
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**

Disapplication of measures to regulated places

18. This Part does not apply to regulated places.

Confirmation of highly pathogenic avian influenza

19. If the Chief Veterinary Officer (Scotland) forms the opinion that highly pathogenic avian influenza exists, or has in the previous 56 days existed, on any premises, the Chief Veterinary Officer (Scotland) shall inform the Scottish Ministers of that conclusion, and the Scottish Ministers shall confirm the existence of highly pathogenic avian influenza and declare the premises to be infected premises.

Restrictions on confirmation of highly pathogenic avian influenza

20. If the Scottish Ministers confirm highly pathogenic avian influenza on any premises, they shall (by notice served on the occupier of the infected premises) impose, in addition to the restrictions and requirements set out in Schedule 1, the restrictions and requirements contained in Schedule 2.

Tracing of meat and eggs from infected premises

21.—(1) The Scottish Ministers must (subject to paragraph (2)) endeavour to trace from infected premises—

- (a) the meat of all poultry slaughtered during the unregulated period of infection;
- (b) poultry eggs laid at the premises during that period; and
- (c) poultry hatched from such eggs.

(2) The Scottish Ministers need not trace poultry meat or eggs moved from retail premises.

(3) In this article and in article 50, “unregulated period of infection” means the period from the date when, in the opinion of the Chief Veterinary Officer (Scotland), avian influenza may first have been introduced to premises to the date when restrictions were imposed in relation to the premises under article 10.

Measures when poultry meat and eggs have been traced

22.—(1) The Scottish Ministers must ensure that any meat traced from infected premises in accordance with article 21 is destroyed.

- (2) The Scottish Ministers must—
- (a) ensure that all eggs traced in accordance with article 21 are disposed of or moved directly to premises for the manufacture of egg products in accordance with a licence granted by a veterinary inspector; and
 - (b) require, by notice to the occupier of any premises to which poultry traced under article 21(1)(c) have been moved, that the poultry are not subsequently moved off the premises for at least 21 days from the date they arrived there; and
 - (c) ensure that the health status of poultry which have already hatched from such eggs is investigated and monitored.
- (3) A person moving eggs under a licence granted under sub-paragraph (2)(a) must ensure that—
- (a) each consignment of eggs is sealed by a veterinary inspector or in accordance with the instructions of a veterinary inspector before dispatch;
 - (b) vehicles used to transport the eggs to the plant have been cleansed and disinfected before the eggs are loaded.
- (4) No person shall tamper with a seal attached under sub-paragraph (3)(a) or remove it before the consignment arrives at the designated establishment.

Veterinary inquiry at infected premises

23. The Scottish Ministers must ensure that veterinary inquiries continue at all infected premises for such period as they consider necessary.

Identification of contact premises

- 24.—**(1) The Scottish Ministers must serve a notice on the occupier of any premises if they suspect—
- (a) that highly pathogenic avian influenza may have been carried there from other premises; or
 - (b) that highly pathogenic avian influenza may have been carried to other premises from there.
- (2) Premises in respect of which a notice is served under this article are contact premises.

Restrictions at contact premises

25.—(1) The provisions of Schedule 1 apply to contact premises until the Scottish Ministers notify the occupier that those restrictions and requirements are withdrawn or that the premises are infected premises.

(2) The Scottish Ministers may, in their notice to the occupier of contact premises require the occupier to comply with the measures set out in Schedule 2.

(3) When considering whether to require an occupier to comply with the measures set out in Schedule 2, the Scottish Ministers must take at least the following criteria into account—

- (a) the existence of any clinical signs of avian influenza in any birds on the contact premises;
- (b) the susceptibility to avian influenza of the species of poultry on the contact premises;
- (c) any movements of poultry or other captive birds from infected premises to the contact premises after the earliest date a veterinary inspector considers avian influenza may have been introduced to the infected premises;
- (d) the density of poultry in the area where the contact premises are located;
- (e) the duration of the outbreak of avian influenza and its spread from infected premises;
- (f) the proximity of the contact premises to infected premises;

- (g) epidemiological links between the contact premises and infected premises; and
 - (h) the extent to which measures to control the outbreak are working.
- (4) When considering the proximity of the contact premises to infected premises under sub-paragraph (3)(f), the Scottish Ministers must give particular consideration to whether they should impose measures on premises which are–
- (a) within 500 metres of an infected premises; or
 - (b) which are 500 metres or more from an infected premises but are in an area with a high density of poultry.
- (5) When considering epidemiological links between the contact premises and infected premises in accordance with sub-paragraph (3)(g), the Scottish Ministers must give particular consideration to whether they should impose measures on premises with links to more than one infected premises.
- (6) If the Scottish Ministers require poultry or other captive birds on contact premises to be killed, they must ensure that samples are taken from the dead birds and tested for avian influenza.

Declaration of protection, surveillance and restricted zones

- 26.**—(1) The Scottish Ministers must, on confirmation of highly pathogenic avian influenza on premises in Scotland, declare a protection zone and a surveillance zone around the infected premises.
- (2) The Scottish Ministers must, on confirmation of highly pathogenic avian influenza in an area of England any part of which is less than 3 kilometres from Scotland, declare a protection zone and a surveillance zone in Scotland.
- (3) The Scottish Ministers must, on confirmation of highly pathogenic avian influenza in an area of England which is more than 3 and up to 10 kilometres from Scotland–
- (a) declare a surveillance zone in Scotland; and
 - (b) declare a protection zone in Scotland if they consider it necessary to prevent the spread of avian influenza.
- (4) The Scottish Ministers may declare protection and surveillance zones in Scotland on confirmation of highly pathogenic avian influenza in an area of England or Wales which is more than 10 kilometres from Scotland.
- (5) The Scottish Ministers may, if they consider it necessary to reduce the risk of the spread of highly pathogenic avian influenza, declare restricted zones in addition to protection and surveillance zones.
- (6) Paragraphs (1), (2) and (3) do not affect the power of the Scottish Ministers to disapply measures under articles 28(2) or 29(2) or to apply alternative measures under article 31.

