
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 61

**The Avian Influenza (H5N1 in
Wild Birds) (Scotland) Order 2007**

Interpretation

2. In this Order—

“avian influenza” means an infection of birds caused by an influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six week old chickens greater than 1.2;

“Avian Influenza Order” means the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006(1);

“bird by product” means entire bodies or parts of birds or products of avian origin not intended for human consumption included in Articles 4, 5 or 6 of Regulation (EC) No. 1774/2002(2);

“controlled meat” means any fresh meat, minced meat, meat preparation, mechanically separated meat or meat product which has not undergone a heat treatment at a minimum temperature of 70°C (which must be reached throughout the meat) derived from poultry or wild game bird originating from within the wild bird control area;

“day old chicks” means poultry less than 72 hours old which have not yet fed and muscovy ducks (*Cairina moschata*) and their crosses less than 72 hours old, whether or not fed;

“designated” means designated in accordance with article 13, except where the context otherwise requires, and “undesignated” is to be construed accordingly;

“fresh meat” means meat that has not undergone any preserving process other than chilling, freezing or quick freezing, including meat that is vacuum wrapped or wrapped in a controlled atmosphere;

“H5N1” means the avian influenza virus of the H5 subtype and neuraminidase N1;

“hatching egg” means an egg for incubation laid by any poultry;

“keeper” means any person responsible for birds or animals, whether on a permanent or temporary basis, but does not include a person responsible for them solely because they are transporting them;

“meat preparation” means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat;

“meat product” means a processed product resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

“mechanically separated meat” means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure;

(1) S.S.I. 2006/336.

(2) O.J. No. L 273, 10.10.2002, p.1.

“minced meat” means boned fresh meat that has been minced into fragments and contains less than 1% salt;

“occupier” means, in relation to any premises, the person in charge of those premises;

“other captive bird” means a bird kept in captivity excluding–

- (a) poultry;
- (b) pet birds;
- (c) sentinel birds placed by the Scottish Ministers for the purpose of surveillance and research activities; and
- (d) birds kept in any of the following establishments–
 - (i) zoos, within the meaning of the Avian Influenza (Preventive Measures in Zoos) (Scotland) Regulations 2005⁽³⁾;
 - (ii) circuses;
 - (iii) amusement parks; and
 - (iv) laboratories;

“outbreak point” has the meaning given by article 6(1);

“pet bird” means a bird, other than poultry, reared or kept in captivity as a pet;

“poultry” means a bird reared or kept in captivity for the production of meat or eggs for consumption, or for the production of other products, for restocking supplies of game or for the purposes of any breeding programme for the production of such categories of bird;

“premises” includes any land, building or other place;

“processed fresh meat” means any minced meat, meat preparation or mechanically separated meat;

“Regulation (EC) No. 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽⁴⁾;

“Regulation (EC) No. 1774/2002” means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by products not intended for human consumption⁽⁵⁾;

“slaughterhouse” means premises used for slaughtering poultry, the meat of which is intended for human consumption;

“SPF egg” means a hatching egg for use for diagnostic procedures in laboratories for the production and testing of vaccines and for research or pharmaceutical purposes;

“vehicle” includes–

- (a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;
- (b) a detachable part of a vehicle; and
- (c) a container or other structure designed or adapted to be carried by or on a vehicle;

“wild bird” means a bird that is not poultry or any other captive bird;

“wild bird control area” means a wild bird control area declared under article 5(2) or (3);

“wild bird monitoring area” means a wild bird monitoring area declared under article 5(2) or (3); and

(3) S.S.I. 2005/531 as amended by S.S.I. 2005/647.

(4) O.J. No. L 139, 30.4.2004, p.55. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 226, 25.6.04, p.22).

(5) O.J. No. L 273, 10.10.2002, p.1.

“wild game bird” means a bird which lives freely in the wild and is hunted for human consumption.