

EXECUTIVE NOTE

THE AVIAN INFLUENZA (H5N1 in Poultry) (SCOTLAND) ORDER 2007 SSI/2007/62

Introduction

The above Order is made by Scottish Ministers under the Animal Health Act 1981. It is not subject to parliamentary procedures.

Policy Objective

The **Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007 (SSI 2007/62)** (“the Poultry Order”) transposes Commission Decision 2006/415/EC to provide additional measures in the event of the H5N1 subtype of the Avian Influenza (AI) virus being discovered in poultry in Scotland. In addition to transposing European legislation, the effect of these measures is to reinforce the controls provided under the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006 (the “main AI Order”) by creating additional zones in which proportionate movement controls apply.

Background

Avian Influenza (AI) is a serious disease of poultry and other birds. It exists in two main forms, the more serious being Highly Pathogenic Avian Influenza (HPAI) which is a notifiable disease causing high and rapid mortality in birds and entailing serious economic consequences. Although it does not transmit easily to humans, fatalities have been recorded, usually in people living in close contact with infected birds. The less serious form, Low Pathogenic Avian Influenza (LPAI) is, owing to its tendency to mutate into the HP form, subject to controls for the first time in the main AI Order. The virus has several subtypes, of which H5N1 is considered to be of the greatest concern.

The Poultry Order requires that, on suspicion of H5N1 in GB, two zones (the high risk “first zone” and the lower risk “second zone”) are declared. The first zone must be at least 10 km from the outbreak point, while the second zone may be any size necessary to minimise the risk of disease spread. Temporary control zone or temporary movement restriction zone measures apply (as in the main AI Order), depending on the epidemiological situation. On confirmation, the usual 3km Protection Zone (PZ) and 10km Surveillance Zone (SZ) are declared, and the Poultry Order also requires the setting up of a Restricted Zone (RZ), which can be of any size. In terms of the Commission Decision, the first zone, the PZ and the SZ are considered to be the higher risk Area A, and the second zone and RZ are the lower risk Area B.

The additional measures required by the Poultry order include:

- Movement controls on game products and bird by products in the PZ, SZ and RZ
- Movement controls on live poultry and hatching eggs from RZ
- Ban on bird gatherings in RZ

However, no restrictions apply to table eggs from the RZ.

Consultation

There has been no formal period of public consultation as Commission Decisions require prompt adoption. The measures in this Instrument are now required as a matter of urgency as a result of H5N1 having been confirmed in poultry in England.

Impact

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. Costs and benefits arise only during a disease outbreak, and are expected to be marginal to those identified in the main Order.

**SCOTTISH EXECUTIVE ENVIRONMENT AND RURAL AFFAIRS DEPARTMENT
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