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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 3**

**Measures on suspicion of avian influenza**

**Disapplication of measures to regulated places**

**8.** Articles 10 to 17 do not apply to regulated places.

**Notification procedures and precautions to be taken where avian influenza is suspected**

**9.—(1)** A person who has in that person's possession or charge any bird or carcase which that person knows, or ought reasonable to know, has avian influenza must—

- (a) immediately notify the Divisional Veterinary Manager; and
- (b) take all reasonable steps to ensure that the restrictions and requirements set out in Schedule 1 are complied with.

(2) A person who examines or inspects any bird or carcase or who analyses any sample taken from any bird or carcase and who suspects the presence of avian influenza in the bird, carcase or sample must immediately inform the Divisional Veterinary Manager.

**Notice of restrictions where avian influenza is suspected on premises**

**10.—(1)** If an inspector suspects that avian influenza exists on any premises or has existed there within 56 days (whether or not notification has been made under article 9), the inspector must serve a notice on the occupier of the premises requiring that person to comply with such of the restrictions and requirements set out in Schedule 1 as are specified in the notice.

(2) An inspector must not revoke the notice of restrictions unless instructed to do so by the Chief Veterinary Officer (Scotland).

**Derogations from restrictions applicable at suspect premises**

**11.—(1)** The Scottish Ministers may grant derogations to the following measures set out in Schedule 1—

- (a) the obligation to house or isolate poultry and other captive birds;
- (b) the prohibition on the movement of poultry and other captive birds onto or off the premises;
- (c) the prohibition on the movement off the premises of anything liable to transmit avian influenza.

(2) The Scottish Ministers must not grant such a derogation unless they have considered—

- (a) the risk of the possible spread of avian influenza were the derogation to be granted;

- (b) any precautionary measures which have been or which could be taken; and
- (c) the destination of any birds or things which would be moved were the derogation to be granted.

(3) A derogation under paragraph (1) may be contained in a notice served under article 10 or in a licence issued by a veterinary inspector or by an inspector acting under the authority of a veterinary inspector.

(4) A veterinary inspector (or an inspector acting under the authority of a veterinary inspector) may, in a notice served under article 10 or by licence, grant a derogation to non-commercial premises from the disinfection requirement in paragraph 9 of Schedule 1, but must not do so unless—

- (a) the premises contain other captive birds but no poultry;
- (b) the inspector has considered the risk of the possible spread of avian influenza were the derogation to be granted and any precautionary measures which have been or which could be taken.

### **Veterinary inquiries and sampling**

**12.**—(1) The Scottish Ministers must, if they suspect that poultry or other captive birds on, or moved from, premises which are the subject of a notice under article 10 may be infected with avian influenza, ensure that a veterinary inquiry is started at the premises in respect of which the notice was served as soon as reasonably practicable to ascertain whether the disease exists or has existed there.

(2) The Scottish Ministers must, if they authorise a veterinary inspector or other veterinary surgeon to take samples from poultry or other captive birds on premises other than those which are the subject of a notice under article 10, or other than for the purposes of a veterinary inquiry, direct (by notice to the occupier of the premises) whether any of the requirements set out in Schedule 1 apply to the premises where the samples are taken.

### **Measures to minimise the risk of the spread of avian influenza from suspect premises**

**13.** The Scottish Ministers must, if they consider it necessary to minimise the risk of the spread of avian influenza from suspect premises in Scotland, England, Wales, or Northern Ireland, take one or more of the following measures—

- (a) declare a temporary movement restriction zone in such part or parts of Scotland as they consider necessary;
- (b) serve a notice on the occupier of suspect premises in Scotland requiring that person to comply with some or all of the measures set out in Schedule 2 (as well as those set out in Schedule 1);
- (c) declare a temporary control zone in such part of Scotland and of such size as they consider necessary around suspect premises.

### **Restrictions where avian influenza is suspected in transit**

**14.** A person exercising powers under articles 10 to 13 must take into account any measures taken in respect of vehicles under articles 40, 41, 42 and 44.

### **Measures in a temporary movement restriction zone**

**15.**—(1) The Scottish Ministers must, in a declaration of a temporary movement restriction zone (and in relation to such part or parts of the zone as they think fit), ban or restrict the movement of such of the following as they consider necessary—

- (a) poultry;

- (b) other captive birds;
- (c) eggs;
- (d) vehicles used to transport poultry, other captive birds, eggs or anything else likely to transmit avian influenza;
- (e) mammals of domestic species.

(2) If the Scottish Ministers ban or restrict the movement of mammals within a temporary movement restriction zone, they must lift the ban or restriction within 72 hours of it being declared unless they are satisfied that the continuation of such restrictions is necessary to minimise the risk of the spread of avian influenza (notwithstanding any continuing restrictions on the movement of other things listed in paragraph (1)).

(3) If the Scottish Ministers maintain restrictions on the movement of mammals beyond 72 hours from when they were originally declared, they must review their decision to impose such restrictions a maximum of 72 hours after they were originally declared, and a maximum of 72 hours after each review.

#### **Additional restrictions at suspect premises**

**16.** —In a notice served under article 13(b), the Scottish Ministers must—

- (a) set out which of the measures set out in Schedule 2 apply; and
- (b) specify whether restrictions apply—
  - (i) to all poultry and other captive birds on the premises;
  - (ii) only to poultry or other captive birds suspected of being infected;
  - (iii) to part only of the premises.

#### **Declaration of a temporary control zone around the suspect premises**

**17.**—(1) The Scottish Ministers must in a declaration of a temporary control zone (in relation to premises in such part or parts of the zone as they think fit), impose such measures including those listed in Schedule 1 as they consider necessary to reduce the risk of the spread of avian influenza.