STATUTORY INSTRUMENTS

2006 No. 2701

The Avian Influenza (Preventive Measures) (England) Regulations 2006

Vaccination of zoo birds

9.—(1) If the condition in paragraph (2) is fulfilled, the Secretary of State may—

    (a) vaccinate such birds in such zoos as he considers necessary (after giving written notice to the occupier of such zoos);

    (b) require (by written notice to the occupier of any zoo) the vaccination of any bird in the zoo; or

    (c) license the occupier of a zoo to vaccinate any bird in the zoo.

(2) The condition is that the Secretary of State has carried out a risk assessment and considers there is a risk that avian influenza will be transmitted to zoo birds or to categories of such birds.

(3) As part of his risk assessment, the Secretary of State must consider whether a zoo is—

    (a) on a migratory flyway;

    (b) close to any body of water where migratory birds may gather;

    (c) located in an area with a high density of migratory birds.

(4) The Secretary of State must specify, in a notice or licence under this regulation—

    (a) the number and species of birds to be vaccinated;

    (b) biosecurity conditions to be met at the zoo or any part of the zoo;

    (c) conditions relating to the storage and administration of vaccine.

(5) The Secretary of State must ensure that vaccination is carried out in accordance with the preventive vaccination plan approved by the European Commission under Article 5 of 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(**1**).

(**1**) OJNo. L187, 8.7.2006, p. 37. Copies of the preventive vaccination plan are available from the Department for Environment, Food and Rural Affairs, Exotic Disease Prevention and Control Division, 1A, Page Street, London SW1P 4PQ and at http://www.defra.gov.uk/animalh/diseases/notifiable/pdf/euuk-zooplan.pdf.