
STATUTORY INSTRUMENTS

2006 No. 2702

The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No.2) Order 2006

PART 1

Introduction

Interpretation

2. In this Order, unless the context otherwise requires—

“the Act” means the Animal Health Act 1981;

[^{F1}the appropriate minister” means—

- (i) in relation to England, the Secretary of State;
- (ii) in relation to Wales, the Welsh Ministers; and
- (iii) in relation to Scotland, the Scottish Ministers;]

“avian influenza” means an infection of poultry or other captive birds caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six-week old chickens greater than 1.2;

“avian influenza prevention zone” means an avian influenza prevention zone declared under article 6(1)(a);

“avian influenza (restrictions on mammals) zone” means an avian influenza (restrictions on mammals) zone declared under article [^{F2}61(3)];

[^{F3}“avian influenza virus” means any highly pathogenic avian influenza virus or low pathogenic avian influenza virus;]

“bird carcase” means the carcase of any bird and includes any part of a bird carcase;

[^{F4}“border control post” means a place designated by the competent authority for the performance of official controls under [Regulation \(EU\) 2017/625](#) of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;]

[^{F5}[^{F6}“brood-and-move poultry” means poultry] that have been, are being or are to be moved for the purposes of growing or fattening to premises other than those where they were reared;]

“carcase” means any bird carcase or mammal carcase;

“the Chief Veterinary Officer” means the Chief Veterinary Officer of the Department for Environment, Food and Rural Affairs;

“commercial poultry premises” means commercial premises where poultry are kept;

[^{F7}“commercial premises” means premises where any poultry or other captive birds are kept for commercial purposes]

“contact premises”—

- (a) in Part 4, has the meaning given in article 26(2);
- (b) in Part 6, has the meaning given in article 53(2);
- (c) in Part 7, has the meaning given in article [^{F8}61A(3)]; and
- (d) in Part 8, has the meanings given in articles 26(2), 53(2) and [^{F9}61A(3)];

“controlled zone” means a protection zone, a surveillance zone, a restricted zone, a temporary movement restriction zone, a temporary control zone, a low pathogenic avian influenza restricted zone, an avian influenza prevention zone, or an avian influenza (restrictions on mammals) zone;

“day-old chicks” means all poultry less than 72 hours old which have not yet fed and muscovy ducks (*Cairina moschata*) and their crosses less than 72 hours old, whether or not fed;

“designated” means designated by the Secretary of State in accordance with article 71;

[^{F10}“diagnostic manual” means the diagnostic manual set out in the Annex to Commission Decision 2006/437/EC approving a Diagnostic Manual for avian influenza as provided for in Council Directive 2005/94/EC;]

“egg processing plant” means an establishment for the manufacture of egg products, as referred to in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004^{M1};

[^{F11}“fresh meat” means meat which has not undergone any preserving process other than chilling, freezing or quick freezing, including meat which is vacuum packed or wrapped in a controlled atmosphere;]

[^{F12}“highly pathogenic avian influenza” means an infection of poultry or other captive birds caused by a highly pathogenic avian influenza virus;]

[^{F13}“highly pathogenic avian influenza virus” means—

- (a) influenza A virus of the subtype H5 or H7 with genome sequences containing multiple basic amino acids at the cleavage site of the haemagglutinin gene similar to that observed for other highly pathogenic avian influenza viruses, indicating that the haemagglutinin protein can be cleaved by a host ubiquitous protease; or
- (b) influenza A virus with an intravenous pathogenicity index in six-week-old chickens greater than 1.2;]

“infected premises” means—

- (a) in Part 4, premises where the Chief Veterinary Officer has confirmed that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists;
- (b) in Part 6, premises where the Chief Veterinary Officer has confirmed that low pathogenic avian influenza or low pathogenic avian influenza virus exists;
- (ba) [^{F14}in Part 7 and in Schedule 10, premises where the Chief Veterinary Officer has confirmed that influenza of avian origin exists;]
- (c) in Parts 8 and 9 and in Schedule 3, premises where the Chief Veterinary Officer has confirmed that highly pathogenic avian influenza, highly pathogenic avian influenza virus, low pathogenic avian influenza or low pathogenic avian influenza virus exists;

[^{F15}“influenza of avian origin” means an infection of a mammal with avian influenza virus]

“keeper” means any person responsible for birds or animals, whether on a permanent or temporary basis, but does not include a person responsible for them solely because he is transporting them;

[^{F16}“kept mammal” means a mammal kept in captivity, in the possession of or under the charge of a person;]

