
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 336

**The Avian Influenza and Influenza of Avian
Origin in Mammals (Scotland) Order 2006**

PART 8

General measures on suspicion or confirmation of avian influenza

Treatment, labelling and movement of meat from poultry from a protection zone

61.—(1) The occupier of a slaughterhouse within or outside a protection zone to which poultry from premises in a protection zone are sent must ensure that—

- (a) the poultry are kept separate from poultry from outside the zone;
- (b) the poultry are slaughtered separately or at different times from poultry from outside the zone; and
- (c) the part of the slaughterhouse and any equipment and any other thing which has been used for the slaughter or subsequent processing of the poultry are cleansed and disinfected in accordance with a veterinary inspector's instructions before poultry from outside the zone are slaughtered.

(2) No person shall move poultry meat from any slaughterhouse, cutting plant or cold store in a protection zone unless—

- (a) the poultry from which it was produced originated outside a protection zone and meat from it is stored and transported separately from meat produced from poultry originating in a protection zone;
- (b) the poultry meat was produced at least 21 days before the date a veterinary inspector estimates as the date of earliest infection at premises in the protection zone and has been stored and transported separately from meat produced after that date;
- (c) the poultry meat was produced from poultry originating in the protection zone and complies with the requirements set out in paragraph (3); or
- (d) the Scottish Ministers declare otherwise in a declaration made in accordance with article 28(2)(b).

(3) Poultry meat from poultry originating in the protection zone and referred to in paragraph (2) (c) must—

- (a) not be supplied for intra-Community or international trade;
- (b) be marked in accordance with the instructions of the Scottish Ministers;
- (c) be obtained, cut, stored and transported separately from meat intended for intra-Community or international trade;
- (d) not be used in meat products intended for intra-Community or international trade unless—
 - (i) it is obtained, cut, transported and stored separately from poultry meat intended for such trade; and

(ii) it has been heat treated at a minimum temperature of 70°C, which temperature must be reached throughout the meat.

(4) Poultry meat from poultry originating outside a protection zone must be cut, transported and stored separately from poultry meat from poultry originating in such a zone.

(5) In this article, “meat product” means a product resulting from the processing of poultry meat or from the further processing of such a product, the cut surface of which shows that it is no longer fresh meat.

Poultry and eggs moved to premises outside controlled zones other than for slaughter

62.—(1) The occupier of any premises (other than a slaughterhouse) not in a protection zone or a surveillance zone to which day old chicks hatched from eggs originating in such a zone are moved must ensure that they are not moved off the premises for at least 21 days from the date they arrive there.

(2) The occupier of any premises (other than a slaughterhouse) not in a protection zone or a surveillance zone to which ready to lay poultry from a protection zone are moved must ensure that they are not moved off the premises for at least 21 days from the date they arrive there.

(3) The occupier of any premises (other than a slaughterhouse) outside a low pathogenic avian influenza restricted zone to which poultry (including day old chicks) are moved from such a zone must ensure that the poultry are not moved off the premises for at least 21 days from the date they arrived there.

(4) The Scottish Ministers must ensure that such veterinary surveillance as they consider necessary to monitor for avian influenza take place at the premises to which things are moved.

Records at premises to which things are moved

63.—(1) The occupier of any premises to which any thing is moved under article 62 must, for at least 21 days from the date the thing was moved to the premises, maintain the following records—

- (a) the number or approximate number of poultry (if any) on the premises;
- (b) the number of poultry falling ill on the premises;
- (c) the number of poultry dying on the premises;
- (d) the amount of feed and, where possible, water being consumed by any poultry on the premises;
- (e) any egg production on the premises,

and report any abnormalities to the Divisional Veterinary Manager.

(2) The occupier of commercial poultry premises must ensure that records made under paragraph (1) are kept for at least 6 weeks from the date the last record was made.

(3) The Scottish Ministers must ensure that such veterinary inquiries as they consider necessary to monitor for avian influenza take place at the premises to which things are moved.

