
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 336

**The Avian Influenza and Influenza of Avian
Origin in Mammals (Scotland) Order 2006**

PART 5

**Measures on suspicion or confirmation of highly
pathogenic avian influenza in regulated places and vehicles**

Veterinary measures at slaughterhouses

35.—(1) The Scottish Ministers must, if they suspect that highly pathogenic avian influenza exists at any slaughterhouse or have confirmed that it exists there—

- (a) serve a notice on the occupier of the slaughterhouse informing the occupier; and
- (b) ensure that a veterinary inquiry is carried out at the slaughterhouse.

(2) No person shall move poultry from any slaughterhouse where highly pathogenic avian influenza is suspected or has been confirmed.

Veterinary measures where avian influenza is suspected or confirmed in vehicles

36.—(1) The Scottish Ministers must, if they suspect that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists in any vehicle or have confirmed that it exists there—

- (a) serve a notice on the person in charge of the vehicle informing that person; and
- (b) ensure that a veterinary inquiry is carried out in relation to the vehicle.

(2) An inspector who knows or suspects that any poultry or other captive birds in transit are infected or contaminated with avian influenza may serve a notice on the keeper of the bird—

- (a) directing movement of the bird to such premises as the inspector thinks fit; and
- (b) requiring the detention at such place as the inspector directs of any vehicle, equipment or other thing suspected of being contaminated until it has been cleansed and disinfected as directed by the inspector.

(3) Any expenses arising from the transport of any bird (including feeding, watering and any other expenses incurred in relation to the welfare of the bird) must be paid by its owner.

Killing of birds in slaughterhouses

37. The occupier of a slaughterhouse where highly pathogenic avian influenza is suspected or has been confirmed must ensure that all poultry present on the premises at the date a notice is served on that person under article 36(1) are killed there under paragraph 5 of Schedule 3 to the Act without delay and in accordance with a veterinary inspector's instructions.

Poultry meat and by-products in slaughterhouses where disease is suspected or confirmed

38.—(1) The occupier of a slaughterhouse where highly pathogenic avian influenza is suspected or confirmed must, in accordance with a veterinary inspector's instructions—

- (a) keep poultry referred to in article 37 separate from any other poultry arriving at the slaughterhouse; and
 - (b) keep the following separate from other carcasses, poultry meat and by-products—
 - (i) carcasses and poultry meat from poultry referred to in article 37;
 - (ii) the by-products of such poultry;
 - (iii) poultry meat from any other poultry which may have been contaminated at the slaughterhouse during the killing of such poultry or the production process;
 - (iv) the by-products of the poultry referred to in sub-paragraph (iii).
- (2) Paragraph (1) applies to poultry moved to a slaughterhouse—
- (a) from a border [^{F1}control] post under article 39(2), as if references to article 37 were to that article; and
 - (b) on a vehicle under article 40, as if references to article 37 were to that article.

(3) The occupier of a slaughterhouse where highly pathogenic avian influenza is suspected or confirmed must, in accordance the Scottish Minister's instructions, dispose of the things set out in sub-paragraphs (1)(b)(i) to (iv) (both inclusive) or assist a veterinary inspector in removing those things from the premises.

F1 Word in art. 38(2)(a) substituted (19.12.2023) by [The Avian Influenza and Influenza of Avian Origin in Mammals \(Scotland\) Amendment Order 2023 \(S.S.I. 2023/361\)](#), arts. 1, **2(9)**

Measures at border [^{F2}control] posts

39.—(1) The Scottish Ministers must if they consider it necessary to reduce the risk of the spread of disease—

- (a) require a veterinary inquiry to be carried out at a border [^{F3}control] post where avian influenza is suspected or has been confirmed; and
- (b) impose (by notice to the occupier of the border [^{F3}control] post) some or all of the measures set out in Schedule 1.

(2) The Scottish Ministers must, by notice to the occupier of the border [^{F3}control] post direct where birds specified in the notice are to be killed, slaughtered or isolated.

(3) The Scottish Ministers must ensure that poultry and other captive birds at border [^{F3}control] posts which are to be killed under paragraph 5 of Schedule 3 to the Act or the Regulations are killed or slaughtered without delay.

(4) The Scottish Ministers must ensure that poultry and other captive birds which are not to be so killed or slaughtered are kept isolated in accordance with a veterinary inspector's instructions.

