
WELSH STATUTORY INSTRUMENTS

2005 No. 3384

**The Avian Influenza (Preventive Measures)
(Wales) (No. 2) Regulations 2005**

Risk assessment and imposition of restrictions

4.—(1) The National Assembly must evaluate the risk of the transmission of avian influenza virus (in particular virus of the subtype H5N1) from wild birds to poultry or other captive birds in Wales, taking into account the criteria and risk factors set out in Annex I to the Commission Decision.

(2) Having carried out such an evaluation, the National Assembly must, if it considers it necessary to reduce the risk of transmission of avian influenza (in particular virus of the subtype H5N1) —

- (a) declare an avian influenza prevention zone in all or part of Wales; or
- (b) serve a restrictions notice on the occupier of any premises where poultry, other captive birds or any specified species of poultry or captive birds are kept.

(3) A restrictions notice may, on the instruction of the National Assembly, be served by an inspector.

(4) The National Assembly must, in a declaration of an avian influenza prevention zone or in a restrictions notice, impose (to the extent that they are appropriate and practicable) such of the following restrictions as he or she considers necessary —

- (a) poultry and other captive birds must be housed or otherwise kept separate from wild birds;
- (b) domestic ducks and geese must be housed or otherwise kept separate from other poultry and other captive birds;
- (c) poultry and other captive birds must be fed and provided with drinking water indoors or under a shelter which prevents wild birds from gaining access to the food or water supply;
- (d) bodies of water to which poultry have access for animal welfare reasons must be sufficiently screened off from wild waterfowl;
- (e) drinking water provided to poultry and other captive birds must not be sourced from surface water reservoirs unless the water has been treated to render any virus it may contain inactive;
- (f) birds of the orders Anseriformes (including ducks, geese and swans) and Charadriiformes (including gulls, murrelets, terns, avocets, puffins, woodcock, oystercatchers, sandpipers, plovers, surf-birds, snipes and skimmers) must not be used as decoys during bird-hunting except —
 - (i) for the purpose of attracting birds for sampling as part of the 2005 avian influenza survey; and
 - (ii) under the authority of a licence granted by a veterinary inspector;
- (g) keepers of poultry or other captive birds must immediately notify the National Assembly of the following as regards any flock of such birds —
 - (i) any drop in feed and water intake of more than 20%;
 - (ii) any drop in egg production of more than 5% for more than 2 days; or

Changes to legislation: *The Avian Influenza (Preventive Measures) (Wales) (No. 2) Regulations 2005, Section 4 is up to date with all changes known to be in force on or before 28 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (iii) a mortality rate greater than 3% in a week;
- (h) keepers of poultry and other captive birds and any other persons who come into contact with such birds or who enter or leave premises where they are kept must take appropriate biosecurity measures;
- (i) such other appropriate and practicable requirements as the National Assembly considers necessary—
 - (aa) to prevent any direct or indirect contact which wild birds might otherwise have with poultry and other captive birds; and
 - (bb) to ensure separation between domestic ducks and geese on the one hand and other poultry on the other.
- (5) A declaration of an avian influenza prevention zone must —
 - (a) specify the boundaries of the avian influenza prevention zone; and
 - (b) specify the requirements which apply in the zone.
- (6) Any premises which are partly inside and partly outside an avian influenza prevention zone are deemed to be wholly within it.
- (7) Any person to whom restrictions in a declaration or notice under these Regulations apply must comply with such restrictions, except to the extent that he or she is authorised to do otherwise by a licence issued by a veterinary inspector.

Commencement Information

II Reg. 4 in force at 9.12.2005, see [reg. 1](#)

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Changes and effects yet to be applied to :

- [Instrument rev by S.I. 2006/2803 reg 23](#)