
WELSH STATUTORY INSTRUMENTS

2006 No. 2927

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

PART 1

Introduction

Title, application and commencement

1.—(1) The title of this Order is the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006.

(2) This Order applies in relation to Wales and comes into force on 13th November 2006.

Interpretation

2. In this Order, unless the context otherwise requires—

“the Act” means the Animal Health Act 1981;

[^{F1}“appropriate minister” means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers;

(c) in relation to Scotland, the Scottish Ministers;]

“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;

“avian influenza prevention zone” means an avian influenza prevention zone declared under article 6(1)(a);

“avian influenza (restrictions on mammals) zone” means an avian influenza (restrictions on mammals) zone declared under article 61(1)(b);

“bird carcase” means the carcase of any bird and includes any part of a bird carcase;

“border inspection post” means a place specified as such in [^{F2}regulation 11 of the Trade in Animals and Related Products (Wales) Regulations 2011];

[^{F3}“brood-and-move poultry” means poultry that have been, are being or are to be moved for the purposes of growing or fattening to premises other than those where they were reared]

“carcase” means any bird carcase or mammal carcase;

“the Chief Veterinary Officer” means the Chief Veterinary Officer appointed by the National Assembly;

“commercial poultry premises” means commercial premises where poultry are kept;

[^{F4}“commercial premises” means premises where any poultry or other captive birds are kept for commercial purposes;]

“contact premises”—

- (a) in Part 3, has the meaning given in article 26(2);
- (b) in Part 6, has the meaning given in article 53(2);
- (c) in Part 7, has the meaning given in article 61(2); and
- (d) in Part 8, has the meanings given in articles 26(2), 53(2) and 61(2);

“controlled zone” means a protection zone, a surveillance zone, a restricted zone, a temporary movement restriction zone, a temporary control zone, a low pathogenic avian influenza restricted zone, an avian influenza prevention zone, or an avian influenza (restrictions on mammals) zone;

“day-old chicks” means all 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 by the National Assembly in accordance with article 71;

[^{F5}“diagnostic manual” means the diagnostic manual set out in the Annex to Commission Decision 2006/437/EC approving a Diagnostic Manual for avian influenza as provided for in Council Directive 2005/94/EC;]

“egg processing plant” means an establishment for the manufacture of egg products, as referred to in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004^{M1};

[^{F6}“fresh meat” means meat which has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat which is vacuum wrapped or wrapped in a controlled atmosphere;]

“highly pathogenic avian influenza” means an infection of poultry or other captive birds caused by—

- (a) avian influenza viruses of the subtypes H5 or H7 with genome sequences codifying for multiple basic amino acids at the cleavage site of the haemagglutinin molecule similar to that observed for other highly pathogenic avian influenza viruses, indicating that the haemagglutinin molecule can be cleaved by a host ubiquitous protease; or
- (b) avian influenza viruses with an intravenous pathogenicity index in six-week old chickens greater than 1.2;

“infected premises” means—

- (a) in Part 4, premises where the Chief Veterinary Officer has confirmed that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists;
- (b) in Part 6, premises where the Chief Veterinary Officer has confirmed that low pathogenic avian influenza or low pathogenic avian influenza virus exists;
- (c) in Parts 8 and 9 and in Schedule 3, premises where the Chief Veterinary Officer has confirmed that highly pathogenic avian influenza, highly pathogenic avian influenza virus, low pathogenic avian influenza or low pathogenic avian influenza virus exists;

“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 he or she is transporting them;

“local authority” means in relation to an area the county council or county borough council for that area;

“low pathogenic avian influenza” means an infection of poultry or other captive birds caused by avian influenza viruses of subtypes H5 or H7 other than avian influenza viruses of subtypes H5 or H7 which cause highly pathogenic avian influenza;

“low pathogenic avian influenza restricted zone” means a low pathogenic avian influenza restricted zone declared under article 55;

“mammal” means any mammal, except man;

“mammal carcase” means the carcase of any mammal and includes any part of a mammal carcase;

