

SCHEDULE 1

Measures applicable in respect of a wild bird control area

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.

[^{F1}(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;

Changes to legislation: There are currently no known outstanding effects for the *The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007, Paragraph 13.* (See end of Document for details)

- (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;
- (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 [F²Regulation (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 [F³(2)(q) and (r)] must be accompanied by the model commercial document in accordance with [F⁴Chapter III of Annex VIII to Regulation (EU) No 142/2011].

(6) The commercial document accompanying the bird by products referred to in sub paragraph [F⁵(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

- F1** 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\(a\)](#)
- F2** 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\(b\)](#)
- F3** 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\(c\)](#)
- F4** 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\(a\)\(ii\)](#)
- F5** 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\(d\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007, Paragraph 13.