
STATUTORY INSTRUMENTS

2006 No. 2701

The Avian Influenza (Preventive Measures) (England) Regulations 2006

Interpretation

2. In these Regulations—

“the Act” means the Animal Health Act 1981(1);

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

“disinfect” means disinfect with a disinfectant approved by the Secretary of State under the Diseases of Animals (Approved Disinfectants) Order 1978(2) for use under the Diseases of Poultry Order(3);

“inspector” means an inspector appointed by the Secretary of State or by a local authority for the purposes of these Regulations or under the Act and, unless the context otherwise requires, includes a veterinary inspector;

“keeper” means the person with day to day responsibility for poultry or other captive birds at any premises;

“local authority” means—

(a) in any part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994(4), a unitary authority for that local government area, that authority;

(b) where there is not a unitary authority—

(i) in a metropolitan district, the council of that district;

(ii) in a non-metropolitan county, the council of that county;

(iii) in each London borough, the council of that borough;

(iv) in the city of London, the Common Council;

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

“other captive bird” means any bird kept in captivity which is not poultry and includes a pet bird and any bird kept for shows, races, exhibitions, competitions, breeding or for sale;

“poultry” means all birds that are reared or kept in captivity for the production of meat or eggs for consumption, the production of other commercial products, for restocking supplies of game or for the purposes of any breeding programme for the production of these categories of birds;

(1) 1981, c 22, as amended by the [Animal Health Act 2002](#), c. 42, [S.I. 1992/3293](#) and [S.I. 2003/1734](#). Other amendments are not relevant to these Regulations.

(2) [S.I. 1978/32](#), amended by [S.I. 2005/1908](#) and [S.I. 2006/1197](#). Other amending instruments are not relevant to these Regulations.

(3) The Diseases of Poultry Order is defined in [S.I. 1978/32](#) as the Diseases of Poultry Order 2003 ([S.I. 2003/1078](#)) and the Avian Influenza and Influenza of Avian Origin in Mammals (England) Order 2006 ([S.I. 2006/1197](#)).

(4) [S.I. 1994/867](#) to which there are amendments not relevant to these Regulations.

“premises” includes any land, building or place;

“vaccinate” means treat poultry or other captive birds with vaccine against avian influenza;

“vehicle” includes—

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

“veterinary inspector” means a person appointed as such by the Secretary of State for the purposes of these Regulations or under the Act;

“zoo” means either—

- (a) a permanent establishment where animals of wild species are kept for exhibition to the public for seven or more days a year, with the exception of circuses and pet shops; or
- (b) an approved body, institute or centre, as defined in point (c) of Article 2(1) of Council Directive 92/65 EC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I)) to Directive [90/425/EEC](#)(5).

(5) OJ No L 268, 14.9.1992, p. 54, as last amended by Council Directive [2004/68/EC](#) (OJ No L 139, 30.4.2004, p. 321).