[^{F7}“meat product” means a processed product resulting from the processing of meat or from the further processing of such a processed product, so that the cut surface shows that the product no longer has the characteristics of fresh meat;]

“National Assembly” means the National Assembly for Wales of Cathays Park, Cardiff CF10 3NQ;

[^{F8}“non-commercial premises” means any premises where all poultry or other captive birds (including those kept as pets), their eggs or other poultry products are kept by their keeper for personal consumption, or for use, exclusively within or for the purposes of the same household;]

“occupier” means the person in charge of premises;

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

[^{F9}“poultry” means a bird reared or kept in captivity for any of the following purposes—

- (i) the production of meat or eggs for consumption or other poultry products;
- (ii) restocking supplies of game;
- (iii) any breeding programme for the production of such categories of birds or products specified in (i) and (ii);

but does not include any birds that are kept for the purposes of a single household, where the birds and their keeper have no direct or indirect contact with other poultry or poultry facilities, and the birds and products of the birds are used exclusively within, or for the purposes of the same household;]

[^{F10}“poultry product” means anything originating or made (whether in whole or in part) from any living or dead poultry, and includes the carcase of any poultry;]

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

[^{F11}“primary outbreak” means an outbreak which is not epidemiologically linked with a previous outbreak in Wales;]

[^{F11}“processed fresh meat” means any of the following—

- (a) minced meat, being boned meat which has been minced into fragments and contains less than 1% salt;
- (b) a meat preparation, being 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 eliminate the characteristics of fresh meat;
- (c) meat mechanically removed from flesh-bearing bones using means resulting in the loss or modification of the muscle fibre structure;]

“protection zone” means a protection zone declared under article 28(1) to (4);

“racing pigeon” means any pigeon transported or intended for transport from its pigeon house so that it may be released and freely fly back there or to another destination;

[^{F12}“ready-to-lay poultry” means birds, which are intended for use as productive egg layers, and for these purposes, includes both female and male birds;]

“regulated place” means a slaughterhouse or border inspection post;

“restricted zone” means a restricted zone declared under article 28(5);

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

“special category premises” has the meaning given in article 22(3);

“surveillance zone” means a surveillance zone declared under article 28 (1) to (4);

“suspect premises” means premises subject to restrictions under article 9 or article 10;

“temporary control zone” means a temporary control zone declared under article 13(c);

“temporary movement restriction zone” means a temporary movement restriction zone declared under article 13(a);

“unregulated period of infection” has the meaning given in article 23(3);

“vehicle” includes any means of transport and includes—

(d a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle;
a)

(e a detachable part of any vehicle;
b)

(fc) a container or other structure designed or adapted to be carried on a vehicle;

“veterinary surgeon” means a person who is registered in the register of veterinary surgeons maintained by the Royal College of Veterinary Surgeons or in the supplementary register maintained by the College;

“wild birds” means birds which are not poultry or other captive birds.

[^{F13}“wild game bird” means a bird which lives freely in the wild and is hunted for human consumption;]

[^{F13}“wild game bird product” means any wild game bird carcase, egg or any other thing originating or made (whether in whole or in part) from a wild game bird or from a wild game bird carcase and includes bird by-products from wild birds.]

(2) Other expressions used in this Order and in Council Directive [2005/94/EC](#) on Community measures for the control of avian influenza and repealing Directive [92/40/EEC](#)^{M2}[^{F14}, as last amended by Council [Directive 2008/73/EC](#)] have their meaning in that Directive.

Textual Amendments

- F1** Words in [art. 2](#) inserted (10.3.2022 at 8.47 p.m.) by [The Avian Influenza \(Wales\) \(Amendment and Revocation\) Order 2022 \(S.I. 2022/280\)](#), arts. 1(2), **3(a)**
- F2** Words in [art. 2](#) substituted (17.12.2018) by [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/1216\)](#), regs. 1(3), **29(2)**
- F3** Words in [art. 2](#) substituted (8.11.2023) by [The Avian Influenza \(Miscellaneous Amendments\) \(Wales\) Order 2023 \(S.I. 2023/1179\)](#), arts. 1(2), **3(a)**
- F4** Words in [art. 2](#) substituted (10.3.2022 at 8.47 p.m.) by [The Avian Influenza \(Wales\) \(Amendment and Revocation\) Order 2022 \(S.I. 2022/280\)](#), arts. 1(2), **3(c)**
- F5** Words in [art. 2](#) inserted (10.3.2022 at 8.47 p.m.) by [The Avian Influenza \(Wales\) \(Amendment and Revocation\) Order 2022 \(S.I. 2022/280\)](#), arts. 1(2), **3(d)**

