

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2007 No. 62**

**The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007**

**Licences, notices and designations under this Order**

3.—(1) 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 avian influenza; and
- (d) may be amended, suspended or revoked, in writing, at any time.

(2) A veterinary inspector or an inspector acting under the direction of a veterinary inspector must not license a movement under article 9, 10, 11 or 14 unless either inspector has taken account of the relevant risk assessment.

(3) In paragraph (2), “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.

(4) Notices under this Order—

- (a) may be amended or revoked, by further notice, at any time;
- (b) must, if they apply only to part of premises, specify to which part they apply.

(5) Designations under this Order—

- (a) must be in writing;
- (b) may be made subject to such conditions as the Scottish Ministers consider necessary to control avian influenza; and
- (c) may be amended, suspended or revoked in writing at any time.

(6) Unless the Scottish Ministers direct otherwise by notice to the occupier of the premises, the following premises are deemed to be designated for the purposes of this Order:—

- (a) premises designated under article 70 of the Avian Influenza Order;
- (b) premises deemed to be so designated under article 4(7) of that Order;

[<sup>F1</sup>(c) the following plants if approved under Article 24 of Regulation (EC) No 1069/2009—

- (i) incineration plants;
- (ii) co-incineration plants;
- (iii) processing plants;
- (iv) biogas plants;
- (v) composting plants;
- (vi) petfood plants.]

(7) Premises in England, Wales and Northern Ireland designated respectively by the Secretary of State, the National Assembly or by the Department for Agriculture and Rural Development of Northern Ireland for the same purposes as they may be designated under this Order are deemed to be designated by the Scottish Ministers for the purposes of this Order.

(8) Licences granted in England, Wales or Northern Ireland for activities which could be licensed in Scotland under this Order have effect in Scotland as if they were 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, requiring that person to move it or to keep it on premises specified in the notice or to move it out of Scotland.

(9) 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 a veterinary inspector, other officer of the Scottish Ministers or by a local authority inspector, produce the licence or copy and allow a copy or extract to be taken; and
- (c) on such demand, provide their name and address.

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

- (a) carry with them, at all times during the licensed movement, a copy of that general licence and a consignment note which 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 veterinary inspector, an officer of the Scottish Ministers or by a local authority inspector, produce the consignment note and a copy of that general licence, and allow a copy or extract to be taken; and
- (c) on such demand, provide their name and address.

(11) Any reference in this regulation to anything done in writing includes a reference to an electronic communication as defined in section 15(1) of the Electronic Communications Act 2000<sup>M1</sup>, which has been recorded and is consequently capable of reproduction.

(12) An electronic communication may only be sent to a person where the recipient has consented to that method of communication.

---

#### Textual Amendments

- F1** Art. 3(6)(c) substituted (1.12.2013) by [The Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/307\)](#), reg. 1(1), [sch. 2 para. 17](#)
- 

#### Marginal Citations

- M1** [2000 c. 7](#), as amended by the Communications Act 2003, c. 21, Schedule 17, paragraph 158.

**Changes to legislation:**

There are currently no known outstanding effects for the The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007, Section 3.