EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to Commission Decision 2005/734/EC laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk (O.J. No. L 274, 20.10.2005, p.105), as amended by Commission Decision 2005/745/EC (O.J. No. L 279, 22.10.2005, p.79).

These Regulations require the Scottish Ministers to evaluate the risk of the transmission of avian influenza virus and to take appropriate measures to reduce that risk (regulation 4(1) and (2)).

Regulation 4(2) and (3) provides for the Scottish Ministers to declare avian influenza prevention zones or to serve notices on premises at risk and lists the measures which may be imposed in zones and premises. These include the housing of poultry and the feeding of poultry indoors.

Regulation 5 prohibits the holding of poultry gatherings of birds anywhere in Scotland unless they are licensed by a veterinary inspector after a risk assessment.

Regulation 6(1) requires keepers of 50 or more poultry on commercial poultry premises anywhere in Scotland to keep written records of their poultry and of other information, including whether poultry have access to the open air. Regulation 6(2) requires keepers to notify the Scottish Ministers of this information. The date by which they must do this will be specified in further Regulations. Regulation 7 allows the Scottish Ministers to require other keepers to provide some or all of this information if they consider this necessary.

Regulations 8 and 9 relate to the monitoring of premises and the powers of inspectors appointed by the Scottish Ministers and by local authorities. Regulation 10 provides for provisions in the Animal Health Act 1981 relating to enforcement and offences to apply to these Regulations. Regulation 11 provides default powers for inspectors in case of any breach of the Regulations.

A regulatory impact assessment has not been prepared in respect of these Regulations.