
STATUTORY INSTRUMENTS

2006 No. 2702

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

PART 4

Measures on confirmation of highly pathogenic avian
influenza at premises other than regulated places

Disapplication of measures to regulated places

18. This Part does not apply to regulated places.

Restrictions on confirmation of highly pathogenic avian influenza

19.—(1) Paragraph (2) applies if the Chief Veterinary Officer confirms that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists on any premises.

(2) A veterinary inspector must impose, by notice to the occupier of the infected premises, the measures in Schedule 2 in addition to the measures in Schedule 1.

Killing of birds on premises

20. Subject to article 21, the Secretary of State must ensure that poultry and other captive birds to be killed on infected premises under paragraph 5 of Schedule 3 to the Act, are killed there without delay.

Movement of birds off premises for killing

21. If the Secretary of State considers that killing birds other than on infected premises would limit the risk of the spread of avian influenza more effectively, a veterinary inspector may—

- (a) direct, by notice to the occupier of the infected premises, that killing of the birds specified in the notice be carried out at a place specified in the notice; and
- (b) license the movement of those birds to that place.

Measures on special category premises

22.—(1) A veterinary inspector must not license the movement of birds not killed under paragraph 5 of Schedule 3 to the Act from infected premises which are special category premises unless he is satisfied, following tests on the birds, that they are not infectious.

(2) A veterinary inspector must not license a movement to another member State unless the movement is authorised by the competent authority of that member State.

(3) The following are special category premises—

- (a) non-commercial premises;

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- (b) circuses;
 - (c) zoos;
 - (d) pet shops;
 - (e) wildlife parks;
 - (f) fenced areas where poultry or other captive birds are kept for scientific purposes or for purposes related to the conservation of endangered species;
 - (g) premises or parts of premises where only breeds of poultry or other captive birds which the Secretary of State considers to be rare are kept.
- (4) “Non-commercial premises” has the meaning it has in article 11(5).

Tracing of meat and eggs from infected premises

23.—(1) Subject to paragraph (2), the Secretary of State or any person required by him, by notice, must endeavour to trace the following from infected premises—

- (a) the meat of all poultry slaughtered during the unregulated period of infection;
- (b) poultry eggs laid at the premises during that period; and
- (c) poultry hatched from such eggs.

(2) The Secretary of State need not trace or require the tracing of meat or poultry eggs once they have moved from wholesale or retail premises.

(3) “Unregulated period of infection” means the period from the date when, in the opinion of a veterinary inspector, avian influenza may first have been introduced to premises to the date when measures were imposed in relation to the premises under article 10.

Measures when meat and eggs have been traced

24.—(1) The Secretary of State must—

- (a) dispose of meat traced from infected premises under article 23; or
- (b) require its disposal, by notice to the person in possession of the meat.

(2) The Secretary of State must—

- (a) dispose of eggs traced from infected premises under article 23;
- (b) require their disposal, by notice to the person in possession of the eggs; or
- (c) license the movement of the eggs directly to an egg processing plant.

(3) The Secretary of State must require, by notice to the occupier of any premises to which poultry already hatched from eggs traced under article 23 have been moved, that the poultry are not moved off those premises for at least 21 days from the date they arrived there.

(4) A person moving eggs under a licence granted under paragraph 2(c) must ensure that—

- (a) each consignment of eggs is sealed by a veterinary inspector or in accordance with his instructions before dispatch;
- (b) vehicles used to transport the eggs to the plant have been cleansed and disinfected before the eggs are loaded.

(5) No person shall tamper with a seal attached under sub-paragraph 4(a) or remove it before the consignment arrives at its destination.

Veterinary inquiry at infected premises

25. The Secretary of State must ensure that veterinary inquiries continue at all infected premises for such period as he considers necessary.

Identification of contact premises

26.—(1) A veterinary inspector must serve a notice on the occupier of any premises if he suspects that highly pathogenic avian influenza—

- (a) may have been carried there from other premises; or
- (b) may have been carried to other premises from there.

(2) Premises in respect of which a notice is served under this article are contact premises for the purposes of this Part.

Restrictions at contact premises

27.—(1) Subject to paragraph (2), the measures in Schedule 1 apply to contact premises until a veterinary inspector notifies the occupier that those measures are withdrawn or that the premises are infected premises.

(2) A veterinary inspector may, by notice to the occupier of contact premises or by licence, grant the same derogations in respect of contact premises as he can in respect of suspect premises under article 11.

(3) A veterinary inspector may, by notice to the occupier of contact premises, also require the occupier to comply with one or more of the measures in Schedule 2.

(4) When considering whether to require an occupier to comply with any of the measures in Schedule 2, a veterinary inspector must take the following criteria into account—

- (a) the existence of any clinical signs of avian influenza in any birds on the contact premises;
- (b) the susceptibility to avian influenza of the species of poultry on the contact premises;
- (c) any movements of poultry or other captive birds from infected premises to the contact premises after the earliest date a veterinary inspector considers avian influenza may have been introduced to the infected premises;
- (d) the density of poultry in the area where the contact premises are located;
- (e) the time passed since avian influenza was first confirmed and how far avian influenza has spread from infected premises;
- (f) the proximity of the contact premises to infected premises;
- (g) epidemiological links between the contact premises and infected premises;
- (h) the extent to which measures to control avian influenza are working.

