

2006 No. 2703

ANIMALS, ENGLAND

ANIMAL HEALTH

The Avian Influenza (Vaccination) (England) Regulations 2006

<i>Made</i>	- - - -	<i>11th October 2006</i>
<i>Laid before Parliament</i>		<i>17th October 2006</i>
<i>Coming into force</i>	- -	<i>14th November 2006</i>

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the common agricultural policy of the European Community(b).

Exercising the powers conferred upon him by that section, he makes the following Regulations:

Title, application and commencement

1.—(1) These Regulations may be cited as the Avian Influenza (Vaccination) (England) Regulations 2006.

(2) These Regulations apply in England and come into force on 14th November 2006.

Interpretation

2.—(1) In these Regulations—

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

“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;

“the Directive” means Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC(d);

“emergency vaccination notice” has the meaning given by regulation 6(1)(b);

“emergency vaccination plan” has the same meaning as it has in Article 53 of the Directive;

“emergency vaccination zone” has the meaning given by regulation 6(1)(a);

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

(a) 1972 c.68.

(b) S.I. 1972/1811.

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

(d) OJ No. L 10, 14.1.2006, p. 16.

“local authority” means—

- (a) in any part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994^(a), 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 a bird kept in captivity that is not poultry and includes a pet bird and a 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 products, for restocking supplies of game or for the purposes of any breeding programme for the production of these categories of birds;

“premises” includes any land, building or place;

“preventive vaccination notice” has the meaning given by regulation 7(1)(b)(ii);

“preventive vaccination plan” has the same meaning as it has in Article 56 of the Directive;

“preventive vaccination zone” has the meaning given by regulation 7(1)(b)(i);

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

“vaccination licence” has the meaning given by regulation 7(1)(a);

“vaccination notice” means either an emergency vaccination notice or a preventive vaccination notice;

“vaccination plan” means either an emergency vaccination plan or a preventive vaccination plan;

“vaccination zone” means either an emergency vaccination zone or a preventive vaccination zone;

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

(2) Other expressions used in these Regulations that are defined in the Directive have the same meaning as they have in the Directive.

Scope of the Regulations

3. These Regulations do not apply to birds kept in a zoo within the meaning of the Avian Influenza (Preventive Measures) (England) Regulations 2006^(b).

Declarations, notices and licences

4.—(1) A declaration of a vaccination zone under these Regulations—

- (a) must be in writing;
- (b) may be amended or revoked, by further declaration, at any time;
- (c) must designate the extent of the zone being declared;
- (d) must list or refer to the measures that apply in the zone and, if they apply only in part of the zone, specify to which part they apply; and

(a) S.I. 1994/867, to which there are amendments not relevant to these Regulations.

(b) S.I. 2006/2701.

- (e) must state which categories of birds the measures apply to.
- (2) Notices issued under these Regulations must be in writing and may be amended or revoked, by further notice, at any time.
- (3) Vaccination notices issued under these Regulations—
- (a) must list or refer to the measures that apply on the premises and, if they apply only on part of the premises, specify to which part they apply; and
 - (b) must state which categories of birds the measures apply to.
- (4) Licences granted under these Regulations—
- (a) must be in writing;
 - (b) may be general or specific;
 - (c) may be made subject to such conditions as the person granting the licence considers necessary to reduce the risk of the spread of avian influenza; and
 - (d) may be amended, suspended or revoked, in writing, at any time,
- and in the case of vaccination licences, must also specify the matters set out at paragraph (3)(a) to (e).
- (5) The Secretary of State must ensure that the extent of any vaccination zone declared under these Regulations, the nature of the restrictions and requirements applicable within it and the dates of its declaration and withdrawal are publicised.
- (6) Movement licences granted in Scotland or Wales for activities that could be licensed in England under these Regulations have effect in England as if they were movement licences granted under these Regulations, but an inspector acting under the direction of the Secretary of State may serve a notice on any person moving any thing under the authority of such a licence, directing him to move it to and keep it on premises specified in the notice or move it out of England.
- (7) A person moving any thing under the authority of a specific movement licence granted under these Regulations must—
- (a) keep the licence or a copy of it with him at all times during the licensed movement;
 - (b) on demand by a local authority inspector, veterinary inspector or other officer of the Secretary of State, produce the licence or copy and allow a copy or extract to be taken; and
 - (c) on such demand, provide his name and address.
- (8) A person moving any thing under the authority of a general movement licence granted under these Regulations must—
- (a) keep with him, at all times during the licensed movement, a consignment note that contains details of—
 - (i) what is moved (including its quantity);
 - (ii) the date of the movement;
 - (iii) the name of the consignor;
 - (iv) the address of the premises from which the movement started;
 - (v) the name of the consignee; and
 - (vi) the address of the premises of destination;
 - (b) on demand by a local authority inspector, a veterinary inspector or other officer of the Secretary of State, produce the consignment note and allow a copy or extract to be taken; and
 - (c) on such demand, provide his name and address.

