
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 531

**The Avian Influenza (Preventive Measures
in Zoos) (Scotland) Regulations 2005**

Risk assessment and imposition of restrictions

4.—(1) The Scottish Ministers shall evaluate the risk of the transmission of avian influenza virus (in particular virus of the sub-type H5N1) from birds living in the wild to susceptible birds in zoos, taking into account the criteria and risk factors set out in Annex I to the Commission Decision.

(2) Having carried out such an evaluation, the Scottish Ministers shall, if they consider it necessary to reduce the risk of such transmission—

- (a) declare an avian influenza prevention (zoos) zone in all or part of Scotland; or
- (b) serve (or cause a veterinary inspector or an inspector to serve) a restrictions notice on the owner or occupier of any zoo where susceptible birds are kept.

(3) The Scottish Ministers shall, in a declaration of an avian influenza prevention (zoos) zone or in a restrictions notice, impose such of the following restrictions and requirements as they consider necessary on zoos in the zone or the subject of a notice—

- (a) susceptible birds must be housed or otherwise kept separate from wild birds;
- (b) susceptible birds must not be exposed to risk of exposure to the faeces of wild birds or other material that may have been contaminated with avian influenza virus by wild birds;
- (c) domestic ducks and geese must be kept separate from other susceptible birds;
- (d) susceptible birds must be fed and provided with drinking water indoors or under a shelter which prevents wild birds from gaining access to the food or water supply;
- (e) persons other than keepers of the birds must be prohibited from having access to areas where susceptible birds are kept;
- (f) the keeper of susceptible birds must take appropriate biosecurity measures in such areas and when entering and leaving such areas;
- (g) such other restrictions and requirements as the Scottish Ministers consider necessary to reduce the risk of transmission of avian influenza from wild birds to susceptible birds in zoos.

(4) Any zoo which is partly inside and partly outside a zone declared under paragraph (2) shall be deemed to be wholly within it.

(5) A declaration made under paragraph (2) shall specify the restrictions and requirements which apply in the zone and set out the boundaries of the zone.

(6) The Scottish Ministers may, in accordance with article 2 of the Commission Decision, declare that certain premises are exempt from such restrictions and requirements.

(7) Any person the subject of a declaration or a notice under these Regulations shall comply with the declaration or notice, except to the extent that that person is authorised to do otherwise by a licence issued by a veterinary inspector.