
WELSH STATUTORY INSTRUMENTS

2006 No. 2927

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

PART 6

Measures on confirmation of low pathogenic avian influenza

Measures when low pathogenic avian influenza is confirmed

46.—(1) If the Chief Veterinary Officer confirms that low pathogenic avian influenza or low pathogenic avian influenza virus exists on any premises other than regulated places, the National Assembly must—

- (a) apply, by notice to the occupier of the infected premises, such of the measures in Part 1 of Schedule 6 as it considers necessary to reduce the risk of the spread of avian influenza; and
- (b) ensure that a veterinary inquiry continues at the infected premises.

(2) If the Chief Veterinary Officer confirms that low pathogenic avian influenza or low pathogenic avian influenza virus exists at a regulated place, the National Assembly may apply, by notice to the occupier of that place, such of the measures in Part 1 of Schedule 6 as it considers necessary to reduce the risk of the spread of avian influenza.

(3) A veterinary inspector must not license any movement otherwise prohibited under Part 1 of Schedule 6 unless he or she is satisfied that it would not significantly increase the risk of the spread of low pathogenic avian influenza.

(4) When reaching a decision under paragraph (3), a veterinary inspector must, in particular, take into account the criteria in Part 2 of Schedule 6.

(5) An inspector who knows or suspects that any poultry, other captive bird or any thing on any vehicle is infected or contaminated with low pathogenic avian influenza may, by notice to the owner or driver of the vehicle or to the occupier of any premises—

- (a) require the detention at such place as the inspector directs of any vehicle, equipment or other thing suspected of being contaminated; and
- (b) direct that the vehicle be moved to such premises as the inspector directs.

(6) Any expenses arising from the movement or detention of any bird or any thing, including the cost of feeding and watering any bird, must be paid by its owner.

Killing of poultry and other captive birds

47.—(1) The National Assembly must ensure that poultry and other captive birds on infected premises which are to be killed on the premises under paragraph 5 of Schedule 3 to the Act are killed as soon as possible.

(2) The occupier of a slaughterhouse must ensure that poultry from infected premises are slaughtered as soon as possible.

(3) The National Assembly must not authorise the movement of birds to a slaughterhouse unless it is satisfied that the movement would not significantly increase the risk of the spread of low pathogenic avian influenza.

(4) The National Assembly must ensure that birds are killed or slaughtered in such a way as to minimise the risk of the spread of avian influenza.

Movement of eggs from premises where low pathogenic avian influenza is confirmed

48.—(1) If the National Assembly directs that poultry on infected premises are to be slaughtered at a slaughterhouse, it must not license the movement of eggs off the premises prior to the poultry being sent for slaughter unless it is satisfied that the movement would not significantly increase the risk of the spread of low pathogenic avian influenza.

- (2) The National Assembly may only license the movement of such eggs—
- (a) to a designated egg packing centre, in disposable packaging;
 - (b) to an egg processing plant; or
 - (c) for disposal.

Veterinary surveillance of poultry

49. The National Assembly must carry out such veterinary surveillance as it considers necessary at premises where poultry are kept before being sent to a slaughterhouse under article 47.

Measures on special category premises

50.—(1) The occupier of infected premises which are special category premises where poultry and other captive birds are not killed under paragraph 5 of Schedule 3 to the Act must ensure that—

- (a) poultry and other captive birds are—
 - (i) housed; or
 - (ii) isolated (if so directed by a veterinary inspector on the basis that housing is impractical or would adversely affect the birds' welfare to a significant degree);
- (b) no poultry or other captive bird is moved from the premises except—
 - (i) to a designated slaughterhouse or other premises in accordance with a licence granted by a veterinary inspector; or
 - (ii) to a slaughterhouse in another member State or to other premises in another member State, if the movement is licensed by a veterinary inspector and is authorised by the competent authority of that member State.

(2) The occupier of the premises must take all reasonable steps to minimise contact between birds isolated under paragraph (1)(a)(ii) and wild birds.