Prohibition on vaccination

5.—(1) No person shall vaccinate any bird against avian influenza except where required or licensed by the Secretary of State.

(2) This prohibition does not apply to—

- (a) anything done under the authority of a licence granted under article 4 of the Specified Animal Pathogens Order 1998(a); or
- (b) administration of a vaccine for research purposes in accordance with an animal test certificate granted under regulation 8(3) the Veterinary Medicines Regulations 2005(b).

Emergency vaccination

6.—(1) Where the condition in paragraph (2) is fulfilled, the Secretary of State must, if he considers it necessary to reduce the risk of the spread of avian influenza—

- (a) declare a zone in all or part of England where there are poultry or other captive birds that he considers should be vaccinated, within which emergency vaccination against avian influenza is required to be carried out (an “emergency vaccination zone”); or
- (b) serve a notice on the occupier of any premises where there are poultry or other captive birds that he considers should be vaccinated, on which emergency vaccination against avian influenza is required to be carried out (an “emergency vaccination notice”).

(2) The condition is that the Secretary of State has carried out a risk assessment which indicates that there is a significant and immediate threat of avian influenza spreading within or into England following—

- (a) an outbreak of avian influenza within the United Kingdom;
- (b) an outbreak of avian influenza within a nearby Member State; or
- (c) confirmation of the presence of avian influenza in poultry or other captive birds in a nearby third country.

(3) Where an emergency vaccination zone is declared, or an emergency vaccination notice is served after an emergency vaccination plan has been submitted to and approved by the European Commission in accordance with Articles 53 and 54 of the Directive, the declaration or service of the notice must be in accordance with the provisions of that plan.

(4) Any premises that are partly inside and partly outside an emergency vaccination zone are deemed to be wholly within it.

Preventive vaccination

7.—(1) Where the conditions in paragraph (2) are fulfilled, the Secretary of State—

- (a) may, in accordance with the preventive vaccination plan referred to in paragraph (2)(b), grant a licence to the occupier of any premises to vaccinate poultry, other captive birds or any category of poultry or other captive birds on those premises (a “vaccination licence”);
- (b) must, in accordance with the preventive vaccination plan referred to in paragraph (2)(b) and if he considers it necessary to reduce the risk of the spread of avian influenza—
 - (i) declare a zone in all or part of England where there are poultry or other captive birds that he considers should be vaccinated, within which preventive vaccination against avian influenza is required to be carried out (a “preventive vaccination zone”); or
 - (ii) serve a notice on the occupier of any premises where there are poultry or other captive birds that he considers should be vaccinated, on which preventive vaccination against avian influenza is required to be carried out (a “preventive vaccination notice”).

(a) S.I. 1998/463, to which there are amendments not relevant to these Regulations.

(b) S.I. 2005/2745, to which there are amendments not relevant to these Regulations.

(2) The conditions are—

- (a) a risk assessment has been carried out by the Secretary of State that indicates that any poultry or other captive birds in any part of England are exposed to a risk of avian influenza;
- (b) a preventive vaccination plan has been submitted to and approved by the European Commission in accordance with Articles 56 and 57 of the Directive.

(3) Any premises that are partly inside and partly outside a preventive vaccination zone are deemed to be wholly within it.

Power to require vaccination

8.—(1) The Secretary of State may, in a declaration of a vaccination zone or vaccination notice, require vaccination of poultry or other captive birds in that zone or on premises that are the subject of that notice.

