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WELSH STATUTORY INSTRUMENTS

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**2006 No. 2927**

**The Avian Influenza and Influenza of Avian  
Origin in Mammals (Wales) (No 2) Order 2006**

**PART 3**

Measures on suspicion of avian influenza

**Derogations from restrictions applicable at suspect premises**

**11.**—(1) A notice served under article 10 on the occupier of a laboratory where low pathogenic avian influenza virus is kept must—

- (a) be served by a veterinary inspector; and
- (b) impose such of the measures in Schedule 1 and such measures relating to the operation of the laboratory as the veterinary inspector considers necessary.

(2) In a notice served under article 10 on the occupier of premises other than those referred to in paragraph (1) of this article, or by licence to such an occupier, a veterinary inspector or an inspector acting under his or her direction may grant derogations from paragraphs 2, 3, 4 and 6 of Schedule 1.

(3) No person is to grant a derogation under paragraph (2) or authorise the granting of such a derogation unless he or she has considered—

- (a) the risk of the possible spread of avian influenza were the derogation to be granted;
- (b) any precautionary measures which have been or could be taken; and
- (c) the destination of any birds or things which would be moved were the derogation to be granted.

(4) In a notice served under article 10 or by licence, a veterinary inspector or an inspector acting under the direction of a veterinary inspector may also grant a derogation from the disinfection requirement in paragraph 9 of Schedule 1 if—

- (a) the premises the subject of the derogation are non-commercial premises;
- (b) the premises contain other captive birds but no poultry;
- (c) he or she has considered the risk of the possible spread of avian influenza were the derogation to be granted and any precautionary measures which have been or could be taken.

(5) “Non-commercial premises” means premises where poultry or other captive birds are kept by their owners for their own consumption or use or as pets.