
EXPLANATORY NOTE

(This note is not part of the Order)

This Order transposes Commission Decision [2006/415/EC](#) concerning certain protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in poultry in the Community and repealing Decision [2006/135/EC](#) (O.J. No. L 164, 16.6.2006, p.51) (“the Commission Decision”). It also specifies the health mark, and the alternative health mark pursuant to Council Directive [2002/99/EC](#) laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (O.J. No. L 18, 23.1.2003, p.11), to be applied to fresh and processed poultry meat and meat products which are to be moved out of a wild bird control area to another part of the UK. These marks are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health of 1st December 2006.

The Order supplements the general measures to control avian influenza set out in the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006 (S.S.I. 2006/336) (“the main Order”). Measures to control highly pathogenic avian influenza of subtype H5N1 in wild birds are set out in the Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007 (S.S.I. 2007/61).

Article 5 specifies which zones declared under the main Order are zones A and B for the purposes of the Commission Decision.

Article 6 requires the Scottish Ministers to declare temporary control zones or temporary movement restriction zones under the main Order if highly pathogenic avian influenza of subtype H5N1 is suspected in poultry. Article 7 relates to the location and size of such zones. Article 8 requires the Scottish Ministers to declare a restricted zone under the main Order on confirmation of highly pathogenic avian influenza of subtype H5N1 in poultry.

The general measures which may be imposed on suspicion and confirmation of highly pathogenic avian influenza of sub-type H5N1 are set out in the main Order. Additional measures in articles 9 to 14 of this Order restrict movements of the following:

- (a) poultry and other captive birds from restricted zones (article 9);
- (b) hatching eggs from restricted zones (article 10);
- (c) wild game bird products from protection, surveillance and restricted zones (articles 11 to 13);
- (d) by-products from any bird in a protection, surveillance or restricted zone (article 14).

Article 15 bans bird gatherings in restricted zones. Articles 16 to 24 contain measures relating to enforcement of the Order. The Schedule sets out the mark to be applied to meat and meat products from wild game birds from protection, surveillance and restricted zones.

A breach of this Order is an offence under section 73 of the Animal Health Act 1981, punishable under section 75 of that Act.

A Regulatory Impact Assessment has not been prepared for this Instrument. The measures complement closely those of the main Order, for which a full RIA was prepared. It is available from the Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.

Changes to legislation:

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