
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 61

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

PART 1

Introduction

Declarations and notices

- 3.—(1) A declaration of a wild bird control area or a wild bird monitoring area under this Order—
- (a) must be in writing;
 - (b) may be amended or revoked by further declaration at any time;
 - (c) must designate the extent of the area being declared; and
 - (d) must list or refer to the measures which apply in the area, and if they apply only in part of the area, specify to which part they apply.
- (2) Notices issued under this Order—
- (a) may be amended or revoked, by further notice, at any time; and
 - (b) must, if they apply to only part of premises, specify to which part they apply.
- (3) The Scottish Ministers must ensure that the extent of any wild bird control area or wild bird monitoring area declared under this Order, the nature of the restrictions and requirements applicable within it, and the dates of its declaration and revocation are publicised.

Licences

- 4.—(1) No person shall grant a licence under this Order for the movement of any poultry, other captive bird, hatching egg, controlled meat or bird by product, unless that person has taken account of the relevant risk assessment.
- (2) In paragraph (1), “the relevant risk assessment” means the Scottish Ministers' assessment of the risk that the particular movement or a movement of that type would spread avian influenza.
- (3) Licences granted under this Order—
- (a) must be in writing;
 - (b) may be general or specific;
 - (c) may be made subject to such conditions as the person granting the licence considers necessary to control the spread of avian influenza; and
 - (d) may be amended, suspended or revoked, in writing, at any time.
- (4) Licences granted in England or Wales for activities that could be licensed in Scotland under this Order have effect in Scotland as if they were movement licences granted under this Order, but an inspector acting under the direction of the Scottish Ministers may serve a notice on any person

moving any thing under the authority of such a licence, directing them to move it to and keep it on premises specified in the notice or move it out of Scotland.

(5) A person moving anything under the authority of a specific licence granted under this Order must—

- (a) keep the licence or a copy of it with them at all times during the licensed movement;
- (b) on demand by an inspector, veterinary inspector or other officer of the Scottish Ministers, produce the licence or copy and allow a copy or extract of it to be taken; and
- (c) on such demand, provide their name and address.

(6) A person moving anything under the authority of a general licence granted under this Order must—

- (a) keep with them at all times during the licensed movement a copy of that general licence and a consignment note that contains details of—
 - (i) what is moved (including its quantity);
 - (ii) the date of the movement;
 - (iii) the name of the consignor;
 - (iv) the address of the premises from which the movement started;
 - (v) the name of the consignee; and
 - (vi) the address of the premises of destination;
- (b) on demand by a local authority inspector, a veterinary inspector or other officer of the Scottish Ministers, produce the consignment note and allow a copy or extract to be taken; and
- (c) on such demand, provide their name and address.

(7) Unless the Scottish Ministers direct otherwise in a declaration of a wild bird control area or a wild bird monitoring area or by notice to the occupier of any premises or to the owner or occupier of any vehicle, any movement that has already started when such a declaration comes into force may be completed.