(2) The following provisions of the Act apply as if such vaccination was carried out in exercise of the power in section 16(1) of the Act—

- (a) section 16(2) to 16(17)(a) (treatment after exposure to infection);
- (b) section 16A(b) (slaughter of vaccinated animals); and
- (c) section 62A(c) (slaughter: power of entry).

Measures applying in a vaccination zone or to premises that are the subject of a vaccination notice or vaccination licence

9.—(1) The Secretary of State must, in a declaration of a vaccination zone, a vaccination notice, or a vaccination licence, specify who is to carry out the vaccination.

(2) In a declaration of a vaccination zone, a vaccination notice or a vaccination licence, the Secretary of State may, in accordance with any relevant approved vaccination plan, impose any measures within the vaccination zone, or premises which are the subject of a vaccination notice or a vaccination licence, necessary to—

- (a) control the type and quantity of vaccine to be used;
- (b) control the supply and storage of the vaccine and the disposal of any unused vaccine;
- (c) control the administration of the vaccine;
- (d) ensure the keeping of records;
- (e) ensure that the necessary samples from birds are taken;
- (f) ensure that vaccinated birds are identified;
- (g) ensure that notification is given to the Secretary of State when vaccination has been completed;
- (h) control the movement of any poultry, other captive birds or their products from one premises within a zone to another within a zone, into or out of the zone or into or out of premises that are the subject of the notice or licence;
- (i) control the release of poultry or other captive birds into the wild;
- (j) ensure adequate biosecurity when any poultry, other captive bird or their products are transported;
- (k) ensure surveillance of poultry or other captive birds within the zone or the premises that are the subject of the notice or licence,

(a) Section 16 was amended by the Animal Health Act 2002 (c.42), section 7.

(b) Section 16A was inserted by the Animal Health Act 2002, section 5.

(c) Section 62A was inserted by the Animal Health Act 2002, section 8.

and may impose such other restrictions and conditions as he considers necessary to reduce the risk of the spread of avian influenza.

(3) In paragraph (2), “products” of poultry or other captive birds means any carcase, egg or any other thing originating or made (whether in whole or in part) from poultry or other captive birds or from the carcasses of such birds.

(4) Paragraphs (1) to (3) apply notwithstanding any other requirement or restriction applying in any part of a zone or premises because that part of the zone or premises falls within another zone declared by the Secretary of State, or is the subject of another notice served by the Secretary of State or an inspector, for the purposes of reducing the risk of the spread of avian influenza or for any other purpose.

(5) Any person moving poultry or other captive birds under this regulation or regulation 10 must keep a record of the date of the movement and the registration of any vehicle used.

(6) Slaughterhouses, packing centres and hatcheries that are designated under the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No.2) Order 2006(a) are deemed to be designated for the purpose of receiving poultry or eggs (as the case may be) that are moved under a licence granted under these Regulations.

Emergency vaccination without an approved plan

10.—(1) This regulation applies when the Secretary of State declares an emergency vaccination zone or serves an emergency vaccination notice before an emergency vaccination plan has been approved by the European Commission in accordance with Article 54 of the Directive.

(2) No person may move any poultry, any other captive bird, their carcasses or any egg from poultry or other captive birds—

- (a) from premises within the zone to other premises within the zone;
- (b) into or out of the zone; or
- (c) into or out of premises that are the subject of a notice.

(3) Paragraph (2) does not apply to—

- (a) any of the permitted movements listed in the Schedule if that movement is licensed by a veterinary inspector or an inspector acting under his direction;
- (b) the retail distribution of poultry eggs, other hatching eggs, and movements subsequent to such distribution; or
- (c) the movement of carcasses or eggs for disposal.

(4) The occupier of premises to which day-old chicks, live poultry (except those going for slaughter) or other captive birds are moved under any of paragraphs 5 to 10 of the Schedule, must ensure that those day-old chicks, poultry or other captive birds are placed in a part of premises where there is no other poultry.

(5) The occupier of premises to which live poultry (except those going for slaughter) or other captive birds are moved under paragraph 10 of the Schedule, must ensure that those poultry or other captive birds are vaccinated without delay if vaccination is required at those premises by a declaration or emergency vaccination notice under regulation 6(1).