(3) A veterinary inspector must not grant a licence under paragraph (1)(b) unless he or she is satisfied, following tests on the birds, that there is not a significant risk that the proposed movement would spread highly pathogenic avian influenza.

Veterinary surveillance of birds

51. The National Assembly must ensure that birds on infected premises which are special category premises not killed under paragraph 5 of Schedule 3 of the Act are monitored for avian influenza.

Tracing of poultry and eggs

52.—(1) The National Assembly must endeavour to trace the following from infected premises—

- (a) hatching eggs from poultry laid during the unregulated period of infection; and
- (b) poultry hatched from eggs laid during that period.

(2) The National Assembly must ensure that such veterinary inquiries as it considers necessary to monitor for avian influenza are carried out at premises to which eggs and poultry are so traced.

Identification of contact premises

53.—(1) The National Assembly must serve a notice on the occupier of any premises other than regulated places if it suspects that low pathogenic avian influenza—

- (a) may have been carried there from other premises; or
- (b) may have been carried to other premises from there.

(2) Premises in respect of which a notice is served under this article are contact premises for the purposes of this Part.

Restrictions at contact premises

54.—(1) The National Assembly must, by notice to the occupier of contact premises, apply such of the measures in Schedule 1 as it considers necessary to reduce the risk of the spread of avian influenza.

(2) If it considers it necessary to prevent the spread of low pathogenic avian influenza, the National Assembly must—

- (a) direct that contact premises be deemed to be infected premises; and
- (b) state, in its direction, which measures in this Part and in Schedule 6 apply to the contact premises.

(3) A direction under paragraph (2) must be by notice to the occupier of the contact premises and the National Assembly must not serve such a notice unless it has taken into account the criteria set out in paragraph (4) of article 27, as read with paragraphs (5) and (6) of article 27.

(4) If the National Assembly requires poultry or other captive birds on contact premises to be killed, it must ensure that samples are taken from the dead birds and tested for avian influenza.

Declaration of a low pathogenic avian influenza restricted zone

55.—(1) On confirmation by the Chief Veterinary Officer of low pathogenic avian influenza on premises other than regulated places in Wales, the National Assembly must (subject to paragraph (4)), declare a low pathogenic avian influenza restricted zone.

(2) On confirmation by the Chief Veterinary Officer of low pathogenic avian influenza in an area of England which is 1 kilometre or less from Wales, the National Assembly must declare a low pathogenic avian influenza restricted zone in Wales.

(3) The National Assembly may declare a low pathogenic avian influenza restricted zone on confirmation by the Chief Veterinary Officer of low pathogenic avian influenza in an area of Scotland or England which is more than 1 kilometre from Wales.

(4) The National Assembly may, on the basis of a risk assessment, decide not to declare a low pathogenic avian influenza restricted zone if the premises where low pathogenic is confirmed are—

- (a) a hatchery; or
- (b) special category premises.

Size of zones

- 56.—(1) A low pathogenic avian influenza restricted zone must—
- (a) be centred on the outbreak point; and
 - (b) subject to article 29(8), have a radius of at least 1 kilometre.
- (2) “Outbreak point” has the meaning it has in article 29.

Measures in low pathogenic avian influenza restricted zones

- 57.—(1) The measures in Schedule 7 apply in respect of a low pathogenic avian influenza restricted zone, subject to paragraphs (2) and (3).
- (2) The National Assembly may, in a declaration under article 55, disapply some or all of the measures in Schedule 7 if—
- (a) the infected premises are a hatchery or special category premises; and
 - (b) it has carried out a risk assessment and does not believe that the disapplication would endanger disease control.
- (3) The National Assembly may, if it considers it necessary to reduce the risk of the spread of avian influenza, impose, by declaration, measures additional to those in Schedule 7 in respect of the low pathogenic avian influenza restricted zone.
- (4) The National Assembly must ensure that—
- (a) commercial premises in the low pathogenic avian influenza restricted zone are identified as soon as possible;
 - (b) tests for avian influenza are carried out on commercial poultry premises within a radius of at least 1 kilometre of the boundary of the infected premises or, if it thinks it more appropriate, of the part of the infected premises where avian influenza was found.