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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 9**

Inspection, enforcement, offences, amendments and revocations

**Change of occupation of premises under restriction**

**80.**—(1) This article applies if the keeper of any poultry, other captive bird or mammal is unable to move it from premises on the termination of the keeper's right of occupation because of a movement restriction imposed by or under this Order and continues to apply for seven days after any such restriction has been removed.

(2) Where this article applies, the person entitled to occupation of the premises on that termination shall—

- (a) provide such facilities for feeding, tending or otherwise using the poultry, other captive bird or mammal (including selling it) as the keeper may reasonably require; and
- (b) allow entry to the premises to that keeper and any person authorised by the keeper at reasonable times for feeding, tending or otherwise using the poultry, other captive bird or mammal.

(3) If the keeper is unable or unwilling to feed or tend the poultry, other captive bird or mammal, the person entitled to occupation of the premises shall take such steps as are necessary to ensure it is properly fed and tended.

(4) The keeper of the poultry, other captive bird or mammal is liable to pay the reasonable costs (including accommodation costs) incurred under this article by any person feeding or tending it, or providing facilities for feeding, tending or otherwise using it.

(5) Nothing required to be done under this article shall be taken to imply continued occupation of the premises by a keeper whose right of occupation has terminated.

**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 80.