(6) The occupier of a slaughterhouse to which poultry for slaughter are moved under paragraph 11, 12 or 13 of the Schedule, must ensure that those poultry are slaughtered without delay.

(7) Paragraphs (4), (5) and (6) apply in respect of the same movements—

- (a) from a zone equivalent to an emergency vaccination zone declared in Scotland, Wales or Northern Ireland; or
- (b) from premises which are the subject of a notice equivalent to a vaccination notice in Scotland, Wales or Northern Ireland,

(a) S.I. 2006/2702.

where that zone has been declared, or that notice has been served, before an emergency vaccination plan has been approved by the European Commission in accordance with Article 54 of the Directive.

(8) Paragraph (7) only applies if the occupier to whose premises the thing is moved is aware, or should reasonably have been aware, that it has been moved from such a zone or from premises under such a notice.

Failure to vaccinate animals specified for vaccination

11. Any person who knows or suspects that a bird has not been vaccinated as required by the Secretary of State must immediately notify the Divisional Veterinary Manager appointed by the Secretary of State for the area in which that bird is located.

Cleansing and disinfection of vehicles: provision of facilities, equipment and materials

12. Where cleansing and disinfection of vehicles is required at any premises under these Regulations, the occupier of those premises must provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

Change of occupation of premises under restriction

13.—(1) This regulation applies if the keeper of any poultry or other captive bird is unable to move it from premises on the termination of his right of occupation because of a movement restriction imposed by or under these Regulations and continues to apply for seven days after any such restriction has been removed.

(2) The person entitled to occupation of the premises on termination of the keeper's right of occupation must—

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

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

(4) The keeper is liable to pay the reasonable costs incurred under this regulation by any person feeding or tending it, or providing facilities for feeding, tending or otherwise using it.

Provision of reasonable assistance or information and cooperation

14.—(1) Any person required to give reasonable assistance or information to a person performing functions under Regulations must, unless he has reasonable cause, do so without delay.

(2) No person shall deface, obscure or remove any mark applied to any bird or thing by any person performing functions under these Regulations.

False information

15. No person shall provide to a person performing functions under these Regulations information which he knows to be false or misleading.

Retention and production of records

16.—(1) Any person who is required by these Regulations to keep a record must—

- (a) retain it for at least twelve months from the date the record is made (unless otherwise required under these Regulations); and

- (b) produce it on demand to an inspector and provide him with copies if required.
- (2) An inspector may enter any premises for the purpose of inspecting any records required to be kept under these Regulations and may—
- (a) copy any such records (in whatever form they are held);
 - (b) require any computer records to be produced in a form which can be taken away; and
 - (c) take any records away and detain them.
 - (d) An inspector must, if requested, return any records he has detained once he has copied them or completed his inspection of them.

Costs of compliance with these Regulations

17. The costs incurred by any person in taking any action required, or in refraining from taking action that is prohibited, by or under these Regulations must be met by that person unless the Secretary of State directs otherwise in writing.

Compliance with notices, declarations or licences

18. Any licensee, person on whom a notice is served, or person to whom a declaration applies under these Regulations who contravenes or fails to comply with the requirements or restrictions in that licence, notice or declaration is guilty of an offence.

Powers of inspectors

19.—(1) An inspector may, when performing his functions under these Regulations, require by notice the person in charge of any vehicle or equipment to cleanse and disinfect it.

(2) A veterinary inspector or an inspector acting under his direction may, when performing his functions under these Regulations—

- (a) cleanse and disinfect any part of premises or any thing on those premises;
- (b) require, by notice, the occupier of any premises to cleanse and disinfect any part of those premises or any thing on those premises;
- (c) require, by notice, the occupier of any premises or the keeper of any poultry or other captive bird—
 - (i) to keep or isolate any poultry, other captive bird or animal in a specified place;
 - (ii) to separate any poultry, other captive bird or animal from any other animal or bird.

