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WELSH STATUTORY INSTRUMENTS

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**2006 No. 3310**

**The Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006**

**PART 2**

Confirmation or suspicion of H5N1

**Confirmation or suspicion of H5N1 in wild birds**

- 5.—(1) This article applies if the Chief Veterinary Officer advises the National Assembly that—
- (a) the avian influenza virus of the H5 subtype is present in a wild bird or the carcase of a wild bird in Great Britain; and
  - (b) either—
    - (i) he or she suspects that the neuraminidase may be N1; or
    - (ii) the neuraminidase has been confirmed as N1.
- (2) If the wild bird or carcase was found in Wales, the National Assembly must declare—
- (a) an area to be a wild bird control area; and
  - (b) an area to be a wild bird monitoring area.
- (3) If the wild bird or carcase was found in Scotland or England—
- (a) subject to sub-paragraphs (b) and (c), the National Assembly may declare an area to be a wild bird control area or a wild bird monitoring area;
  - (b) the National Assembly must declare an area to be a wild bird control area if the wild bird or carcase was found within three kilometres of the border with Wales;
  - (c) the National Assembly must declare an area to be a wild bird monitoring area if the wild bird or carcase was found within ten kilometres of the border with Wales.
- (4) Paragraphs (2), (3)(b) and (3)(c) do not apply if the National Assembly is satisfied, pursuant to a risk assessment, that—
- (a) H5N1 is not present in poultry, other captive birds or wild birds in the area which would otherwise be declared as the wild bird monitoring area; and
  - (b) that the infected wild bird or carcase did not present a risk of spreading that virus to such birds in that area.
- (5) The risk assessment under paragraph (4) must take into account any geographical and ecological considerations.
- (6) An area remains a wild bird control area until—
- (a) the National Assembly amends the declaration made under paragraph (2)(a), (3)(a) or (3)(b) so that the area within its boundaries becomes part of the wild bird monitoring area; or
  - (b) the National Assembly revokes the declaration.
- (7) An area remains a wild bird monitoring area until the National Assembly revokes the declaration made under paragraph (2)(b), (3)(a) or (3)(c).

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**Status:** This version of this provision has been superseded.

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://legislation.gov.uk) editorial team to The Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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(8) Subject to paragraph (9), premises which are only partly in a wild bird control area or a wild bird monitoring area are deemed to be wholly within that area.

(9) Premises which are partly in a wild bird control area and partly in a wild bird monitoring area are deemed to be wholly in the wild bird control area.

**Status:**

This version of this provision has been superseded.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- art. 5(2) word substituted by [S.I. 2021/1292 art. 4\(a\)\(i\)](#)
- art. 5(2) words substituted by [S.I. 2021/1292 art. 4\(a\)\(ii\)](#)
- art. 5(3) omitted by [S.I. 2021/1292 art. 4\(b\)](#)
- art. 5(4) omitted by [S.I. 2021/1292 art. 4\(b\)](#)
- art. 5(5) omitted by [S.I. 2021/1292 art. 4\(b\)](#)
- art. 5(6) words omitted by [S.I. 2021/1292 art. 4\(c\)](#)
- art. 5(7) words omitted by [S.I. 2021/1292 art. 4\(d\)](#)