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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

### 1. These Regulations—

- (a) revoke and replace the Avian Influenza (Preventive Measures) (No 2) Regulations 2005 (S.I. 2005/3394) (“the 2005 Regulations”);
- (b) continue to give effect to paragraph 2 of Article 2a of Commission Decision 2005/734/EC laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk (OJ No L 274, 20.10.2005, p. 105), as last amended by Commission Decision 2006/574/EC (OJ No L 228, 22.8.2006, p. 24);
- (c) give effect to Commission Decision 2006/474/EC concerning measures to prevent the spread of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 to birds kept in zoos and approved bodies, institutes and centres in the Member States and repealing Decision 2005/744/EC (OJ No L 187, 8.7.2006, p. 37); and
- (d) implement provisions requiring or dependant on the identification of poultry premises under Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EC (OJ No L10, 14.1.2006, p16).

### 2. Regulations 1 to 5 contain introductory provisions on definitions, licences and notices.

3. Regulation 6 prohibits any person from arranging an unlicensed gathering of poultry or other captive birds. It also prohibits any person from bringing such birds to a bird gathering which he knows or suspects is unlicensed.

4. Regulation 7 requires the keeper of 50 or more poultry on any one premises to notify the Secretary of State of specified information relating to those poultry. This requirement now applies to all premises, not just to commercial premises as was the case under the 2005 Regulations. Regulation 7 also imposes a new obligation to inform the Secretary of State of specified changes to this information.

5. Regulations 8 to 13 relate to the vaccination of zoo birds. Regulation 8 contains a general prohibition on the unauthorised vaccination of zoo birds. Regulation 9 allows the Secretary of State to vaccinate zoo birds, to require their vaccination or to license their vaccination. Regulation 11 sets out restrictions on the movement of vaccinated zoo birds.

6. Regulations 14 to 16 place general obligations on those bound by these Regulations. Regulations 17 to 19 relate to the powers of those performing a function under these Regulations. Regulations 20 to 22 relate to offences and enforcement. Regulation 23 revokes the 2005 Regulations but provides that the general licence for bird gatherings issued under those Regulations continues to have effect.

7. A regulatory impact assessment of the effect that these Regulations will have on business has not been prepared because of the need to implement the measures referred to in paragraph 1(c) and (d) above as quickly as possible.

**Changes to legislation:**

There are currently no known outstanding effects for the The Avian Influenza (Preventive Measures) (England) Regulations 2006.