

2006 No. 399

ANIMALS

ANIMAL HEALTH

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

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

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) 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(b) 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(c) as amended, the last amending instrument being Commission Decision 2006/405/EC(d);”.

ROSS FINNIE
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
20th June 2006

(a) 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.

(b) S.S.I. 2005/530.

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

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

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.

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