
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;
- (b) disapply one or more of the measures set out in paragraph 15 of Schedule 4 (restrictions on the movement of birds, eggs, poultry meat and carcasses) and article 61(3) (restrictions on the movement of meat) if—
 - (i) the premises where avian influenza has been confirmed are special category premises; and
 - (ii) avian influenza has been confirmed in poultry on those premises.

(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.