
WELSH STATUTORY INSTRUMENTS

2006 No. 3309

The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006

Licences, notices and designations under this Order

3.—(1) Licences under this Order—

- (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 control avian influenza; and
- (d) may be amended, suspended or revoked, in writing, at any time.

(2) A veterinary inspector or an inspector acting under the direction of a veterinary inspector must not license a movement under articles 9, 10, 11 or 14 unless he or she has taken account of the relevant risk assessment.

(3) In paragraph (2), “the relevant risk assessment” means the National Assembly’s assessment of the risk that the particular movement or a movement of that type would spread avian influenza.

(4) Notices under this Order—

- (a) may be amended or revoked, by further notice, at any time;
- (b) must, if they apply only to part of premises, specify to which part they apply.

(5) Designations under this Order—

- (a) must be in writing;
- (b) may be made subject to such conditions as the National Assembly considers necessary to control avian influenza; and
- (c) may be amended, suspended or revoked in writing at any time.

(6) Unless the National Assembly directs otherwise by notice to the occupier of the premises, the following premises are deemed to be designated for the purposes of this Order—

- (a) premises designated under article 71 of the Avian Influenza Order;
- (b) premises deemed to be so designated under article 4(7) of that Order;
- (c) the following plants, if approved under regulation 14 of the Animal By-Products (Wales) Regulations 2006⁽¹⁾—
 - (i) incineration plants;
 - (ii) processing plants;
 - (iii) oleochemical plants;
 - (iv) biogas plants;
 - (v) composting plants;
 - (vi) petfood plants; and
 - (vii) technical plants.

⁽¹⁾ S.I.2006/1293 (W.127).

(7) Premises in Scotland, England and Northern Ireland designated respectively by the Scottish Ministers, the Secretary of State of the Department for Environment, Food and Rural Affairs or by the Department for Agriculture and Rural Development of 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) 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, requiring him or her to move it or to keep it on premises specified in the notice or to move it out of Wales.

(9) 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 or her at all times during the licensed movement;
- (b) on demand by a veterinary inspector, other officer of the National Assembly or by a local authority 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.

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

- (a) carry with him or her , at all times during the licensed movement, a consignment note which 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, other officer of the National Assembly or by a local authority 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.