
WELSH STATUTORY INSTRUMENTS

2006 No. 2927

**The Avian Influenza and Influenza of Avian
Origin in Mammals (Wales) (No 2) Order 2006**

PART 1

Introduction

Title, application and commencement

1.—(1) The title of this Order is the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006.

(2) This Order applies in relation to Wales and comes into force on 13th November 2006.

Interpretation

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

“the Act” means the Animal Health Act 1981;

“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 61(1)(b);

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

“border inspection post” means a place specified as such in Schedule 2 to the Animals and Animal Products (Import and Export) (Wales) Regulations 2006(1);

“carcase” means any bird carcase or mammal carcase;

“the Chief Veterinary Officer” means the Chief Veterinary Officer appointed by the National Assembly;

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

“commercial premises” means premises where poultry or other captive birds are kept for commercial purposes and does not include premises where all such birds and their eggs are kept by their owners for their own consumption or use or as pets;

“contact premises”—

(a) in Part 3, 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 61(2); and

(d) in Part 8, has the meanings given in articles 26(2), 53(2) and 61(2);

“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 National Assembly in accordance with article 71;

“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(2);

“highly pathogenic avian influenza” means an infection of poultry or other captive birds caused by—

- (a) avian influenza viruses of the subtypes H5 or H7 with genome sequences codifying for multiple basic amino acids at the cleavage site of the haemagglutinin molecule similar to that observed for other highly pathogenic avian influenza viruses, indicating that the haemagglutinin molecule can be cleaved by a host ubiquitous protease; or
- (b) avian influenza viruses 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;
- (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;

“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 or she is transporting them;

“local authority” means in relation to an area the county council or county borough council for that area;

“low pathogenic avian influenza” means an infection of poultry or other captive birds caused by avian influenza viruses of subtypes H5 or H7 other than avian influenza viruses of subtypes H5 or H7 which cause highly pathogenic avian influenza;

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

“mammal” means any mammal, except man;

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

“National Assembly” means the National Assembly for Wales of Cathays Park, Cardiff CF10 3NQ;

“occupier” means the person in charge of premises;

(2) OJ No L 226, 25.6.2004, p. 16.

“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;

“poultry” means a bird reared or kept in captivity for the production of meat or eggs for consumption, or of other products, for restocking supplies of game or for the purposes of any breeding programme for the production of such categories of birds;

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

“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;

“regulated place” means a slaughterhouse or border inspection 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” has the meaning given in article 23(3);

“vehicle” includes any means of transport and includes—

(d) a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle;
a)

(e) a detachable part of any vehicle;
b)

(fc) 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.

(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](#)(3) have their meaning in that Directive.

Scope of the Act and of this Order

3.—(1) For the purposes of the Act in its application to avian influenza and to this Order—

- (a) the definition of “poultry” in section 87(4) of the Act is extended to include all birds;
- (b) the definition of “animals” in section 87(1) of the Act is extended to include all mammals, except man; and
- (c) the definition of “disease” in section 88(1) of the Act is extended to include any infection in mammals caused by influenza virus of avian origin.

(3) OJ No L 10, 14.1.2006, p. 10.

(2) Section 32 of the Act applies to any infection in mammals caused by influenza virus of avian origin and references in this Order to that section are to that section as it applies to such infection.

(3) References in this Order to paragraph 5 of Schedule 3 to the Act are to that paragraph as it applies to avian influenza.

(4) This Order does not apply to anything done in accordance with a licence under the Specified Animal Pathogens Order 1998(4).

(5) This Order does not apply to quarantine centres and quarantine facilities approved under Regulation 19 of the Animals and Animal Products (Import and Export) (Wales) Regulations 2006.

Declarations, licences, notices and designations under this Order

4.—(1) Declarations of controlled zones under this Order—

- (a) must be in writing;
- (b) may be amended or revoked by further declaration at any time;
- (c) must designate the extent of the controlled zone being declared;
- (d) must list or refer to the measures which apply in such a zone and, if they apply in only part of the zone, state in which part they apply; and
- (e) must state which categories of birds the measures apply to.

(2) Licences under this Order—

- (a) must be in writing;
- (b) may be general or specific;
- (c) may, in addition to any conditions required by this Order, be made subject to such conditions as the person granting the licence considers necessary to control avian influenza; and
- (d) may be amended, suspended or revoked, in writing, at any time.

(3) Notices under this Order—

- (a) may be amended or revoked, by further notice, at any time;
- (b) must specify whether they apply to all or to part of the premises to which they relate; and
- (c) must, if they apply to part of premises, specify to which part they apply.

(4) Designations of premises under this Order—

- (a) must be in writing;
- (b) must, if they apply to only part of the premises, specify to which part they apply.
- (c) may be made subject to such conditions as the National Assembly considers necessary to control avian influenza; and
- (d) may be amended, suspended or revoked in writing at any time.

(5) The National Assembly must ensure that the extent of any zone declared under this Order, the nature of the restrictions and requirements applicable within it and the dates of its declaration and termination are publicised.

(6) Licences granted in Scotland or England for activities which could be licensed in Wales under this Order have effect in Wales as if they were licences granted under this Order but an inspector acting under the direction of the National Assembly may serve a notice on any person moving any thing under the authority of such a licence, directing him or her to move it or to keep it on premises specified in the notice or move it out of Wales.

(4) S.I. 1998/463, to which there is an amendment not relevant to this Order.

(7) Premises in Scotland, England and Northern Ireland designated respectively by the Scottish Ministers, the Department for Environment Food and Rural Affairs or by the Department for Agriculture and Rural Development of Northern Ireland for the same purposes as they may be designated under this Order are deemed to be designated by the National Assembly for the purposes of this Order.

(8) A person moving anything under the authority of a specific licence granted under this Order must—

- (a) keep the licence or a copy of it with him at all times during the licensed movement;
- (b) on demand by a veterinary inspector or other officer of the National Assembly or by an inspector, produce the licence or copy and allow a copy or extract to be taken; and
- (c) on such demand, provide his or her name and address.

(9) A person moving anything under the authority of a general licence granted under this Order must—

- (a) keep with him or her, at all times during the licensed movement, a consignment note that contains details of—
 - (i) what is moved, including its quantity;
 - (ii) the date of the movement;
 - (iii) the name of the consignor;
 - (iv) the address of the premises from which the movement started;
 - (v) the name of the consignee;
 - (vi) the address of the premises of destination;
- (b) on demand by a veterinary inspector or other officer of the National Assembly or by an inspector, produce the consignment note and allow a copy or extract to be taken; and
- (c) on such demand, provide his or her name and address.

(10) Unless the National Assembly states otherwise, in a declaration of a controlled zone or by notice to the occupier of any premises or to the owner or occupier of any vehicle, any movement which has already started when such a declaration comes into force may be completed.

Controlled zones

5.—(1) Subject to paragraphs (2) and (3), premises which are only partly in a controlled zone are deemed to be wholly within the controlled zone.

(2) Premises in any controlled zone other than an avian influenza (restrictions on mammals) zone which are partly in one of the following zones and partly in another are deemed to be wholly in the zone furthest up the following list—

- (a) protection zone;
- (b) surveillance zone;
- (c) restricted zone;
- (d) temporary control zone;
- (e) temporary movement restriction zone;
- (f) low pathogenic avian influenza restricted zone;
- (g) avian influenza prevention zone.

(3) Premises which are in any of the controlled zones set out in paragraph (2) and also in an avian influenza (restrictions on mammals) zone are subject to the restrictions and requirements applicable in both zones.

(4) Every controlled zone, other than an avian influenza prevention zone, is an infected area for the purposes of the Act.