- F6** Words in art. 2 inserted (10.3.2022 at 8.47 p.m.) by [The Avian Influenza \(Wales\) \(Amendment and Revocation\) Order 2022 \(S.I. 2022/280\)](#), arts. 1(2), **3(e)**
- F7** Words in art. 2 inserted (10.3.2022 at 8.47 p.m.) by [The Avian Influenza \(Wales\) \(Amendment and Revocation\) Order 2022 \(S.I. 2022/280\)](#), arts. 1(2), **3(f)**
- F8** Words in art. 2 substituted (8.11.2023) by [The Avian Influenza \(Miscellaneous Amendments\) \(Wales\) Order 2023 \(S.I. 2023/1179\)](#), arts. 1(2), **3(b)**
- F9** Words in art. 2 substituted (8.11.2023) by [The Avian Influenza \(Miscellaneous Amendments\) \(Wales\) Order 2023 \(S.I. 2023/1179\)](#), arts. 1(2), **3(c)**
- F10** Words in art. 2 inserted (8.11.2023) by [The Avian Influenza \(Miscellaneous Amendments\) \(Wales\) Order 2023 \(S.I. 2023/1179\)](#), arts. 1(2), **3(d)**
- F11** Words in art. 2 inserted (10.3.2022 at 8.47 p.m.) by [The Avian Influenza \(Wales\) \(Amendment and Revocation\) Order 2022 \(S.I. 2022/280\)](#), arts. 1(2), **3(h)**
- F12** Words in art. 2 inserted (10.3.2022 at 8.47 p.m.) by [The Avian Influenza \(Wales\) \(Amendment and Revocation\) Order 2022 \(S.I. 2022/280\)](#), arts. 1(2), **3(i)**
- F13** Words in art. 2 inserted (10.3.2022 at 8.47 p.m.) by [The Avian Influenza \(Wales\) \(Amendment and Revocation\) Order 2022 \(S.I. 2022/280\)](#), arts. 1(2), **3(j)**
- F14** Words in art. 2(2) inserted (28.3.2019) by [The Rural Affairs, Environment, Fisheries and Food \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2019 \(S.I. 2019/463\)](#), regs. 1(3), **6**

Marginal Citations

- M1** OJ No L 226, 25.6.2004, p. 16.
- M2** OJ No L 10, 14.1.2006, p. 10.

Scope of the Act and of this Order

- 3.—(1)** For the purposes of the Act in its application to avian influenza and to this Order—
- (a) the definition of “poultry” in section 87(4) of the Act is extended to include all birds;
 - (b) the definition of “animals” in section 87(1) of the Act is extended to include all mammals, except man; and
 - (c) the definition of “disease” in section 88(1) of the Act is extended to include any infection in mammals caused by influenza virus of avian origin.
- (2) Section 32 of the Act applies to any infection in mammals caused by influenza virus of avian origin and references in this Order to that section are to that section as it applies to such infection.
- (3) References in this Order to paragraph 5 of Schedule 3 to the Act are to that paragraph as it applies to avian influenza.
- (4) This Order does not apply to anything done in accordance with a licence under ^[F15]the Specified Animal Pathogens (Wales) Order 2008].
- (5) This Order does not apply to quarantine centres and quarantine facilities approved under ^[F16]Article 6 of Commission Implementing Regulation (EU) No 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof].

