

## SCHEDULE 1

Article 8(1)

### Measures applicable in respect of a wild bird control area

## PART 1

### Movement of birds

#### **Prohibition on the movement of poultry or other captive birds from premises in a wild bird control area**

1.—(1) No person may move poultry or other captive birds from premises in a wild bird control area except under the authority of a licence granted by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

(2) A veterinary inspector may not grant or direct the grant of a licence under paragraph (1) unless it is for a movement of—

- (a) poultry to any premises in the wild bird control area or the wild bird monitoring area centred on the same outbreak point, including an undesignated slaughterhouse;
- (b) ready to lay pullets or turkeys for fattening to premises in the United Kingdom;
- (c) poultry to a designated slaughterhouse for slaughter;
- (d) day old chicks hatched from eggs collected from premises within the wild bird control area to premises in the United Kingdom;
- (e) day old chicks hatched from eggs collected from premises within the wild bird monitoring area centred on the same outbreak point as that control area to premises in the United Kingdom;
- (f) day old chicks hatched from eggs collected from premises outside the wild bird control area or outside the wild bird monitoring area centred on the same outbreak point, to any premises.

(3) A veterinary inspector may not grant or direct the grant of a licence under sub paragraph 2(f) unless they are satisfied that there was no contact, at the hatchery from which the day old chicks are being moved, between the eggs from which the day old chicks were hatched and any other hatching eggs or day old chicks originating from poultry within the control or monitoring area.

#### **Restriction on movement of poultry from premises of destination**

2.—(1) If a veterinary inspector, or an inspector acting under the direction of a veterinary inspector—

- (a) grants a licence for a movement of ready to lay pullets or turkeys for fattening under paragraph 1(2)(b); or
- (b) grants a licence for a movement of day old chicks to premises outside the control area or the monitoring area situated on the same outbreak point under paragraph 1(2)(d),

the occupier of the premises to which they are moved must ensure that neither they nor any other poultry are moved off the premises for 21 days from the date when those poultry arrived.

#### **Slaughter of poultry**

3.—(1) The occupier of a slaughterhouse to which poultry are moved in accordance with paragraph 1(2)(a) or 1(2)(c) must ensure that the poultry are slaughtered without delay.

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- (2) The occupier of a slaughterhouse which produces—
- (a) fresh meat from poultry referred to in paragraph 9(2)(c) which requires a licence for transport out of the wild bird control area to other parts of the United Kingdom under paragraph 9(1); or
  - (b) fresh meat from such poultry for processing into processed fresh meat requiring such a licence or for incorporation into meat products requiring such a licence,
- must ensure that the conditions in paragraph (3) are fulfilled.
- (3) The conditions are—
- (a) poultry from premises in a wild bird control area must be kept separate from poultry from outside the wild bird control area;
  - (b) the poultry from within the area must be slaughtered separately or at different times from poultry from outside the area; and
  - (c) the part of the slaughterhouse, any equipment and any other thing which has been used for the slaughter or subsequent processing of poultry from within the area must be cleansed and disinfected in accordance with a veterinary inspector's instructions before poultry from outside the wild bird control area are slaughtered in that part of the slaughterhouse, using that equipment or other thing.

#### **Prohibition on the movement of poultry and other captive birds through a wild bird control area**

- 4.—(1) No person may move poultry or other captive birds through a wild bird control area unless the movement is straight through the area on a major highway or railway.
- (2) In this paragraph a movement “straight through” a wild bird control area means a movement into that area and then out of that area without stopping or unloading.

## **PART 2**

### **Movement of hatching eggs and SPF eggs**

#### **Prohibition on the movement of hatching eggs from a wild bird control area**

- 5.—(1) No person may move any hatching egg which was collected from premises within a wild bird control area from premises in that area except under the authority of a licence granted by a veterinary inspector or an inspector acting under their direction.
- (2) A veterinary inspector may not grant or direct the grant of a licence under sub paragraph (1), unless it is for a movement of hatching eggs—
- (a) to a hatchery;
  - (b) to a designated laboratory, institute for scientific, diagnostic or pharmaceutical use or vaccine manufacturer;
  - (c) to an establishment for the manufacture of egg products as set out in Chapter II of Section X of Annex III to Regulation (EC) No. 853/2004<sup>MI</sup>; or
  - (d) for disposal.
- (3) The Scottish Ministers may not direct the grant of a licence under sub paragraph (1) for a movement to an undesignated hatchery unless—
- (a) poultry on the premises from which the hatching egg is being moved have tested negative in a serological survey for avian influenza capable of detecting 5% prevalence of the

disease with at least a 95% level of confidence, carried out to the satisfaction of the Scottish Ministers;

- (b) the eggs and their packaging are disinfected before dispatch; and
- (c) the eggs are transported in sealed vehicles.

#### **Marginal Citations**

**M1** O.J. No. L 139, 30.4.2004, p.55. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 226, 25.6.04, p.22).

#### **Prohibition on the movement of an SPF-egg from the wild bird control area**

6. No person may move any SPF egg collected from premises in a wild bird control area from premises in that area except to a designated laboratory, institute or vaccine manufacturer for scientific, diagnostic or pharmaceutical uses except under the authority of a licence granted by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

#### **Cleansing and disinfection at undesignated hatcheries**

7. The occupier of an undesignated hatchery to which hatching eggs are moved in accordance with paragraph 5(2)(a) must—

- (a) ensure that trolleys and packaging trays used to transport hatching eggs to or from the hatchery are cleansed and disinfected before leaving the hatchery or before being re-used; and
- (b) keep a record of any cleansing and disinfection carried out under paragraph (a).

#### **Separation of hatching eggs**

8.—(1) A person moving hatching eggs out of the wild bird control area under paragraph 5(2) must ensure that those eggs do not come into contact with hatching eggs collected from premises outside that area.

(2) The occupier of an undesignated hatchery to which hatching eggs are moved under paragraph 5(2)(a) must ensure that those eggs do not come into contact with hatching eggs collected from premises outside the wild bird control area.

## **PART 3**

### **Movement of controlled meat**

#### **Restriction on the movement of controlled meat out of a wild bird control area**

9.—(1) No person may move controlled meat out of a wild bird control area except under the authority of a licence granted by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

(2) A veterinary inspector may not grant or direct the grant of a licence under sub paragraph (1) unless it is for the movement of—

- (a) fresh meat from poultry that was produced in accordance with Annex II and Sections II and III of Annex III to Regulation (EC) No. 853/2004 and has been subject to the official controls set out in <sup>F1</sup>Article 18 of Regulation EU 2017/625 of the European Parliament

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and of the Council on official controls and other official activities performed to ensure the application of feed and food law, rules on animal health and welfare, plant health and plant protection products];

- (b) processed fresh meat or meat products produced from such fresh meat from poultry that was produced in accordance with Sections V and VI of Annex III to Regulation (EC) No. 853/2004;
- (c) fresh meat from poultry, processed fresh meat from poultry or meat products from such fresh meat or processed fresh meat, other than the fresh meat, processed fresh meat and meat products referred to in sub paragraphs (2)(a) and (b), to other parts of the United Kingdom, provided—
  - (i) the meat or product is identified with the national mark described in paragraph 10(1) or with the mark described in paragraph 10(2); and
  - (ii) the veterinary inspector is satisfied that the meat or product meets the conditions set out in paragraph 11;
- (d) fresh meat or processed fresh meat produced from poultry or wild game birds originating from an area which subsequent to such production is declared a wild bird control area, provided such meat has been obtained, cut and stored separately from poultry or wild game bird meat produced after the date when the control area is established; or
- (e) meat products containing the meat referred to in paragraph (d) produced in establishments within the wild bird control area.

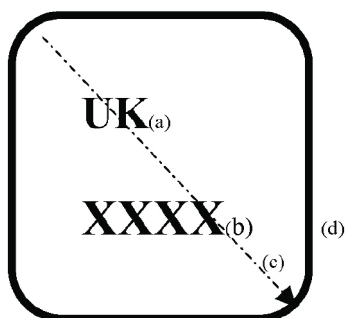
(3) No person other than the final consumer of meat marked with a mark referred to in paragraph (2)(c) shall deface, obliterate or remove that mark, unless licensed by the Scottish Ministers.

