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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations transpose for Wales Council Directive [2005/94/EC](#) on Community measures for the control of avian influenza repealing Directive [92/40/EEC](#) (OJNo. L10, 14.1.2006, p. 16) insofar as it deals with vaccination against avian influenza.

Regulation 4 imposes a general prohibition on vaccination of animals against avian influenza except where required by the National Assembly.

Regulations 5 and 6 require the National Assembly to declare vaccination zones in areas which contain poultry or other captive birds which it considers should be vaccinated to prevent the risk of the spread of avian influenza, or to serve vaccination notices on premises where such birds are kept. Such measures can only be carried out where a risk assessment has been carried out and it has indicated that there is a risk of avian influenza spreading within or into Wales, or that certain areas or birds are in any event exposed to the risk of avian influenza. These measures will be emergency or preventive, depending on the nature of the risk.

Regulation 7 extends the power to vaccinate animals in section 16 of the Animal Health Act [1981 \(c. 22](#), amended by the Animal Health Act [2002, c. 42](#)) (“the Act”) and consequentially, the effect of the other provisions of the Act relation to vaccination.

Regulation 8 provides for measures applying in a vaccination zone or premises stipulated in a vaccination notice. The National Assembly must stipulate in the declaration or notice whether vaccination is required to be carried out by the occupier of the relevant premises or whether it is to be carried out by it and co-operation is required. There is also a general prohibition on the movement of poultry or other captive birds within, into or out of the zone or premises unless authorised by licence.

Regulation 9 provides that where emergency vaccination is undertaken before the Commission has approved the emergency vaccination plan, any licence permitting the movement of poultry or other captive birds must impose the requirements set out in the Schedule.

Regulation 10 makes provision for birds which ought to have been included in a vaccination programme but were not for any reason vaccinated.

Regulation 11 requires occupiers to provide facilities, equipment and materials where cleansing and disinfection of vehicles is required on their premises.

Regulation 12 provides for the feeding and tending of animals or poultry which cannot be moved on termination of a right of occupation because of a restriction imposed by the Regulations.

Regulations 13 to 22 make provision related to offences and enforcement. In particular, regulation 18 applies offence related provisions of the Act as if the Regulations were empowered by the Act; consequentially, failure to comply with the Regulations is an offence under section 73 of the Act (regulation 18(1)(f)). Regulation 18(3) provides that a person guilty of an offence under these Regulations will be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding £5000 or both.

A regulatory appraisal of the effect that this instrument will have on the costs of business has not been prepared. A Transposition Note setting out how elements of Directive [2005/94/EC](#) are transposed in these Regulations may be obtained from the National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.