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## WELSH STATUTORY INSTRUMENTS

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# 2006 No. 3309

## The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006

### Interpretation

#### 2. In this Order—

“the Act” means the Animal Health Act 1981;

“approved body” means a body approved [<sup>F1</sup>—

- (a) where the body is in Wales, by the Welsh Ministers,
- (b) where the body is in England, by the Secretary of State,
- (c) where the body is in Scotland, by the Scottish Ministers,
- (d) where the body is in Northern Ireland, by the Northern Ireland Executive, or
- (e) where the body is in a member State, in accordance with Article 2(1)(c) of [Directive 92/65/EEC](#) laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to [Directive 90/425/EEC](#);

“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;

“the Avian Influenza Order” means the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006(1);

[<sup>F2</sup>“bird by-product” means entire bodies or parts of birds or products of avian origin, not intended for human consumption, included in Articles 8, 9 or 10 of Regulation ([EC](#)) No. 1069/2009;]

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

“the Commission Decision” means Commission Decision [2006/415/EC](#) concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision [2006/135/EC](#)(2), as amended by the Commission Decision amending Decisions [2006/415/EC](#), [2006/416/EC](#) and 2006/563 as regards the health mark to be applied to fresh poultry meat adopted on 1 December 2006(3);

“competent authority” means the authority in a member State or third country authorised by it to carry out its functions under the Commission Decision;

“designated” means designated in accordance with article 3(5) to (7), except where the context otherwise requires and “undesignated” is construed accordingly;

“disinfect” means disinfect in accordance with article 17;

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(1) S.I.2006/2927 (W. 267).

(2) OJ No L 164, 16.6.2006, p. 51.

(3) SANCO/10587/2006 Rev.4. The adopted Decision has not yet been published in the Official Journal of the European Union but copies are available from the National Assembly

“fresh meat” means meat which has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat which is vacuum wrapped or wrapped in a controlled atmosphere;

“H5N1 controlled zone” means any of the following—

- (a) a temporary control zone;
- (b) a temporary movement restriction zone;
- (c) a protection zone;
- (d) a surveillance zone; or
- (e) a restricted zone;

“keeper” means any person responsible for birds, whether on a permanent or temporary basis, but does not include a person responsible for them solely because he or she is transporting them;

“meat product” means a processed product resulting from the processing of meat or from the further processing of such processed product, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

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

“occupier” means, in relation to any premises, the person in charge of those premises;

“other captive bird” means a bird kept in captivity which is not poultry and includes a bird kept—

- (a) as a pet;
- (b) for shows, races, exhibitions or competitions;
- (c) for breeding;
- (d) for sale; or
- (e) for use by an approved body;

“poultry” means birds reared or kept in captivity for the production of meat or eggs for consumption, for the production 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 of the Avian Influenza Order following confirmation by the Chief Veterinary Officer of highly pathogenic avian influenza of subtype H5N1 in poultry;

[<sup>F3</sup>“Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);]

[<sup>F4</sup>“Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;]

“restricted zone” means a restricted zone declared under the Avian Influenza Order in accordance with article 8(2) of this Order;

“surveillance zone” means a surveillance zone declared under article 28 of the Avian Influenza Order following confirmation by the Chief Veterinary Officer of highly pathogenic avian influenza of subtype H5N1 in poultry;

“temporary control zone” means a temporary control zone declared under the Avian Influenza Order in accordance with article 6(2) of this Order;

“temporary movement restriction zone” means a temporary movement restriction zone declared under the Avian Influenza Order in accordance with article 6(2) of this Order;

[<sup>F5</sup>“third country” means any country that is neither the United Kingdom nor a member State;]

“unrestricted area” means any part of the United Kingdom which is not part of an H5N1 controlled zone declared under this Order or of an equivalent zone in Scotland, England or Northern Ireland;

“vehicle” includes—

- (a) a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle;
- (b) a detachable part of a vehicle;
- (c) a container or other structure designed or adapted to be carried by or on a vehicle; and

“wild game bird” means a bird which lives freely in the wild and is hunted for human consumption.

#### Textual Amendments

- F1** Words in art. 2 substituted (31.12.2020) by [The Exotic Diseases in Animals \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/371\)](#), regs. 1(2), **7(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in art. 2 substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), regs. 1(2)(3), 28, **Sch. 2 para. 3(2)(a)**
- F3** Words in art. 2 inserted (28.3.2014) by virtue of [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), regs. 1(2)(3), 28, **Sch. 2 para. 3(2)(b)**
- F4** Words in art. 2 inserted (28.3.2014) by virtue of [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), regs. 1(2)(3), 28, **Sch. 2 para. 3(2)(c)**
- F5** Words in art. 2 inserted (31.12.2020) by [The Exotic Diseases in Animals \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/371\)](#), regs. 1(2), **7(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I1** Art. 2 in force at 13.12.2006, see [art. 1\(2\)](#)

**Status:**

Point in time view as at 31/12/2020. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006, Section 2.