#### Textual Amendments

**F1** Words in *sch. 1 para. 9(2)(a)* substituted (14.12.2019) by *The Official Controls (Agriculture etc.) (Scotland) Regulations 2019 (S.S.I. 2019/412)*, regs. 1(1), **20(3)**

#### National mark

- 10.**—(1) The national mark referred to in paragraph 9(2)(c)(i) must—
- (a) be square;
  - (b) be clear and visible; and
  - (c) contain in legible form, the following—
    - (i) on the upper part, the letters “UK”;
    - (ii) in the centre, the slaughterhouse approval number;
    - (iii) on the lower part, the letter “N”.
- (2) The other mark referred to in paragraph 9(2)(c)(i) must be—
- (a) in the form set out below;
  - (b) of the dimensions referred to below; or of proportionate dimensions; and
  - (c) legible to the naked eye.



- (a) (a) UK – letters 8 mm high;
- (b) XXXX (where XXXX is the approval number of the premises, as referred to in [F2]point 6] of Part B of Section I of Annex II to Regulation (EC) No. 853/2004) – numbers 11 mm high;
- (c) diameter (to outer edge of border) – not less than 30 mm;
- (d) thickness of border – 3 mm.

#### Textual Amendments

- F2** Words in sch. 1 para. 10 substituted (31.12.2020) by The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/71), regs. 1(1)(b), 18; 2020 c. 1, Sch. 5 para. 1(1)

#### Conditions for the movement of meat and products

**11.** The conditions referred to in paragraph 9(2)(c)(ii) are that the meat (or the meat from which the product was made) was obtained, cut, and stored separately from–

- (a) controlled meat being moved under paragraphs 9(2)(a), (b) or (d); and
- (b) from meat from poultry from outside the wild bird control area.

#### Separation of controlled meat

**12.—(1)** A person moving controlled meat out of the wild bird control area under a licence granted in accordance with paragraph 9(2)(c) must ensure that it does not come into contact with controlled meat being moved under a licence granted in accordance with paragraphs 9(2)(a), (b) or (d) or any meat from poultry from outside that area.

(2) A person receiving controlled meat moved under a licence granted under paragraph 9(2)(c) must ensure that it is not used in meat products or meat preparations intended for placing on the market outside the United Kingdom unless it or the product or preparation in which it has been used has undergone a heat treatment at a minimum temperature of 70°C, which must be reached throughout the meat.

(3) If controlled meat referred to in paragraphs 9(2)(a), (b) or (d) has come into contact with meat referred to in paragraph 9(2)(c), the person moving such meat must identify it in accordance with paragraph 9(2)(c)(i) as soon as is reasonably practicable and must not transport it to premises outside the United Kingdom.

## PART 4

### Movement of by products

#### **Restriction on the movement of bird by products or products derived from bird by products from premises in a wild bird control area**

13.—(1) No person may move from a wild bird control area, a bird by product deriving from poultry, other captive birds or wild game bird originating from within that control area, or product deriving from such by products except under the authority of a licence granted by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

[<sup>F3</sup>(2) A veterinary inspector may not grant or direct the grant of a licence under sub paragraph (1) unless it is for a movement of—

- (a) processed animal protein within the meaning of paragraph 5 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
- (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
- (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
- (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
- (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph D of Section 5 of Chapter II of Annex X to that Regulation;
- (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No 142/2011;
- (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No 142/2011;
- (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
- (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No 142/2011;
- (j) processed petfood within the meaning of paragraph 20 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;
- (k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No 142/2011 and which complies with the requirements of Chapter II of Annex XIII to that Regulation;
- (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of Chapter II of Annex XIII to that Regulation;
- (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No 142/2011;

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- (n) game trophies of birds having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No 142/2011;
- (o) those by-products which are transported to designated plants listed in article 13(1)(c) for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
- (p) those by-products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EC) No 1069/2009 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
- (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex I to Regulation (EU) No 142/2011 and which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation; or
- (r) poultry feathers, feathers from wild game bird or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus.]