(5) When considering the proximity of the contact premises to infected premises under paragraph 4(f), a veterinary inspector must give particular consideration to whether he should impose measures on premises which are—

- (a) within 500 metres of infected premises; or
- (b) 500 metres or more from infected premises but are in an area with a high density of poultry.

(6) When considering epidemiological links between the contact premises and infected premises in accordance with paragraph (4)(g), a veterinary inspector must give particular consideration to whether he should impose measures on premises with links to more than one infected premises.

(7) If the Secretary of State requires poultry or other captive birds on a contact premises to be killed, he must ensure that samples are taken from the dead birds and tested for avian influenza.

Declaration of protection, surveillance and restricted zones

28.—(1) On confirmation by the Chief Veterinary Officer of highly pathogenic avian influenza on premises in England, the Secretary of State must declare a protection zone and a surveillance zone.

(2) On confirmation by the Chief Veterinary Officer of highly pathogenic avian influenza in an area of Scotland or Wales which is 3 kilometres or less from England, the Secretary of State must declare a protection zone and a surveillance zone in England.

(3) On confirmation by the Chief Veterinary Officer of highly pathogenic avian influenza in an area of Scotland or Wales which is more than 3 and up to 10 kilometres from England, the Secretary of State must—

- (a) declare a surveillance zone in England; and
- (b) declare a protection zone in England, if he considers it necessary to prevent the spread of avian influenza.

(4) The Secretary of State may declare protection and surveillance zones in England on confirmation by the Chief Veterinary Officer of highly pathogenic avian influenza in an area of Scotland or Wales which is 10 or more kilometres from England.

(5) The Secretary of State must, if he considers it necessary to reduce the risk of the spread of avian influenza, declare one or more restricted zones in addition to protection and surveillance zones.

(6) Paragraphs (1), (2) and (3) do not affect the power of the Secretary of State to disapply measures or to apply alternative measures under articles 30(3), 31(3) and 33.

Size of zones

29.—(1) A protection zone declared under paragraphs (1), (2) or (3) of article 28 must (subject to paragraph (8))—

- (a) be centred on the outbreak point; and
- (b) have a radius of at least 3 kilometres.

(2) A surveillance zone declared under paragraphs (1), (2) or (3) of article 28 must (subject to paragraph (8))—

- (a) be centred on the outbreak point; and
- (b) have a radius of at least 10 kilometres.

(3) A restricted zone must—

- (a) either
 - (i) be centred on the outbreak point; or
 - (ii) be adjacent to the surveillance zone or to another restricted zone; and
- (b) be of such size as the Secretary of State considers necessary.

(4) The Secretary of State must take account of the criteria set out in paragraph (5) when deciding—

- (a) what size zones to declare under paragraphs (1), (2) and (3) of article 28; and
- (b) whether to declare restricted zones under paragraph (5) of article 28.

(5) The criteria referred to in paragraph (4) are—

- (a) the results of veterinary inquiries;
- (b) the geographical features of the area around the infected premises;
- (c) the location and proximity of other premises containing poultry and other captive birds in the area;

- (d) patterns of movement of and trade in poultry and other captive birds in the area;
- (e) the facilities and personnel available to control movements within the zone (including any movement of poultry or other captive birds off premises for slaughter and disposal).

(6) Protection zones and surveillance zones declared under paragraph (4) of article 28 must be centred on the outbreak point, and must be of such size as the Secretary of State considers necessary to reduce the risk of the spread of avian influenza.

(7) The “outbreak point” means, in relation to any premises where avian influenza has been confirmed, the part of the premises from which the Secretary of State considers controlled zones should be measured, given the nature of that case of avian influenza.

(8) Where this article or article 55 requires the Secretary of State to declare a zone of a minimum area and such an area would include land in Wales or Scotland, he must declare a zone of such part of that area as is in England.

Measures in protection zones

30.—(1) The measures in Schedule 4 apply in respect of a protection zone, subject to paragraphs (2) and (3) and articles 33 and 35.

(2) Paragraph (3) applies if the Secretary of State has carried out a risk assessment and does not believe that the disapplication of any measure under that paragraph would endanger disease control.

(3) In a declaration of a protection zone, the Secretary of State may—

- (a) disapply one or more of the measures in Schedule 4 to movements of racing pigeons into, from and within the zone;
- (b) disapply one or more of the measures in paragraph 14 of Schedule 4 and in article 63(2) if—
 - (i) the premises where avian influenza has been confirmed are special category premises; and
 - (ii) avian influenza has been confirmed in poultry on those premises.

(4) The Secretary of State must ensure that—

- (a) premises containing poultry and other captive birds within a protection zone are identified as soon as possible; and
- (b) a veterinary inspector examines poultry and other captive birds at all such premises, carrying out examinations at commercial premises as soon as possible.

