
STATUTORY INSTRUMENTS

2006 No. 1197

The Avian Influenza and Influenza of Avian
Origin in Mammals (England) Order 2006

PART 3

Measures on suspicion of avian influenza

Disapplication of measures to regulated places

8. Articles 10 to 17 do not apply to regulated places.

Notification procedures and precautions to be taken where avian influenza is suspected

9.—(1) A person who has in his possession or under his charge any bird or carcase which has, or which he suspects may have, avian influenza must—

- (a) immediately notify the Divisional Veterinary Manager; and
- (b) take all reasonable steps to ensure that the restrictions and requirements set out in Schedule 1 are complied with.

(2) A person who examines or inspects any bird or carcase or who analyses any sample taken from any bird or carcase and who suspects the presence of avian influenza in the bird, carcase or sample must immediately inform the Divisional Veterinary Manager.

Notice of restrictions where avian influenza is suspected on premises

10.—(1) If an inspector suspects that avian influenza or avian influenza virus exists on any premises or has existed there within 56 days (whether or not notification has been made under article 9), he must serve a notice on the occupier of the premises requiring him to comply with such of the restrictions and requirements set out in Schedule 1 as are specified in the notice.

(2) An inspector must not withdraw the notice of restrictions unless instructed to do so by the Chief Veterinary Officer.

(3) An inspector must also notify the occupier of any additional measures which the Secretary of State considers should apply to the premises in exercise of her powers under article 13(b).

Derogations from restrictions applicable at suspect premises

11.—(1) A veterinary inspector or an inspector acting under his authority may, in a notice served under article 10 or by licence, grant derogations from paragraphs 2 to 4 of Schedule 1.

- (2) The Secretary of State must not grant such a derogation unless she has considered—
 - (a) the risk of the possible spread of avian influenza were the derogation to be granted;
 - (b) any precautionary measures which have been or which could be taken; and

(c) the destination of any birds or things which would be moved were the derogation to be granted.

(3) A veterinary inspector (or an inspector acting under the authority of a veterinary inspector) may, in a notice served under article 10 or by licence, also grant a derogation from the disinfection requirement in paragraph 9 of Schedule 1, but must not do so unless—

- (a) the premises the subject of the derogation are non-commercial premises;
- (b) the premises contain other captive birds but no poultry;
- (c) he has considered the risk of the possible spread of avian influenza were the derogation to be granted and any precautionary measures which have been or which could be taken.

Veterinary inquiries and sampling

12.—(1) The Secretary of State must, if she suspects that poultry or other captive birds on or moved from premises the subject of a notice under article 10 may be infected with avian influenza, ensure that a veterinary inquiry is started at those premises as soon as reasonably practicable to ascertain whether the disease exists or has existed there.

(2) The Secretary of State must, if she authorises a veterinary inspector or another veterinary surgeon to take samples from poultry or other captive birds on other premises or other than for the purposes of such a veterinary inquiry, direct (by notice to the occupier of the premises) whether any of the requirements set out in Schedule 1 apply to the premises where the samples are taken.

Measures to minimise the risk of the spread of avian influenza from suspect premises

13. The Secretary of State must, if she considers it necessary to minimise the risk of the spread of avian influenza or of avian influenza virus from suspect premises in England, Wales, Scotland or Northern Ireland, take one or more of the following measures—

- (a) declare a temporary movement restriction zone in such part or parts of England as she considers necessary;
- (b) serve a notice on the owner or occupier of suspect premises in England requiring him to comply with some or all of the measures set out in Schedule 2 (as well as those set out in Schedule 1);
- (c) declare a temporary control zone in such part of England and of such size as she considers necessary around suspect premises.

Restrictions where avian influenza is suspected in transit

14. A person exercising powers under articles 10 to 13 must take into account any measures taken in respect of vehicles under articles 38, 42, 43 and 45.

Measures in a temporary movement restriction zone

15.—(1) The Secretary of State must, in a declaration of a temporary movement restriction zone (and in relation to such part or parts of the zone as she thinks fit), ban or restrict the movement of such of the following as she considers necessary—

- (a) poultry;
- (b) other captive birds;
- (c) eggs;
- (d) vehicles used to transport poultry, other captive birds, eggs or anything else likely to transmit avian influenza;

(e) mammals.

(2) If the Secretary of State bans or restricts the movement of mammals within a temporary movement restriction zone, she must lift the ban or restriction within 72 hours of it being declared unless she is satisfied that its continuation is necessary to minimise the risk of the spread of avian influenza (notwithstanding any continuing restrictions on the movement of other things listed in paragraph (1)).

(3) If the Secretary of State imposes restrictions on the movement of mammals beyond 72 hours from when they were originally declared, she must review her decision to impose such restrictions a maximum of 72 hours after each renewal.

Additional restrictions at suspect premises

16. In a notice served under article 13(b), the Secretary of State must specify—

- (a) which of the measures set out in Schedule 2 apply; and
- (b) whether restrictions apply—
 - (i) to all poultry and other captive birds on the premises;
 - (ii) only to poultry or other captive birds suspected of being infected;
 - (iii) only to part of the premises.

Declaration of a temporary control zone around the suspect premises

17. The Secretary of State must in a declaration of a temporary control zone (in relation to premises in such part or parts of the zone as she thinks fit), impose such measures as she considers necessary to reduce the risk of the spread of avian influenza.