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SCOTTISH STATUTORY INSTRUMENTS

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**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**

**Alternative measures where avian influenza is confirmed at a hatchery or in other captive  
birds on special category premises**

**31.**—(1) If the Scottish Ministers are satisfied, following confirmation of highly pathogenic avian influenza in other captive birds on special category premises, that applying less stringent measures than those set out in articles 26 to 29 would not endanger disease control, they may decide—

- (a) not to declare any controlled zone around the premises;
- (b) to declare fewer zones than required under article 26;
- (c) to declare a controlled zone smaller in size than provided for in article 27;
- (d) to specify in their declaration of a controlled zone that one or more of the measures set out in Schedules 4 and 5 do not apply in that zone.

(2) If the Scottish Ministers are satisfied, following confirmation of highly pathogenic avian influenza at a hatchery that applying less stringent measures than those set out in articles 26 to 29 would not endanger disease control, they may decide to specify in their declaration of a controlled zone that one or more of the measures set out in Schedules 4 and 5 do not apply in that zone.

(3) The Scottish Ministers must carry out a risk assessment before reaching a decision under paragraph (1) or (2).