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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 196**

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

**PART 1**

**Introduction**

**Extension of definition of “poultry”**

**3.** For the purposes of the Act in its application to avian influenza and to this Order, the definition of “poultry” in section 87(4) of the Act is extended to comprise all birds.

**Declarations and notices**

**4.** –

(1) Declarations under this Order—

- (a) must be in writing;
- (b) may be amended or revoked, by further declaration in writing, at any time;
- (c) must designate the extent of any wild bird protection zone or wild bird surveillance zone which is being declared;
- (d) must list or refer to the measures which apply in such a zone;
- (e) must state to which categories of bird measures apply; and
- (f) must be ended by further declaration.

(2) Notices issued under this Order—

- (a) may be amended or revoked, by further notice in writing, at any time;
- (b) must specify whether they apply to all or part of a premises.

**Licences**

**5.** –

(1) Before granting a licence under this Order for the movement of any bird or poultry product, the Scottish Ministers must—

- (a) carry out an assessment of the movement; and
- (b) be satisfied that it will not significantly increase the risk of the spread of avian influenza.

(2) Licences granted under this Order—

- (a) must be in writing;
- (b) may be general or specific;
- (c) must be made subject to such conditions as the Scottish Ministers consider necessary to—

- (i) control the spread of avian influenza; and
  - (ii) ensure poultry products are obtained, handled, treated, stored and transported without contaminating products which may be moved without licence under this Order;
- (d) may be amended, suspended or revoked, in writing, at any time.
- (3) Except where otherwise directed by the Scottish Ministers, a licence granted—
- (a) in England by the Secretary of State; or
  - (b) in Wales by the National Assembly for Wales,

for the same purpose as a licence which may be granted under this Order is valid for that purpose in Scotland and its conditions apply as if it was a licence granted under this Order.

### **Publication of declarations, licences and notices**

#### **6. –**

(1) The Scottish Ministers must take such steps as they consider fit to ensure that declarations, licences and notices are brought to the attention of those who may be affected by them as soon as is reasonably practicable.

(2) The Scottish Ministers must, in particular, ensure that the extent of any wild bird protection zone and wild bird surveillance zone declared under this Order, the nature of the restrictions and requirements applicable within it and the dates of its declaration and withdrawal are publicised.

### **Production of licences**

#### **7. –**

(1) A person moving anything under the authority of a specific licence granted under this Order must—

- (a) keep the licence or a copy of it with them at all times during the licensed movement;
- (b) on demand by an inspector, veterinary inspector or another officer of the Scottish Ministers, produce the licence and allow a copy or extract of it to be taken; and
- (c) on such demand, furnish their name and address.

(2) A person moving anything under the authority of a general licence granted under this Order must—

- (a) carry with them, at all times during the licensed movement, a consignment note which contains details of the movement, including the name and location of the originating premises, the place of destination and the nature of the consignment;
- (b) on demand by an inspector, veterinary inspector or another officer of the Scottish Ministers, produce the consignment note and allow a copy or extract to be taken; and
- (c) on such demand, furnish their name and address.