

EXECUTIVE NOTE

THE AVIAN INFLUENZA (PREVENTIVE MEASURES) (SCOTLAND) AMENDMENT REGULATIONS 2006 SSI/2006/399

The above Instrument was made in exercise of powers conferred by Section 2(2) of the European Communities Act 1972.

Policy Objectives

The objective of this Instrument is to implement Commission Decision 2006/405/EC amending Commission Decision 2005/734/EC laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk. These measures are intended to protect the European Community from the spread of the Highly Pathogenic Avian Influenza Virus H5N1.

The measures were due to expire on 31 May 2006. However, a decision was taken earlier this month, and now promulgated in Decision 2006/405/EC (published on 10 June), to extend the restrictions until 31 December 2006. This is a measure which requires to be implemented by an amendment to the principal regulations. **The Decision was not published until 10 June, and has immediate effect. It is therefore necessary to breach the 21 day rule, otherwise it would reduce the effectiveness of the measures extended by the instrument.**

Consultation

There has been no consultation on this amendment.

Financial Effects

There are no cost implications for Central Government arising from the making of these Regulations. We do not expect there to be any significant economic impact on industry from the continued imposition of this ban.

Scottish Executive Environment and Rural Affairs Department