(5) The Secretary of State may, notwithstanding paragraph (4)(b), authorise a reduced level of surveillance to that provided for in that paragraph if—

- (a) the premises on which avian influenza is confirmed are special category premises; and
- (b) he is satisfied that reduced surveillance would not endanger disease control.

(6) The Secretary of State must ensure that such veterinary inquiries as he considers necessary to monitor for avian influenza are carried out at premises to which things are moved within and out of a protection zone.

Measures in surveillance zones

31.—(1) The measures in Schedule 5 apply in respect of a surveillance zone, subject to paragraph (3) and articles 33 and 35.

(2) Paragraph (3) applies if the Secretary of State has carried out a risk assessment and does not believe that the disapplication of any measure under that paragraph would endanger disease control.

(3) In his declaration of a surveillance zone, the Secretary of State may—

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- (a) disapply one or more of those measures to movements of racing pigeons into, from and within the zone;
 - (b) disapply one or more of the measures in paragraphs 6, 11 or 15 of Schedule 5 (restrictions on the movement of poultry and eggs within and outside the zone and of poultry, other captive birds and mammals onto premises) if—
 - (i) the premises where avian influenza has been confirmed are special category premises; and
 - (ii) avian influenza has been confirmed in poultry on those premises.
- (4) The Secretary of State must ensure that all commercial poultry premises within a surveillance zone are identified as soon as possible.

Restrictions on trade in things from areas where measures have been disapplied

32. Unless he is licensed by a veterinary inspector, no person shall supply any of the following for intra-Community or international trade if it has come from premises in respect of which any of the measures in Schedule 4 or 5 have been disapplied under articles 30 or 31—

- (a) poultry;
- (b) other captive birds;
- (c) hatching eggs;
- (d) used litter;
- (e) manure;
- (f) slurry.

Alternative measures where avian influenza is confirmed at a hatchery or in other captive birds on special category premises

33.—(1) If, following confirmation of highly pathogenic avian influenza at a hatchery or in other captive birds on special category premises, the Secretary of State is satisfied that applying less stringent measures than those in articles 28 to 31 would not endanger disease control, he may decide—

- (a) not to make a declaration of any controlled zone around the premises;
- (b) to declare fewer zones than required under article 28;
- (c) to declare a controlled zone smaller in size than provided for in article 29;
- (d) to specify in his declaration of a controlled zone that one or more of the measures in Schedules 4 and 5 do not apply in that zone.

(2) The Secretary of State must carry out a risk assessment before reaching a decision under paragraph (1).

Measures in restricted zones

34.—(1) The Secretary of State must, in a declaration of a restricted zone under article 28(5), apply, in each zone so declared, such measures as he considers necessary to reduce the risk of the spread of avian influenza.

(2) These measures may include some or all of the measures in Schedules 4 and 5 and article 35.

Additional measures in protection and surveillance zones

35.—(1) If he considers such action necessary to reduce the risk of the spread of avian influenza, the Secretary of State must impose by declaration measures additional to those in Schedules 4 and 5 in respect of a protection or surveillance zone.

(2) The Secretary of State's power to declare additional measures includes the power to prohibit or restrict—

- (a) the movement of vehicles or people involved in—
 - (i) the supply of animal feed;
 - (ii) the supply of agricultural equipment;
 - (iii) the collection of eggs;
 - (iv) the transport of poultry to slaughterhouses;
 - (v) the collection of carcasses for disposal;
- (b) the movement of those working on premises, including veterinary surgeons;
- (c) the movement of any person onto any premises, including common, unenclosed and waste land and agricultural buildings, notwithstanding the existence of any public or private right of way or any other right of access to, or permission to gain access to, the premises.

(3) The power to prohibit or restrict movement under paragraph (2)(c) applies only in relation to a protection zone and does not include a power to prohibit or restrict movement onto premises by—

- (a) the owner or occupier of the premises;
- (b) any person whose principal residence or place of employment is those premises;
- (c) any person entering under the authority of a licence granted under this Order.

Ending of protection, surveillance and restricted zones

36.—(1) The Secretary of State may, by declaration, end a protection zone but must not, in the case of a protection zone declared under paragraph (1), (2) or (3) of article 28, do so until—

- (a) at least 21 days have elapsed since the completion at all infected premises in the zone of the preliminary cleansing and disinfection measures referred to in Part 2 of Schedule 3; and
- (b) a veterinary inquiry has been completed on all premises within the zone identified as containing poultry or other captive birds.

(2) On the ending of any protection zone, the area which formed that protection zone shall become part of the surveillance zone centred on the same outbreak point as the protection zone.

(3) The Secretary of State may, by declaration, end a surveillance zone but, in the case of a zone declared under paragraph (1), (2) or (3) of article 28, must not do so until at least 30 days have elapsed since the completion at all infected premises in the zone of the preliminary cleansing and disinfection measures referred to in Part 2 of Schedule 3.

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