(3) The following provisions of the Act apply as if these Regulations were an Order made under the Act(a)—

- (a) section 63 (general powers of inspectors);
- (b) section 64 (powers of inspectors as to poultry);
- (c) section 64A(b) (powers of inspectors relating to Community obligations);
- (d) section 65(1) to (3) (power to detain vessels and aircraft).

(4) Section 65A of the Act(c) (inspection of vehicles) applies as if—

- (a) these Regulations were an Order made under the Act;
- (b) the definition of poultry in section 87(4) of the Act were extended to include all birds; and
- (c) every vaccination zone or premises specified in a vaccination notice were designated for the duration of its existence for the purposes of that section.

(a) The definition of poultry in section 87(4) of the Act was extended to include poultry and other captive birds, as defined in these Regulations, by S.I. 2006/2702.

(b) Section 64A was inserted by S.I. 1992/3293, regulation 2.

(c) Section 65A was inserted by the Animal Health Act 2002 (c.42), section 10.

(5) An inspector who enters any premises under regulation 8 or paragraph (3) may—

- (a) mark any bird or other thing for identification purposes;
- (b) take samples from any bird;
- (c) take with him such people and things as he considers necessary.

(6) Any person who enters premises under paragraph (5)(c) may return to them unaccompanied to take any further steps necessary to execute or enforce these Regulations.

Powers of inspectors in case of default

20.—(1) If any person fails to comply with a requirement in or under these Regulations, an inspector may take such steps he considers necessary to ensure the requirement is met at the expense of that person.

(2) An inspector's powers under paragraph (1) include powers to—

- (a) require, by notice, any person to take or refrain from specified action in respect of any place, animal, bird, vehicle, or other thing;
- (b) seize and detain any thing.

Offences and proceedings

21.—(1) The following provisions of the Act apply as if these Regulations were an Order made under the Act—

- (a) sections 66 and 66A(a) (refusal and obstruction);
- (b) section 67 (issue of false licences etc.);
- (c) section 68 (issue of licences etc. in blank);
- (d) section 71 (other offences as to licences);
- (e) section 71A(b), (prosecutions: time limit);
- (f) section 73 (general offences);
- (g) section 77 (money recoverable summarily);
- (h) section 79(1) to (4) (evidence and procedure),

and as if the definition of poultry in section 87(4) of the Act were extended to include all birds.

(2) Section 69 of the Act (falsely obtaining licences etc.) applies as if licences granted under these Regulations were granted under an Order made under the Act.

(3) Section 75 of the Act(c) (penalties for certain summary offences) applies as if these Regulations were an Order made under the Act except that any term of imprisonment on summary conviction shall not exceed three months.

Offences by bodies corporate

22.—(1) If an offence committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on his part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body.

(a) Section 66A was inserted by the Animal Health Act 2002, section 8(2).

(b) Section 71A was inserted by the Animal Health Act 2002, section 14.

(c) Section 75 was amended by the Animal Health Act 2002, section 13.

(3) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Enforcement

23.—(1) These Regulations must be enforced by the local authority.

(2) The Secretary of State may direct, in relation to a particular case or to cases of a particular description, that he will enforce these Regulations instead.

Disapplication of provisions to any person executing or enforcing these Regulations

24. Provisions in these Regulations that prohibit or restrict the movement or use of any thing do not apply to the following in their execution or enforcement of these Regulations—

- (a) the Secretary of State;
- (b) an inspector of the local authority;
- (c) any other person authorised by the Secretary of State or by the local authority to carry out such execution or enforcement.

11th October 2006

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulations 10(3)

Permitted movements

PART 1

Hatching eggs

1.—(1) Provided that the conditions in sub-paragraph (2) are fulfilled, the movement of any hatching egg—

- (a) from premises that are within a vaccination zone to other premises that are within a vaccination zone; or
- (b) from premises that are within a vaccination zone, or the subject of a vaccination notice, to premises that are outside a vaccination zone or are not the subject of a vaccination notice.

(2) The conditions are—

- (a) the hatching egg originates from a breeding flock that has been clinically examined by a veterinary inspector who has not placed that flock under any restrictions;
- (b) it has been disinfected before dispatch in accordance with instructions issued by a veterinary inspector;
- (c) it is to be transported directly to a designated hatchery.

(3) The movement of any hatching egg from premises that are outside a vaccination zone, or are not the subject of a vaccination notice, to premises that are within a vaccination zone or the

subject of a vaccination notice, provided that it is to be transported directly to a designated hatchery.

PART 2

Eggs other than hatching eggs

2.—(1) Provided that the conditions in sub-paragraph (2) are fulfilled, the movement of any egg other than a hatching egg—

- (a) from premises that are within a vaccination zone to other premises that are within a vaccination zone; or
- (b) from premises that are within a vaccination zone, or the subject of a vaccination notice, to premises that are outside a vaccination zone or are not the subject of a vaccination notice.

(2) The conditions are that the egg originates from a layer flock which has been clinically examined by a veterinary inspector who has not placed that flock under any restrictions and—

- (a) it is being transported to a designated packing centre packed in disposable packaging and all biosecurity measures required by the movement licence are applied; or
- (b) it is being transported to an establishment for the manufacture of egg products as set out in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004^(a) to be handled and treated in accordance with Chapter XI of Annex II to Regulation (EC) No 852/2004^(b).

3. The movement of any egg other than a hatching egg from premises that are outside a vaccination zone, or are not the subject of a vaccination notice, to premises that are within a vaccination zone or the subject of a vaccination notice, provided that—

- (a) it is being transported to a designated packing centre packed in disposable packaging and all biosecurity measures required by the movement licence are applied; or
- (b) it is being transported to an establishment for the manufacture of egg products as set out in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004 to be handled and treated in accordance with Chapter XI of Annex II to Regulation (EC) No 852/2004.

PART 3

Day-old chicks

4. The movement of any day-old chick from premises that are within a vaccination zone to other premises that are within a vaccination zone provided that it originates from a hatching egg satisfying the conditions set out in paragraph 1(2).

5. The movement of any day-old chick from premises that are within a vaccination zone, or the subject of a vaccination notice, to premises that are outside a vaccination zone or are not the subject of a vaccination notice, provided that—

- (a) it has not been vaccinated; and
- (b) it originates from a hatching egg satisfying the conditions set out in paragraph 1(2) or 2.

6. The movement of any day-old chick from premises that are outside a vaccination zone, or are not the subject of a vaccination notice, to premises that are within a vaccination zone or the subject of a vaccination notice.

(a) OJ No. L139, 30.4.2004, p.55.

(b) OJ No. L139, 30.4.2004, p.1.

PART 4

Live poultry or other captive birds

7. The movement of any live poultry (except those going for slaughter) or other captive bird from premises that are within a vaccination zone to other premises that are within a vaccination zone provided that—

- (a) it has been vaccinated against avian influenza if vaccination is required at the premises from which it is being moved by a declaration or vaccination notice under regulation 6(1); and
- (b) it has been clinically examined by a veterinary inspector who has not place it under any restrictions.

8. The movement of any live poultry (except those going for slaughter) or other captive bird from premises that are within a vaccination zone, or the subject of a vaccination notice, to premises that are outside a vaccination zone or are not the subject of a vaccination notice, provided that—

- (a) it has not been vaccinated; and
- (b) it has been clinically examined by a veterinary inspector who has not placed it under any restrictions.

9. The movement of any live poultry (except those going for slaughter) or other captive bird from premises that are outside a vaccination zone, or are not the subject of a vaccination notice, to premises that are within a vaccination zone or the subject of a vaccination notice.

PART 5

Vaccinated poultry for slaughter

10.—(1) Provided that the conditions in sub-paragraph (2) are fulfilled, the movement of any vaccinated poultry for slaughter—

- (a) from premises that are within a vaccination zone to other premises that are within a vaccination zone; or
- (b) from premises that are within a vaccination zone, or the subject of a vaccination notice, to premises that are outside a vaccination zone or are not the subject of a vaccination notice.

(2) The conditions are—

- (a) the poultry has been vaccinated with a vaccine specified in the declaration or emergency vaccination notice under regulation 6(1);
- (b) it has been clinically examined and tested before loading by a veterinary inspector who has not placed it under any restrictions;
- (c) it has been clinically inspected by a veterinary inspector within 48 hours before loading and if appropriate any sentinel birds on the premises have also been examined by a veterinary inspector;
- (d) it is to be sent directly to a designated slaughterhouse.

