

SCOTTISH STATUTORY INSTRUMENTS

2006 No. 336

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

PART 4

Measures on confirmation of highly pathogenic avian influenza at premises other than regulated places

Measures in protection zones

28.—(1) The measures in Schedule 4 apply in respect of a protection zone, subject to paragraphs (2) and (3) and articles 31 and 33.

(2) The Scottish Ministers may, in their declaration of a protection zone, if they have carried out a risk assessment and do not believe that to do so would endanger disease control—

(a) disapply one or more of those measures to movements of racing pigeons into, from and within the zone;

^{F1}(b)

(3) The Scottish Ministers must (subject to paragraph (4)), ensure that—

(a) premises containing poultry and other captive birds within a protection zone are identified as soon as possible; and that

(b) a veterinary inspector examines poultry and other captive birds at all such premises, carrying out examinations at commercial premises as soon as possible.

(4) The Scottish Ministers may authorise a reduced level of surveillance to that provided for in sub-paragraph (3)(b)—

(a) if the premises on which avian influenza is confirmed are special category premises; and

(b) if satisfied that this would not endanger disease control.

(5) The Scottish Ministers must ensure that such veterinary enquiries as they consider necessary to monitor for avian influenza are carried out at premises to which things are moved within and outwith a protection zone.

Textual Amendments

F1 [Art. 28\(2\)\(b\)](#) omitted (19.12.2023) by virtue of [The Avian Influenza and Influenza of Avian Origin in Mammals \(Scotland\) Amendment Order 2023 \(S.S.I. 2023/361\)](#), arts. 1, **2(6)**

Changes to legislation:

There are currently no known outstanding effects for the The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006, Section 28.