Textual Amendments

- F15** Words in art. 3(4) substituted (17.12.2018) by [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/1216\)](#), regs. 1(3), **29(3)(a)**
- F16** Words in art. 3(5) substituted (17.12.2018) by [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/1216\)](#), regs. 1(3), **29(3)(b)**

Declarations, licences, notices and designations under this Order

- 4.—(1) Declarations of controlled zones under this Order—
- (a) must be in writing;
 - (b) may be amended or revoked by further declaration at any time;
 - (c) must designate the extent of the controlled zone being declared;
 - (d) must list or refer to the measures which apply in such a zone and, if they apply in only part of the zone, state in which part they apply; and
 - (e) must state which categories of birds the measures apply to.
- (2) Licences under this Order—
- (a) must be in writing;
 - (b) may be general or specific;
 - (c) may, in addition to any conditions required by this Order, be made subject to such conditions as the person granting the licence considers necessary to control avian influenza; and
 - (d) may be amended, suspended or revoked, in writing, at any time.
- (3) Notices under this Order—
- (a) may be amended or revoked, by further notice, at any time;
 - (b) must specify whether they apply to all or to part of the premises to which they relate; and
 - (c) must, if they apply to part of premises, specify to which part they apply.
- (4) Designations of premises under this Order—
- (a) must be in writing;
 - (b) must, if they apply to only part of the premises, specify to which part they apply.
 - (c) may be made subject to such conditions as the National Assembly considers necessary to control avian influenza; and
 - (d) may be amended, suspended or revoked in writing at any time.
- (5) The National Assembly must ensure that the extent of any zone declared under this Order, the nature of the restrictions and requirements applicable within it and the dates of its declaration and termination are publicised.
- (6) Licences granted in Scotland or England for activities which could be licensed in Wales under this Order have effect in Wales as if they were licences granted under this Order but an inspector acting under the direction of the National Assembly may serve a notice on any person moving any thing under the authority of such a licence, directing him or her to move it or to keep it on premises specified in the notice or move it out of Wales.
- (7) Premises in Scotland, England and Northern Ireland designated respectively by the Scottish Ministers, the Department for Environment Food and Rural Affairs or by the ^[F17]Department of Agriculture, Environment and Rural Affairs, Northern Ireland] for the same purposes as they may be designated under this Order are deemed to be designated by the National Assembly for the purposes of this Order.
- (8) A person moving anything under the authority of a specific licence granted under this Order must—
- (a) keep the licence or a copy of it with him at all times during the licensed movement;
 - (b) on demand by a veterinary inspector or other officer of the National Assembly or by an inspector, produce the licence or copy and allow a copy or extract to be taken; and
 - (c) on such demand, provide his or her name and address.

(9) A person moving anything under the authority of a general licence granted under this Order must—

- (a) keep with him or her, 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;
 - (vi) the address of the premises of destination;
- (b) on demand by a veterinary inspector or other officer of the National Assembly or by an inspector, produce the consignment note and allow a copy or extract to be taken; and
- (c) on such demand, provide his or her name and address.

(10) Unless the National Assembly states otherwise, in a declaration of a controlled zone or by notice to the occupier of any premises or to the owner or occupier of any vehicle, any movement which has already started when such a declaration comes into force may be completed.

Textual Amendments

F17 Words in art. 4(7) substituted (17.12.2018) by [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/1216\)](#), regs. 1(3), **29(4)**

Controlled zones

5.—(1) Subject to paragraphs (2) and (3), premises which are only partly in a controlled zone are deemed to be wholly within the controlled zone.

(2) Premises in any controlled zone other than an avian influenza (restrictions on mammals) zone which are partly in one of the following zones and partly in another are deemed to be wholly in the zone furthest up the following list—

- (a) protection zone;
- (b) surveillance zone;
- (c) restricted zone;
- (d) temporary control zone;
- (e) temporary movement restriction zone;
- (f) low pathogenic avian influenza restricted zone;
- (g) avian influenza prevention zone.

(3) Premises which are in any of the controlled zones set out in paragraph (2) and also in an avian influenza (restrictions on mammals) zone are subject to the restrictions and requirements applicable in both zones.

(4) Every controlled zone, other than an avian influenza prevention zone, is an infected area for the purposes of the Act.

Changes to legislation:

There are currently no known outstanding effects for the The Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006, PART 1 .