathogenic avian influenza viruses, indicating that the haemagglutinin molecule can be cleaved by a host ubiquitous protease; or
- (b) avian influenza viruses with an intravenous pathogenicity index in six-week old chickens greater than 1.2;

“infected premises” means premises declared to be infected under article 19;

“inspector” means an inspector appointed by the Scottish Ministers or a local authority to be an inspector under the Act, and includes a veterinary inspector;

“keeper” means any person responsible for birds or animals, whether on a permanent or temporary basis, but does not include a person responsible for them solely because he is transporting them;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(5);

“low pathogenic avian influenza” means an infection of poultry or other captive birds caused by avian influenza viruses of subtypes H5 or H7 other than avian influenza viruses of subtypes H5 or H7 which cause highly pathogenic avian influenza;

“low pathogenic avian influenza restricted zone” means an area declared to be a low pathogenic avian influenza restricted zone under article 53;

“mammal” means any mammal, except man;

“non-commercial premises” means premises where poultry or other captive birds are kept by their owners for their own consumption, use or as pets;

“other captive bird” means a bird kept in captivity which is not poultry and includes a bird kept for shows, races, exhibitions, competitions, breeding or for sale;

“packing centre” has the same meaning as in Article 1(9) of Council Regulation (EC) No. 1907/90 of 26th June 1990 on certain marketing standards for eggs(6);

“poultry” means a bird reared or kept in captivity for the production of meat or eggs for consumption, or of other products, for restocking supplies of game or for the purposes of any breeding programme for the production of such categories of birds;

(2) O.J. No. L 10, 14.1.2006, p16.

(3) S.S.I. 2003/411.

(4) O.J. No L282, 1.11.1975 p.100 as amended

(5) 1994 c. 39.

(6) O.J. L173, 6.7.90, p.5. Regulation as last amended by Commission Regulation (EC) No. 2052/2003 (O.J. No. L 305, 22.11.03, p.1).

“premises” includes any land, place of business or other place where poultry or other captive birds are kept;

“prohibition notice” has the meaning given in article 33(4);

“protection zone” means an area declared to be a protection zone under article 26;

“quarantine centre” means premises where birds are isolated to prevent the spread of disease following importation from another country;

“racing pigeon” means any pigeon transported or intended for transport from its pigeon house so that it may be released and freely fly back there or to another destination;

“regulated place” means a slaughterhouse, quarantine centre or border inspection post or a laboratory authorised by the Scottish Ministers to hold avian influenza virus under the Specified Animal Pathogens Order 1998(7) or in connection with monitoring and diagnosis of avian influenza or influenza of avian origin in mammals;

“the Regulations” means the Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006(8);

“restricted zone” means an area declared to be a restricted zone under article 26(5);

“restrictions notice” means a notice served under article 6(1)(b);

“slaughterhouse” means an establishment used for slaughtering and dressing poultry, the meat of which is intended for human consumption;

“special category premises” means non-commercial premises, circuses, zoos, pet shops, wildlife parks, fenced areas where poultry or other captive birds are kept for scientific purposes or for purposes related to the conservation of endangered species, and premises or parts of premises where only breeds of poultry or other captive birds which require to be registered under section 7 of the Wildlife and Countryside Act 1981 or which the Scottish Ministers consider to be rare are kept;

“surveillance zone” means an area declared to be a surveillance zone under article 26;

“suspect premises” means any premises in respect of which an inspector has served a notice under article 10(1) which has neither been revoked, nor superseded by a declaration under article 19 or 45;

“temporary control zone” means a temporary control zone declared under article 13(c);

“temporary movement restriction zone” means a temporary movement control zone declared under article 13(a);

“unregulated period of infection” has the meaning given in article 21(3);

“vehicle” includes any means of transport and includes—

- (a) a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle;
- (b) a detachable part of any vehicle;
- (c) a container or other structure designed or adapted to be carried on a vehicle; and

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary register, kept under the Veterinary Surgeons Act 1966 (c. 36).

(7) S.I.1998/463.

(8) S.S.I. 2006/337.