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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 61**

**The Avian Influenza (H5N1 in  
Wild Birds) (Scotland) Order 2007**

**PART 2**

Confirmation or suspicion of H5N1

**Extent of wild bird control and monitoring areas**

- 6.—(1) A wild bird control area must—
- (a) be centred on the place where the wild bird or carcass referred to in article 5(1) was found (“the outbreak point”); and
  - (b) have a boundary which is at least three kilometres from the outbreak point.
- (2) A wild bird monitoring area must—
- (a) be centred on the outbreak point; and
  - (b) have a boundary which is at least ten kilometres from the outbreak point.
- (3) The Scottish Ministers must take into account the following factors in deciding the extent of any wild bird control area or wild bird monitoring area—
- (a) the geographical features of the proposed areas;
  - (b) any administrative boundaries;
  - (c) any limnological factors;
  - (d) any ecological factors;
  - (e) any epizootic factors;
  - (f) monitoring facilities; and
  - (g) any other factor they consider relevant.
- (4) Paragraphs (5) and (6) apply if the Scottish Ministers are satisfied, having carried out a risk assessment, that due to natural barriers or the absence of suitable habitats for wild birds, there is sufficient protection of poultry and other captive birds in the area that would otherwise be declared to be the wild bird control area.
- (5) The wild bird control area may have a boundary which is at least one kilometre from the outbreak point.
- (6) Where the outbreak point is less than one kilometre away from a river, a lake or the coast, the wild bird control area may be an area of land—
- (i) having a width of one kilometre from the river bank, lake shore or coast; and
  - (ii) at least three kilometres in length.
- (7) The risk assessment under paragraph (4) must take account of the factors listed at paragraph (3).

(8) If the Scottish Ministers declare a wild bird control area of the dimensions provided for under paragraph (5) or (6), the wild bird monitoring area must be of such size and shape as the Scottish Ministers consider necessary to prevent the spread of avian influenza.

(9) A wild bird control area or a wild bird monitoring area declared under article 5(3) must be of such size and shape as the Scottish Ministers consider necessary to prevent the spread of avian influenza.

(10) If an area declared in accordance with this article would otherwise include land in England, the Scottish Ministers must declare an area only of such part of that land as is in Scotland.

**Changes to legislation:**

There are currently no known outstanding effects for the The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007, Section 6.