
WELSH STATUTORY INSTRUMENTS

2006 No. 2927

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

PART 9

Inspection, enforcement, offences, amendments and revocations

Disapplication of measures to those executing this Order

80. Measures in this Order prohibiting or restricting the movement of any person or the use of any thing do not apply to the following in their execution of the Order—

- (a) the National Assembly;
- (b) the local authority;
- (c) any person authorised by the National Assembly or the local authority to execute the Order.

Veterinary investigations

81.—(1) An inspector executing this Order may—

- (a) mark, or cause to be marked, for identification purposes any bird, mammal, carcase or other thing;
- (b) count birds and mammals;
- (c) take samples from any bird, mammal, carcase or other thing;
- (d) take with him or her such people and things as he or she considers necessary.

(2) Any person who enters premises under paragraph (2)(d) may return unaccompanied to take any further steps necessary to carry out the relevant functions.

(3) A person carrying out a veterinary investigation who suspects that avian influenza or influenza virus of avian origin exists or has existed on the premises must seek to establish—

- (a) the length of time avian influenza has existed on the premises or on any vehicle,
- (b) the possible origin of avian influenza on the premises,
- (c) which premises may have been exposed to contamination by avian influenza from the same origin or from the premises under investigation, and
- (d) the extent to which avian influenza may have been carried to or from the premises under investigation by the movement of birds, people, animals, vehicles, eggs, carcasses, implements or any other thing.

(4) The occupier of the premises under investigation and any person appearing to the person carrying out the investigation to have charge of birds or mammals on the premises must provide such assistance as the person carrying out the investigation may reasonably require.

(5) No person is to deface, obliterate or remove any mark applied under paragraph (1)(a) except with the written authority of a veterinary inspector.

(6) Any person who carries out an investigation under this Order must keep a record of the dates he or she visits premises, of his or her findings at the premises and of any action he or she has required the occupier of the premises to take.

(7) Any person who imposes any requirements or restrictions under this Order must take account of the results of any relevant veterinary inquiries of which he or she should reasonably be aware.

General powers of inspectors

82.—(1) An inspector executing this Order may require the detention and isolation of any vehicle, equipment or other thing, by serving a notice on the occupier of the premises where it is kept, or on the person in charge of it.

(2) A veterinary inspector executing this Order, or an inspector acting under his or her direction, may—

- (a) cleanse and disinfect any premises and any thing;
- (b) require the cleansing and disinfection of any thing, by serving a notice on the occupier of the premises where it is kept, or on the person in charge of it;
- (c) require the cleansing and disinfection of any premises, by serving a notice on the occupier of the premises;
- (d) require, by notice, the occupier of any premises or the keeper of any animal or bird—
 - (i) to keep or isolate the animal or bird in a specified place; and
 - (ii) to separate the animal or bird from any other animal or bird.

(3) For the purposes of section 65A of the Act, a controlled zone is a designated area until it ceases to be a controlled zone.

Powers of inspectors in case of default

83.—(1) If any person fails to comply with a requirement of this Order or of a declaration, licence, notice or designation under it, an inspector may take the steps he or she considers necessary to ensure the requirement is met at the expense of that person .

(2) An inspector's powers under paragraph (1) include powers to—

- (a) direct any person to take or refrain from specified action in respect of any place, animal, bird, vehicle, or other thing; and
- (b) seize and detain any thing.

Offences by bodies corporate

84.—(1) If an offence against the Act committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on his part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he were a director of the body.

(3) In this article, “officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Enforcement

85.—(1) The local authority must enforce this Order.

(2) The National Assembly may direct, in relation to cases of a particular description or to particular cases, that it will enforce this Order instead.

Amendment, revocation and savings

86.—(1) In article 2 of the Diseases of Animals (Approved Disinfectants) Order 1978, the definition of “Diseases of Poultry Order” is substituted by—

““Diseases of Poultry Order” means the Diseases of Poultry (Wales) Order 2003 and the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006;”

(2) The Avian Influenza and Influenza of Avian Origin in Mammals (Wales) Order 2006⁽¹⁾ is revoked but any notice, licence or designation under that Order having effect at the coming into force of this Order remains in force as if it were a notice, licence or designation under this Order.

(1) S.I.2006/1762 (W. 184).