Size of zones

- 27.**—(1) A protection zone declared under–
- (a) paragraph (1) of article 26 must be centred on the infected premises or part of those premises and have a radius of at least 3 kilometres;
 - (b) paragraph (2) of article 26 must cover any area in Scotland which is within a radius of 3 kilometres of the infected premises or any part of those premises.
- (2) A surveillance zone declared under–
- (a) paragraph (1) of article 26 must be centred on the infected premises or part of those premises and have a radius of at least 10 kilometres;
 - (b) paragraphs(2) or (3) of article 26 must cover any area in Scotland which is within a radius of 10 kilometres of the infected premises or any part of those premises.

(3) A restricted zone declared under article 26(5) may be centred on the infected premises or part of those premises or adjacent to the surveillance zone and shall be of such size as the Scottish Ministers consider necessary.

(4) The Scottish Ministers must take account of the criteria set out in paragraph (5) when deciding—

- (a) the size of zones to declare under paragraphs (1), (2) and (3) of article 26; and
- (b) whether to declare restricted zones under paragraph (5) of article 26.

(5) The criteria referred to in paragraph (4) are—

- (a) the results of veterinary inquiries;
- (b) the geographical features of the area around the infected premises;
- (c) the location and proximity of other premises containing poultry and other captive birds in the area, and the estimated number of poultry;
- (d) patterns of movement of and trade in poultry and other captive birds in the area;
- (e) the facilities and personnel available to control movements within the zone (including any movement of poultry or other captive birds off premises for slaughter and disposal).

(6) Protection zones and surveillance zones declared under paragraph (4) of article 26 must be of such size as the Scottish Ministers consider necessary to reduce the risk of the spread of the disease.

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.

Measures in surveillance zones

29.—(1) The measures in Schedule 5 apply in respect of a surveillance zone, subject to paragraphs (2) and (3) and articles 31 and 33.

(2) The Scottish Ministers may, 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 paragraphs 7 and 12 to 16 of Schedule 5 (restrictions on the movement of poultry and eggs within and outside the zone and of poultry, other captive birds and mammals of domestic species onto premises) 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 ensure that all commercial poultry premises within a surveillance zone are identified as soon as possible.

Restrictions on trade in things from areas where measures have been disapplied

30. No person shall allow any poultry, other captive bird, hatching egg, used litter, manure or slurry from premises in respect of which any of the measures in Schedules 4 or 5 have been disapplied under articles 28 or 29 to be supplied for intra-Community or international trade, unless licensed to do so by the Scottish Ministers.

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).

Measures in restricted zones

32.—(1) The Scottish Ministers must, in a declaration of a restricted zone under article 26(5), apply such measures as they consider necessary to reduce the risk of the spread of avian influenza.

(2) These measures may include some or all of the measures set out in Schedules 4 and 5 and those referred to in article 33.

Additional measures in protection, surveillance and restricted zones

33.—(1) The Scottish Ministers may, if they consider it necessary to reduce the risk of the spread of avian influenza, impose (by declaration) measures additional to those set out in Schedules 4, 5 and 7.

(2) The Scottish Ministers' power to declare additional measures includes the power to prohibit or restrict—

- (a) the movement of vehicles or people involved in—
 - (i) feed supply;
 - (ii) the supply of agricultural equipment;
 - (iii) the collection of eggs;
 - (iv) the transportation of poultry to slaughterhouses;
 - (v) the collection of carcasses for disposal;
- (b) the movement of those working on premises including veterinary surgeons;
- (c) the movement of any person onto any premises (including common, unenclosed and waste land and agricultural buildings), notwithstanding the existence of any public footpath, right of way or right of access.

(3) The power to prohibit or restrict movement under paragraph (2)(c) applies only in relation to a protection zone and does not include a power to prohibit or restrict movement onto premises by—

- (a) the owner or occupier of the premises;
- (b) any person whose principal residence or place of employment is those premises;
- (c) an officer of the Scottish Ministers;
- (d) a person entering under the authority of a licence granted by a veterinary inspector or by an inspector under the direction of a veterinary inspector;
- (e) a person for the provision of emergency services.

(4) An inspector must cause notice of a prohibition made in accordance with paragraph (2)(c) (“a prohibition notice”) to be displayed at every entrance to the place to which it applies.

Ending of protection, surveillance and restricted zones

34.—(1) The Scottish Ministers may, by declaration, end a protection zone but must not, in the case of a protection zone declared under paragraphs (1), (2) or (3) of article 26 do so until—

- (a) at least 21 days have elapsed since the completion at all infected premises in the zone of the preliminary cleansing and disinfection measures referred to in Part 2 of Schedule 3; and
- (b) a veterinary inquiry has been completed at all premises within the zone identified as containing poultry or other captive birds.

(2) On the ending of any protection zone, the area which formed that protection zone becomes part of the associated surveillance zone.

(3) The Scottish Ministers may, by declaration, end a surveillance zone but, in the case of zones declared under paragraphs (1), (2) or (3) of article 26, must not do so until at least 30 days have elapsed since the completion at all infected premises within the zone of the preliminary cleansing and disinfection measures referred to in Part 2 of Schedule 3.

Status:

Point in time view as at 28/06/2013.

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, PART 4.