
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 196

**The Avian Influenza (H5N1 in
Wild Birds) (Scotland) Order 2006**

PART 2

Confirmation or suspicion of H5N1

Additional measures

11. –

(1) The Scottish Ministers may, in declaration of a wild bird protection zone or a wild bird surveillance zone, impose additional measures if they consider that these are necessary to reduce the risk of the spread of avian influenza, including measures to—

- (a) prevent direct or indirect contact which wild birds might otherwise have with poultry and other captive birds;
- (b) reduce the risk of feed and water provided to poultry and other captive birds being contaminated with avian influenza virus;
- (c) reduce the risk of the spread of avian influenza between premises.

(2) The Scottish Ministers' powers under paragraph (1) include powers to—

- (a) require domestic ducks and geese to be housed or otherwise kept separate from other poultry and captive birds;
- (b) require that poultry and other captive birds are provided with feed and water to which wild birds have no access or which has been treated to render any avian influenza virus inactive;
- (c) require the separation between domestic ducks and geese on the one hand and other poultry on the other;
- (d) prohibit the use of birds of the orders Anseriformes (including ducks, geese and swans) and *Charadriiformes* (including gulls, murrets, terns, avocets, puffins, woodcock, oystercatchers, sandpipers, plovers, surfbirds, snipes and skimmers) as decoys during bird hunting; and
- (e) require keepers of poultry and other captive birds and others who come into contact with such birds to cleanse and disinfect their footwear and take such other biosecurity measures as a veterinary inspector may require;
- (f) restrict the movement of vehicles or persons involved in—
 - (i) feed supply;
 - (ii) the supply of agricultural equipment;
 - (iii) the collection of eggs;
 - (iv) the transportation of poultry to slaughterhouses;
 - (v) the collection of carcasses for disposal;

- (g) restrict the movement of those working on premises or of veterinarians;
 - (h) restrict the movement of any person onto any premises (including common, unenclosed and waste land and agricultural buildings), notwithstanding the existence of any public footpath or right of way.
- (3) The power to prohibit or restrict movement under paragraph (2)(h) applies only in relation to a wild bird protection zone and does not include a power to prohibit or restrict movement onto premises by—
- (a) the owner or occupier of the premises;
 - (b) any person whose principal residence or place of employment is those premises;
 - (c) an inspector or other officer of the Scottish Ministers or an inspector of the local authority;
 - (d) a person entering under the authority of a licence granted by a veterinary inspector or by an inspector acting at the direction of a veterinary inspector;
 - (e) a person for the provision of emergency services.
- (4) An inspector must cause a notice of a prohibition declared in accordance with paragraph (2)(h) (“a prohibition notice”) to be displayed at every entrance to the prohibited place.