“low pathogenic avian influenza” means an infection of poultry or other captive birds caused by [^{F17}a low pathogenic] avian influenza [^{F18}virus]^{F19}...;

“low pathogenic avian influenza restricted zone” means a low pathogenic avian influenza restricted zone declared under article 55;

[^{F20}“low pathogenic avian influenza virus” means an avian influenza virus of subtype H5 or H7 other than an avian influenza virus of subtype H5 or H7 which causes highly pathogenic avian influenza;]

“mammal” means any mammal, except man;

“mammal carcase” means the carcase of any mammal and includes any part of a mammal carcase;

[^{F21}“meat product” means a processed product resulting from the processing of meat or from the further processing of such processed [^{F22}meat], so that the cut surface shows the product no longer has the characteristics of fresh meat;]

[^{F23}“non-commercial premises” means any premises where all poultry or other captive birds, (including those kept as pets) their eggs or other poultry products are kept by their keeper for personal consumption, or for use, exclusively within or for the purposes of the same household;]

“occupier” means the person in charge of premises;

“other captive bird” means a bird kept in captivity which is not poultry and includes a pet bird and a bird kept for shows, races, exhibitions, competitions, breeding or for sale;

[^{F24}“food processing establishment” means any unit of a food business where any action that alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes takes place;]

[^{F25}“poultry” means a bird reared or kept in captivity for the purposes of—

- (i) the production of meat or eggs for consumption or other poultry products;
- (ii) restocking supplies of game; or
- (iii) any breeding programme for the production of such categories of birds or products specified in sub-paragraphs (i) and (ii);

but does not include any bird that is kept for the purposes of a single household, where the bird and its keeper have no direct or indirect contact with other poultry or poultry facilities, and the bird and products of the bird are used exclusively within, or for the purposes of the same household;]

[^{F26}“poultry product” means anything originating or made (whether in whole or in part) from any living or dead poultry, and includes the carcase of any poultry;]

“premises” includes any land, building or other place;

[^{F27}“primary outbreak” means an outbreak which is not epidemiologically linked with a previous outbreak in England;]

“protection zone” means a protection zone declared under article 28(1) to (4);

“racing pigeon” means any pigeon transported or intended for transport from its pigeon house so that it may be released and freely fly back there or to another destination;

[^{F28}“ready-to-lay poultry” means birds, which are intended for use as productive egg layers, and for these purposes, includes both female and male birds;]

- “regulated place” means a slaughterhouse or border [^{F29}control] post;
- “restricted zone” means a restricted zone declared under article 28(5);
- “slaughterhouse” means an establishment used for slaughtering poultry, the meat of which is intended for human consumption;
- “special category premises” has the meaning given in article 22(3);
- “surveillance zone” means a surveillance zone declared under article 28 (1) to (4);
- “suspect premises” means premises subject to restrictions under article 9 or article 10;
- “temporary control zone” means a temporary control zone declared under article 13(c);
- “temporary movement restriction zone” means a temporary movement restriction zone declared under article 13(a);
- “unregulated period of infection” [^{F30}means the period from the date, when in the opinion of a veterinary inspector, avian influenza virus may first have been introduced to premises, up to the time and date when measures under article 10 (notice of restrictions where avian influenza is suspected on premises) are imposed by notice in writing on the occupier.]
- “vehicle” includes any means of transport and includes—
- a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle;
 - a detachable part of any vehicle;
 - a container or other structure designed or adapted to be carried on a vehicle;
- “veterinary surgeon” means a person who is registered in the register of veterinary surgeons maintained by the Royal College of Veterinary Surgeons or in the supplementary register maintained by the College;
- “wild birds” means birds which are not poultry or other captive birds.
- [^{F31}“wild game bird” means a wild bird which lives freely in the wild and is hunted for human consumption;
- “wild game bird product” means any carcase, egg or any other thing originating or made (whether in whole or in part) from a wild game bird or from the carcase of a wild game bird and includes any by products of a wild bird game bird;
- [^{F32}“wild mammal” means a mammal which lives freely in the wild and is not in the possession or under the charge of any person;]
- “wildlife rescue and rehabilitation centre” means any facility dedicated to the sole purpose of providing treatment and temporary care of injured, orphaned or sick wild animals, including any facility for their housing, feeding and treatment under the supervision of a veterinary surgeon for the primary purpose of their release back into the wild.]
- (2) Other expressions used in this Order and in Council Directive [2005/94/EC](#) on Community measures for the control of avian influenza and repealing Directive [92/40/EEC](#)^{M2}[^{F33}, as last amended by Council [Directive 2008/73/EC](#),] have their meaning in that Directive.

