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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 399**

**ANIMALS**

**ANIMAL HEALTH**

**The Avian Influenza (Preventive Measures)  
(Scotland) Amendment Regulations 2006**

<i>Made</i>	- - - -	<i>20th June 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>14th July 2006</i>
<i>Coming into force</i>	- -	<i>22nd June 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Avian Influenza (Preventive Measures) (Scotland) Amendment Regulations 2006 and shall come into force on 22nd June 2006.

**Amendment of the Avian Influenza (Preventive Measures) Regulations 2005**

2. In regulation 2 (interpretation) of the Avian Influenza (Preventive Measures) Regulations 2005<sup>(2)</sup> for the definition of “the Commission Decision” substitute—

““the Commission Decision” means Commission Decision [2005/734/EC](#) laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk<sup>(3)</sup> as amended, the last amending instrument being Commission Decision [2006/405/EC](#)<sup>(4)</sup>.”

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(1) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998(c. 46), Schedule 8, paragraph 15(3). The functions conferred on a Ministers of the Crown by section 2(2) were transferred, insofar as within devolved competence, to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) [S.S.I. 2005/530](#).

(3) O.J. L 274, 20.10.05, p.105.

(4) O.J. L 158, 10.06.06, p.14.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
20th June 2006

*ROSS FINNIE*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Avian Influenza (Preventive Measures) (Scotland) Regulations 2005 (“the principal Regulations”). The principal Regulations give effect to Commission Decision [2005/734/EC](#) laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk (O.J. No. L 274, 20.10.05, p.105) (“Commission Decision [2005/734/EC](#)”) as amended by Commission Decision [2005/745/EC](#) (O.J. No. L 279, 22.10.05, p.79) and Commission Decision [2005/855/EC](#) (O.J. No. L 316, 2.12.05, p.21).

Commission Decision [2005/734/EC](#) has been subsequently amended by Commission Decision [2006/405/EC](#) to extend the period of application of the measures provided for in Commission Decision [2005/734/EC](#) (as amended) to 31st December 2006.

These Regulations by replacing the definition of the Commission Decision in the principal Regulations give effect to this amendment.