
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in England only, amends the Avian Influenza (H5N1 in Wild Birds) (England) Order 2006 (S.I. 2006/3249) (“the principal Order”).

It replaces the obligation on the Secretary of State to declare a wild bird control area or a wild bird monitoring area, or both, in certain circumstances with a discretion to do so (article 5).

The circumstances in which such a declaration may be made now include where the Chief Veterinary Officer advises the Secretary of State that the avian influenza virus of the H5 subtype is present in a wild bird or the carcase of a wild bird in Great Britain and she suspects an avian influenza of public health concern found in wild birds may be present.

Article 3 amends article 2 of the principal Order to include a definition of “avian influenza of public health concern found in wild birds”.

Article 5 and 6 make consequential amendments to articles 6 and 8 of the principal Order.

Article 7 amends the restriction in article 12(1) of the principal Order which prohibits the Secretary of State from amending the declaration of a wild bird control area so that it becomes part of the wild bird monitoring area or revoking the declaration of either area within a specified timeframe. The prohibition is disapplied (by an amendment to article 12(4) of the principal Order) where, on the basis of a risk assessment, the Chief Veterinary Officer is satisfied that the strain of avian influenza present in a wild bird or carcase is not an avian influenza of public health concern found in wild birds.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen.