

This Statutory Instrument has been made in consequence of a defect in [S.I. 2021/1305](#) and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 1307

ANIMALS, ENGLAND

ANIMAL HEALTH

The Avian Influenza (H5N1 in Wild Birds) (England) (Amendment) (No. 2) Order 2021

Made - - - - 23rd November 2021

Coming into force in accordance with article 1

The Secretary of State, in exercise of the powers conferred by sections 1, 8(1), 15(5), 17(1), 23 and 25 of the Animal Health Act 1981(1), makes the following Order.

Citation and commencement

1. This Order may be cited as the Avian Influenza (H5N1 in Wild Birds) (England) (Amendment) (No. 2) Order 2021 and comes into force on 24th November 2021, immediately after the coming into force of the Avian Influenza (H5N1 in Wild Birds) (England) (Amendment) Order 2021(2).

The Avian Influenza (H5N1 in Wild Birds) (England) Order 2006

2. The Avian Influenza (H5N1 in Wild Birds) (England) Order 2006(3) is amended as follows.

Amendment to article 5 (confirmation or suspicion of H5N1 in wild birds)

3. In article 5 (confirmation or suspicion of H5N1 in wild birds), for paragraph (2) substitute—
“(2) Where this article applies, the Secretary of State, after considering a risk assessment, may declare—
(a) a wild bird control area or a wild bird monitoring area; or

(1) [1981 c. 22](#), as amended by the Animal Health Act [2002 \(c. 42\)](#), [S.I. 1992/3293](#) and [2003/1734](#). Powers of the Secretary of State under that Act were previously exercised by the Minister of Agriculture, Fisheries and Food (see section 86(1)). Functions were transferred to the Secretary of State by [S.I. 1999/3141](#) and [2002/794](#). Functions exercisable by the Secretaries of State for Scotland and Wales in relation to England were transferred to the Minister by [S.I. 1999/3141](#) and were then transferred to the Secretary of State by [S.I. 2002/794](#).

(2) [S.I. 2021/1305](#).

(3) [S.I. 2006/3249](#), as amended by [S.I. 2007/3303](#), [2011/881](#), [2012/2897](#), [2013/2952](#), [2019/1488](#) and [2021/1305](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) a wild bird control area and a wild bird monitoring area.”.

23rd November 2021

Benyon of Englefield
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in England only, amends the Avian Influenza (H5N1 in Wild Birds) (England) Order 2006 ([S.I. 2006/3249](#)) (“the principal Order”) to correct a defect in the Avian Influenza (H5N1 in Wild Birds) (England) (Amendment) Order 2021 ([S.I. 2021/1305](#)).

Article 3 re-amends article 5 of the principal Order, as amended by that amending Order. Article 5 of the principal Order, as re-amended, gives the Secretary of State a discretion to declare a wild bird control area or a wild bird monitoring area, or both.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.