

EXECUTIVE NOTE

THE AVIAN INFLUENZA (PREVENTIVE MEASURES) (SCOTLAND) AMENDMENT REGULATIONS 2005 (SSI 2005/646)

Introduction

1. The above Instrument was made by Scottish Ministers under Section 2(2) of the European Communities Act 1972. The Instrument is subject to negative resolution procedure.

Policy Objective

2. The Avian Influenza (Preventive Measures) (Scotland) Amendment Regulations 2005 amends the earlier Avian Influenza (Preventive Measures) (Scotland) Regulations 2005 (SSI 2005/530) (“the principal Regulations”). These amendments are largely technical in nature but also extend the requirement to register poultry premises to those people who start to hold more than 50 birds for commercial purposes after 28 February 2006.

Background

3. The principal Regulations transposed into domestic legislation Commission Decision 2005/734/EC as amended by Commission Decision 2005/745/EC which was due to expire on 30 November 2005 but was extended to 31 May 2006 by Commission Decision 2005/855/EC. These Regulations give effect to that extension and also correct an error in regulation 11 (penalties and time limits) where penalties had been set on the basis of provisions of the Animal Health Act 1981 rather than the European Communities Act 1972. In effect the Regulations reduce the maximum term of imprisonment, on summary conviction, for offences under the principal regulations, from 6 months to 3 months.

4. The Regulations also introduce a requirement for any person who starts to keep 50 or more poultry on commercial poultry premises after 28 February to register within 30 days of doing so.

Impact

5. The amendments impose no additional impact and are principally administrative in nature. An impact would be imposed on those people starting to keep 50 or more birds after 28 February but this is believed to be minimal as the information should be readily available and registration is likely to be straightforward.

**Scottish Executive and Rural Affairs Department
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