
WELSH STATUTORY INSTRUMENTS

2006 No. 2927

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

PART 3

Measures on suspicion of avian influenza

Disapplication of measures to regulated places

8. Articles 9(1)(b) and 10 to 17 do not apply to regulated places.

Notification procedures and precautions to be taken where avian influenza is suspected

9.—(1) A person who has in his or her possession or under his or her charge any bird or bird carcase which has, or which he or she suspects may have, avian influenza must—

- (a) immediately notify the Divisional Veterinary Manager; and
- (b) take all reasonable steps to ensure that the measures in Schedule 1 are complied with.

(2) A person who examines or inspects any bird or bird carcase, or who analyses any sample taken from any bird or bird carcase, must immediately inform the Divisional Veterinary Manager if—

- (a) he or she suspects the presence of avian influenza in the bird or bird carcase; or
- (b) he or she detects evidence of antibodies to avian influenza virus in the bird or bird carcase.

(3) A person who examines or inspects any mammal or mammal carcase, or who analyses any sample taken from any mammal or mammal carcase, must immediately inform the Divisional Veterinary Manager if—

- (a) he or she suspects the presence of influenza of avian origin in the mammal or mammal carcase; or
- (b) he or she detects evidence of antibodies to influenza virus of avian origin in the mammal or mammal carcase.

(4) “The Divisional Veterinary Manager” means the veterinary inspector with this title appointed by the National Assembly for the area in which premises are located.

Notice of restrictions where avian influenza is suspected on premises

10.—(1) Subject to article 11 and whether or not notification has been made under article 9, an inspector must serve a notice of restrictions on the occupier of any premises where he or she suspects that avian influenza, influenza of avian origin or a virus causing such diseases exists or may have existed within the preceding 56 days.

(2) Subject to article 11, the notice of restrictions must require the occupier of the premises to comply with the measures in Schedule 1.

(3) An inspector must not withdraw the notice of restrictions unless instructed to do so by the Chief Veterinary Officer.

Derogations from restrictions applicable at suspect premises

11.—(1) A notice served under article 10 on the occupier of a laboratory where low pathogenic avian influenza virus is kept must—

- (a) be served by a veterinary inspector; and
- (b) impose such of the measures in Schedule 1 and such measures relating to the operation of the laboratory as the veterinary inspector considers necessary.

(2) In a notice served under article 10 on the occupier of premises other than those referred to in paragraph (1) of this article, or by licence to such an occupier, a veterinary inspector or an inspector acting under his or her direction may grant derogations from paragraphs 2, 3, 4 and 6 of Schedule 1.

(3) No person is to grant a derogation under paragraph (2) or authorise the granting of such a derogation unless he or she has considered—

- (a) the risk of the possible spread of avian influenza were the derogation to be granted;
- (b) any precautionary measures which have been or could be taken; and
- (c) the destination of any birds or things which would be moved were the derogation to be granted.

(4) In a notice served under article 10 or by licence, a veterinary inspector or an inspector acting under the direction of a veterinary inspector may also grant a derogation from the disinfection requirement in paragraph 9 of Schedule 1 if—

- (a) the premises the subject of the derogation are non-commercial premises;
- (b) the premises contain other captive birds but no poultry;
- (c) he or she has considered the risk of the possible spread of avian influenza were the derogation to be granted and any precautionary measures which have been or could be taken.

(5) “Non-commercial premises” means premises where poultry or other captive birds are kept by their owners for their own consumption or use or as pets.

Veterinary inquiries and sampling

12.—(1) The National Assembly must ensure that a veterinary inquiry is started at suspect premises as soon as reasonably practicable if it suspects that poultry or other captive birds on or moved from those premises may be infected with avian influenza.

(2) If the National Assembly has authorised a veterinary inspector or another veterinary surgeon to take samples from poultry or other captive birds on premises other than suspect premises or other than for the purposes of the veterinary inquiry referred to in paragraph (1), it must direct by notice to the occupier of the premises whether any of the measures in Schedule 1 apply to the premises.

Measures to minimise the risk of the spread of avian influenza from suspect premises

13. If the National Assembly considers such a measure necessary to minimise the risk of the spread of avian influenza or of avian influenza virus from suspect premises in England, Wales, Scotland or Northern Ireland, it must take one or more of the following measures—

- (a) declare a temporary movement restriction zone in such part of Wales as it considers necessary;
- (b) serve a notice on the owner or occupier of suspect premises in Wales requiring him or her to comply with such of the measures in Schedule 2 as are specified in the notice;
- (c) declare a temporary control zone in such part of Wales and of such size as he or she considers necessary around suspect premises.

Measures to be taken into account in respect of vehicles

14. A person exercising powers under articles 10 to 13 must take into account any measures taken in respect of vehicles under articles 38, 42, 43 and 45.

Measures in a temporary movement restriction zone

15.—(1) In a declaration of a temporary movement restriction zone and in relation to all or such part of the zone as he thinks fit, the National Assembly must ban or restrict the movement of such of the following as it considers necessary—

- (a) poultry;
- (b) other captive birds;
- (c) eggs;
- (d) vehicles used to transport poultry, other captive birds, eggs or anything else likely to transmit avian influenza;
- (e) mammals.

(2) If the National Assembly bans or restricts the movement of mammals within a temporary movement restriction zone, it must lift the ban or restriction within 72 hours of it being imposed unless (notwithstanding any continuing restrictions on the movement of other things listed in paragraph (1)) it is satisfied that its continuation is necessary to minimise the risk of the spread of avian influenza.

(3) If the ban or restriction on the movement of mammals continues for more than 72 hours from when it was originally declared, the National Assembly must review each decision to continue it within 72 hours.

Additional restrictions at suspect premises

16. In a notice served under article 13(b), the National Assembly must state if the measures specified in the notice apply—

- (a) to all poultry and other captive birds on the premises;
- (b) only to certain categories of poultry or other captive birds;
- (c) only to poultry or other captive birds which it suspects are infected;
- (d) to all or only a specified part of the premises.

Declaration of a temporary control zone

17. In a declaration of a temporary control zone, the National Assembly must impose, in relation to premises in all or such part of the zone as it thinks fit, such measures as it considers necessary to reduce the risk of the spread of avian influenza.