F2 Word in art. 39 heading substituted (19.12.2023) by [The Avian Influenza and Influenza of Avian Origin in Mammals \(Scotland\) Amendment Order 2023 \(S.S.I. 2023/361\)](#), arts. 1, **2(10)**

F3 Word in art. 39 substituted (19.12.2023) by [The Avian Influenza and Influenza of Avian Origin in Mammals \(Scotland\) Amendment Order 2023 \(S.S.I. 2023/361\)](#), arts. 1, **2(10)**

Measures if avian influenza is suspected or confirmed in a vehicle

40. The Scottish Ministers must, by notice to the owner or driver of any vehicle transporting birds which are suspected or confirmed as having highly pathogenic avian influenza, direct where birds specified in the notice are to be moved to be killed, slaughtered or isolated.

Disposal or removal of things which may be contaminated

41. The occupier of a border [^{F4}control] post or owner or driver of a vehicle where highly pathogenic avian influenza is confirmed must—

- (a) dispose of such things which may be contaminated with avian influenza virus as a veterinary inspector, by notice, requires, in accordance with the notice;
- (b) provide such assistance to a veterinary inspector in removing from the border [^{F4}control] post or vehicle such things as the veterinary inspector may, by notice, reasonably require.

F4 Word in art. 41 substituted (19.12.2023) by [The Avian Influenza and Influenza of Avian Origin in Mammals \(Scotland\) Amendment Order 2023 \(S.S.I. 2023/361\)](#), arts. 1, **2(11)**

Cleansing and disinfection of regulated places and vehicles

42.—(1) The occupier of any regulated places where highly pathogenic avian influenza is suspected or confirmed must cleanse and disinfect those premises and any equipment and vehicles on those premises which may be contaminated in accordance with a veterinary inspector's instructions.

(2) The owner or driver of any vehicle on which highly pathogenic avian influenza is suspected or confirmed must cleanse and disinfect the vehicle in accordance with a veterinary inspector's instructions.

Reintroduction of poultry and other captive birds

43.—(1) No person shall reintroduce poultry to a slaughterhouse where highly pathogenic avian influenza was suspected or confirmed until 24 hours after the cleansing and disinfection referred to in article 42 has been carried out, and an inspector has confirmed that it has been carried out.

(2) No person shall reintroduce poultry or other captive birds to a border [^{F5}control] post where highly pathogenic avian influenza was suspected or confirmed until 24 hours after the cleansing and disinfection referred to in article 42 has been carried out, and an inspector has confirmed that it has been carried out.

(3) The Scottish Ministers may, by notice to the occupier of such a border [^{F5}control] post, and if they consider it necessary to reduce the risk of the spread of avian influenza, prohibit the introduction of animals other than birds onto the premises until 24 hours after such cleansing and disinfection has been carried out, and an inspector has confirmed that it has been carried out.

F5 Word in art. 43 substituted (19.12.2023) by [The Avian Influenza and Influenza of Avian Origin in Mammals \(Scotland\) Amendment Order 2023 \(S.S.I. 2023/361\)](#), arts. 1, **2(12)**

Measures at other premises

44.—(1) The Scottish Ministers must, if they suspect that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists at any slaughterhouse or in any vehicle or have confirmed that it exists there—

- (a) apply the measures set out in Schedule 1 to the premises of origin;

- (b) apply the measures set out in Schedule 1 to premises which they consider to be suspect premises (because of their epidemiological link with the premises of origin);
 - (c) apply the measures set out in Schedule 2 to the premises of origin, unless they are satisfied (having considered the results of veterinary inquiries) that this is not necessary.
- (2) The Scottish Ministers must, if they suspect that highly pathogenic avian influenza exists at any border [^{F6}control] post or have confirmed that it exists there, apply the measures set out in Schedule 1 to premises which they consider to be suspect premises (because of their epidemiological link with the border [^{F6}control] post).
- (3) The Scottish Ministers must apply measures under this article by notice to the occupier of the relevant premises.
- (4) In this article, “premises of origin” means any premises from which poultry or other captive birds which may be infected were moved to the slaughterhouse or onto the vehicle.

F6 Word in art. 44(2) substituted (19.12.2023) by [The Avian Influenza and Influenza of Avian Origin in Mammals \(Scotland\) Amendment Order 2023 \(S.S.I. 2023/361\)](#), arts. 1, **2(13)**

Changes to legislation:

There are currently no known outstanding effects for the The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006, PART 5.