Textual Amendments

- F1** Words in [art. 2](#) inserted (21.12.2021) by [The Exotic Animal Disease \(Amendment\) \(England\) Order 2021 \(S.I. 2021/1472\)](#), arts. 1(1), **3(2)(a)**
- F2** Word in [art. 2](#) substituted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **4(2)(a)**
- F3** Words in [art. 2](#) inserted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **4(2)(b)**

- F4** Words in art. 2 substituted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(c)**
- F5** Words in art. 2 inserted (21.12.2021) by The Exotic Animal Disease (Amendment) (England) Order 2021 (S.I. 2021/1472), arts. 1(1), **3(2)(b)**
- F6** Words in art. 2 substituted (27.10.2022) by The Exotic Animal Disease (Amendment) (England) Order 2022 (S.I. 2022/1108), arts. 1(1), **4(2)(a)**
- F7** Words in art. 2 substituted (21.12.2021) by The Exotic Animal Disease (Amendment) (England) Order 2021 (S.I. 2021/1472), arts. 1(1), **3(2)(c)**
- F8** Word in art. 2 substituted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(d)(i)**
- F9** Word in art. 2 substituted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(d)(ii)**
- F10** Words in art. 2 inserted (21.12.2021) by The Exotic Animal Disease (Amendment) (England) Order 2021 (S.I. 2021/1472), arts. 1(1), **3(2)(d)**
- F11** Words in art. 2 inserted (27.10.2022) by The Exotic Animal Disease (Amendment) (England) Order 2022 (S.I. 2022/1108), arts. 1(1), **4(2)(b)**
- F12** Words in art. 2 substituted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(e)**
- F13** Words in art. 2 inserted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(f)**
- F14** Words in art. 2 inserted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(g)**
- F15** Words in art. 2 inserted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(h)**
- F16** Words in art. 2 inserted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(i)**
- F17** Words in art. 2 inserted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(j)(i)**
- F18** Word in art. 2 substituted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(j)(ii)**
- F19** Words in art. 2 omitted (20.12.2023) by virtue of The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(j)(iii)**
- F20** Words in art. 2 inserted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(k)**
- F21** Words in art. 2 inserted (27.10.2022) by The Exotic Animal Disease (Amendment) (England) Order 2022 (S.I. 2022/1108), arts. 1(1), **4(2)(c)**
- F22** Word in art. 2 inserted (22.11.2022) by The Avian Influenza and Influenza of Avian Origin in Mammals (Amendment) (England) Order 2022 (S.I. 2022/1224), arts. 1(1), **2(2)**
- F23** Words in art. 2 substituted (27.10.2022) by The Exotic Animal Disease (Amendment) (England) Order 2022 (S.I. 2022/1108), arts. 1(1), **4(2)(d)**
- F24** Words in art. 2 inserted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(l)**
- F25** Words in art. 2 substituted (27.10.2022) by The Exotic Animal Disease (Amendment) (England) Order 2022 (S.I. 2022/1108), arts. 1(1), **4(2)(e)**
- F26** Words in art. 2 inserted (27.10.2022) by The Exotic Animal Disease (Amendment) (England) Order 2022 (S.I. 2022/1108), arts. 1(1), **4(2)(f)**
- F27** Words in art. 2 inserted (21.12.2021) by The Exotic Animal Disease (Amendment) (England) Order 2021 (S.I. 2021/1472), arts. 1(1), **3(2)(f)**
- F28** Words in art. 2 inserted (21.12.2021) by The Exotic Animal Disease (Amendment) (England) Order 2021 (S.I. 2021/1472), arts. 1(1), **3(2)(g)**
- F29** Word in art. 2 substituted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(m)**

Changes to legislation: *There are currently no known outstanding effects for the The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No.2) Order 2006, Section 2. (See end of Document for details)*

- F30** Words in art. 2 substituted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(n)**
- F31** Words in art. 2 inserted (27.10.2022) by The Exotic Animal Disease (Amendment) (England) Order 2022 (S.I. 2022/1108), arts. 1(1), **4(2)(g)**
- F32** Words in art. 2 inserted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **4(2)(o)**
- F33** Words in art. 2(2) inserted (29.3.2019) by The Environment, Food and Rural Affairs (Miscellaneous Amendments etc.) Regulations 2019 (S.I. 2019/526), regs. 1(2), **12**

Marginal Citations

- M1** OJ No L 226, 25.6.2004, p. 22.
- M2** OJ No L 10, 14.1.2006, p. 10.

Changes to legislation:

There are currently no known outstanding effects for the The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No.2) Order 2006, Section 2.