PART 6

Unvaccinated poultry for slaughter

11.—(1) Provided that the conditions in sub-paragraph (2) are fulfilled, the movement of any unvaccinated poultry for slaughter—

- (a) from premises that are within a vaccination zone to other premises that are within a vaccination zone; or

- (b) from premises that are within a vaccination zone, or the subject of a vaccination notice, to premises that are outside a vaccination zone or are not the subject of a vaccination notice.

(2) The conditions are—

- (a) the poultry has been clinically examined before loading by a veterinary inspector who has not placed it under any restrictions;
- (b) it is to be sent directly to a designated slaughterhouse.

12. The movement of any poultry for slaughter from premises that are outside a vaccination zone, or are not the subject of a vaccination notice, to premises that are within a vaccination zone or the subject of a vaccination notice, provided that they are to be sent directly to a designated slaughterhouse.

PART 7

Movement of live poultry or other captive birds out of the United Kingdom

13. The movement of any live poultry or other captive birds out of the United Kingdom from premises that are within a vaccination zone or the subject of a vaccination notice provided that the movement is authorised by the receiving Member State.

PART 8

Interpretation

14. In this Schedule, premises that are expressed to be “designated” are those which are deemed to be designated in accordance with regulation 9(6).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose, in relation to England, Council Directive 2005/94/EC on Community measures for the control of avian influenza repealing Directive 92/40/EEC (OJ No. L10, 14.1.2006, p. 16) insofar as it deals with vaccination against avian influenza.

Regulation 5 imposes a general prohibition on vaccination of birds against avian influenza except where required or licensed by the Secretary of State.

Regulations 6 and 7 permit the Secretary of State, if he considers it necessary to reduce the risk of the spread of avian influenza, to declare vaccination zones in areas that contain poultry or other captive birds that he considers should be vaccinated, or to serve vaccination notices on premises where such birds are kept. Regulation 8 gives the Secretary of State the power to require vaccination in these zones or on such premises. Such measures can only be carried out in accordance with a vaccination plan approved by the European Commission and where a risk assessment has been carried out that has indicated that there is a significant and immediate threat of avian influenza spreading within or into England, or that certain areas or birds are in any event exposed to a risk of avian influenza. These measures will be emergency or preventive, depending on the nature of the risk. Regulation 7 also permits the Secretary of State to grant licences to occupiers of premises that permit vaccination of birds, or certain categories of birds, on those premises. Such a measure can only be carried out on a preventive basis and where a risk assessment indicates that birds on the premises are exposed to a risk of avian influenza.

Regulation 9 provides for measures applying in a vaccination zone or premises that are the subject of a vaccination notice or a vaccination licence. Regulation 10 provides that where emergency vaccination is undertaken before the European Commission has approved the national emergency vaccination plan, there is a general prohibition on the movement of poultry, other captive birds and their eggs from one premises within an emergency vaccination zone to another within an emergency vaccination zone, into or out of any emergency vaccination zone and into or out of any premises that is the subject of a vaccination notice unless the movement is one of the permitted movements listed in the Schedule and the movement is licensed.

Regulations 14 to 24 relate to powers of inspectors, offences and enforcement. Regulation 21 applies offence-related provisions of the Animal Health Act 1981 (c.22) as if the Regulations were made under the Act. Consequently, failure to comply with the Regulations is an offence under section 73 of the Act. Regulation 21(3) provides that a person guilty of an offence under these Regulations is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding £5000 or both.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been prepared and placed in the library of each House of Parliament, together with a Transposition Note setting out how the vaccination elements of Directive 2005/94/EC are transposed in these Regulations. Copies may be obtained from the Department for Environment, Food and Rural Affairs, Exotic Disease Prevention and Control Division, 1A Page Street, London SW1P 4PQ.

STATUTORY INSTRUMENTS

2006 No. 2703

ANIMALS, ENGLAND

ANIMAL HEALTH

The Avian Influenza (Vaccination) (England) Regulations 2006

£3.00

© Crown copyright 2006

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1295 10/2006 161295T 19585