(3) A veterinary inspector may not grant or direct the grant of a licence under sub paragraph (1) for the movement of the by products listed in sub paragraphs (2)(a) to (i) unless they have also been processed at a processing plant which complies with the requirements of [F4Regulation (EC) No 1069/2009 and Annex IV to Regulation (EU) No 142/2011].

(4) The prohibition in sub paragraph (1) does not apply to a movement permitted under paragraph 14 or 15.

(5) The bird by products referred to in sub paragraph [F5(2)(q) and (r)] must be accompanied by the model commercial document in accordance with [F6Chapter III of Annex VIII to Regulation (EU) No 142/2011].

(6) The commercial document accompanying the bird by products referred to in sub paragraph [F7(2)(r)] must state, at paragraph 6.1 of that document, that they have been treated with a steam current or by another method to ensure no avian influenza pathogens remain.

(7) Paragraph (5) does not apply to processed decorative feathers or processed feathers carried by travellers for their private use or consignments of processed feathers sent to private individuals for non industrial purposes.

#### Textual Amendments

- F3** Sch. 1 para. 13(2) substituted (1.12.2013) by [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/307\)](#), reg. 1(1), **sch. 2 para. 14(a)**
- F4** Words in sch. 1 para. 13(3) substituted (1.12.2013) by [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/307\)](#), reg. 1(1), **sch. 2 para. 14(b)**
- F5** Words in sch. 1 para. 13(5) substituted (1.12.2013) by [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/307\)](#), reg. 1(1), **sch. 2 para. 14(c)**
- F6** Words in sch. 1 para. 13(5) substituted (4.3.2011) by [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/171\)](#), reg. 1(1), **sch. 2 para. 41(a)(ii)**
- F7** Word in sch. 1 para. 13(6) substituted (1.12.2013) by [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/307\)](#), reg. 1(1), **sch. 2 para. 14(d)**

## PART 5

### Other measures

#### Prohibition on movement of poultry manure

**14.** No person may move any manure from poultry or other captive birds from premises in a wild bird control area unless—

- (a) the movement is to an establishment for treatment in accordance with Regulation [F<sup>8</sup>1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No 142/2011];
- (b) the poultry manure has already been so treated and the movement is licensed in accordance with paragraph 13(2)(1); or
- (c) it originates from premises from which poultry have been moved under the authority of a licence granted under paragraph 1(2)(a), (b) or (c).

#### Textual Amendments

- F8** Words in sch. 1 para. 14(a) substituted (4.3.2011) by [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/171\)](#), reg. 1(1), **sch. 2 para. 41(b)**

#### Prohibition on the spread of poultry manure

**15.** No person may spread any manure from poultry or other captive birds from premises in a wild bird control area unless—

- (a) it has been treated in accordance with Regulation [F<sup>9</sup>1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No 142/2011]; or
- (b) it originates from premises from which poultry have been moved under the authority of a licence granted under paragraph 1(2)(a), (b) or (c).

#### Textual Amendments

- F9** Words in sch. 1 para. 15(a) substituted (4.3.2011) by [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/171\)](#), reg. 1(1), **sch. 2 para. 41(c)**

#### Prohibition on gatherings of poultry and other captive birds in a wild bird control area

**16.—(1)** No person may arrange any fair, market, show, exhibition or other gathering involving the collecting together of poultry or other captive birds in a wild bird control area.

(2) No person may bring any poultry or other captive birds to such a gathering.

#### Prohibition on hunting wild birds in a wild bird control area

**17.** No person may hunt wild birds or otherwise take them from the wild in a wild bird control area except under the authority of a licence granted by the Scottish Ministers.

#### Prohibition on the release of game birds

**18.** No person may release game birds in a wild bird control area.



**Changes to legislation:**

There are currently no known outstanding effects for the The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007, SCHEDULE 1.