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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 336**

**The Avian Influenza and Influenza of Avian  
Origin in Mammals (Scotland) Order 2006**

**PART 4**

**Measures on confirmation of highly pathogenic avian  
influenza at premises other than regulated places**

**Additional measures in protection, surveillance and restricted zones**

**33.**—(1) The Scottish Ministers may, if they consider it necessary to reduce the risk of the spread of avian influenza, impose (by declaration) measures additional to those set out in Schedules 4, 5 and 7.

(2) The Scottish Ministers' power to declare additional measures includes the power to prohibit or restrict—

- (a) the movement of vehicles or people 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;
- (b) the movement of those working on premises including veterinary surgeons;
- (c) the movement of any person onto any premises (including common, unenclosed and waste land and agricultural buildings), notwithstanding the existence of any public footpath, right of way or right of access.

(3) The power to prohibit or restrict movement under paragraph (2)(c) applies only in relation to a 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 officer of the Scottish Ministers;
- (d) a person entering under the authority of a licence granted by a veterinary inspector or by an inspector under the direction of a veterinary inspector;
- (e) a person for the provision of emergency services.

(4) An inspector must cause notice of a prohibition made in accordance with paragraph (2)(c) (“a prohibition notice”) to be displayed at every entrance to the place to which it applies.

**Changes to legislation:**

There are currently no known outstanding effects for the The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006, Section 33.