Egg processing plants

64.—(1) The occupier of an egg processing plant to which eggs are moved from suspect premises (under paragraph 6 of Schedule 1) or from infected premises during the unregulated period of infection (under article 22(2)(a)) must ensure that—

- (a) the eggs are kept separate from other eggs at the plant from the time they arrive until they are processed;
- (b) the shells of the eggs are disposed of;

- (c) the packaging used to transport the eggs is destroyed or cleansed and disinfected;
- (d) any person involved in the handling and processing of eggs take appropriate biosecurity measures.

(2) The owner or driver of any vehicle used to transport eggs to an egg processing plant must ensure that it is cleansed and disinfected before the eggs are loaded and after they are unloaded.

(3) Any person involved in the transportation of eggs to an egg processing plant must take appropriate biosecurity measures to prevent the spread of disease.

Cleansing, disinfection and treatment

65.—(1) Any person who is required under this Order to cleanse, disinfect or treat any premises (other than regulated places) or any thing (including any vehicle under the control of that person) on those premises must do so in accordance with Schedule 3.

(2) Any person who is required under this Order to cleanse, disinfect or treat regulated places, any thing on those premises or any vehicle not referred to in paragraph (1) must do so in accordance with a veterinary inspector's instructions.

(3) A veterinary inspector may, by notice to the occupier of premises referred to in paragraph (1), provide that part of the premises the subject of that notice and which would otherwise be subject to the requirements of Schedule 3, are subject instead to the requirements of paragraph (2).

(4) Any person who is required to disinfect under this Order must—

- (a) use disinfectants authorised by the Scottish Ministers under the Diseases of Animals (Approved Disinfectants) Order 1978(1);
- (b) use them at the concentrations approved under that Order; and
- (c) use them in accordance with manufacturer's instructions (if any), or, if a veterinary inspector has instructed otherwise, in accordance with the instructions of the veterinary inspector.

(5) A veterinary inspector must, by notice to the occupier of any premises or to the owner or driver of any vehicle, require the destruction of any thing which may be contaminated with avian influenza virus and which the veterinary inspector considers cannot be cleansed, disinfected or treated.

(6) A veterinary inspector may, by notice to the occupier of any premises where avian influenza has been confirmed—

- (a) prohibit the keeping of poultry or other captive birds on the premises or on any part of the premises where the veterinary inspector believes avian influenza virus may still exist; and
- (b) prohibit the entry of any person, vehicle, poultry, other captive bird, mammal or thing onto any premises or part of premises which the veterinary inspector believes cannot be cleansed and disinfected.

(7) A veterinary inspector must not revoke a notice served under paragraph (6) unless—

- (a) at least a year has passed since the date the notice was served; or
- (b) (in the case of fields on the premises or of any other part of the premises which is not a building or part of a building), the Chief Veterinary Officer (Scotland) has confirmed that the occupier may do so.

Restocking premises

66. No person shall (unless licensed by a veterinary inspector) restock—

(1) S.I.1978/32, amended by S.I. 2005/1908; there are other amending instruments but none is relevant.

- (a) premises on which poultry or other captive birds have been killed under paragraph 5 of Schedule 3 to the Act or regulation 4 of the Regulations; or
- (b) premises from which poultry have been sent for slaughter under this Order.

(2) A veterinary inspector must not license the restocking of commercial poultry premises until at least 21 days after the date final cleansing and disinfection was completed at the premises in accordance with Part 2 of Schedule 3.

Surveillance at restocked commercial poultry premises

67.—(1) The Scottish Ministers must ensure that the following measures are taken no later than 21 days after the last date on which poultry are brought onto commercial poultry premises or part of those premises for restocking—

- (a) the clinical examination of any poultry on the premises by a veterinary inspector;
- (b) such samples taken from such poultry as the Scottish Ministers require are laboratory tested for avian influenza;
- (c) such testing for avian influenza as a veterinary inspector considers necessary of poultry which die on the premises.

(2) A veterinary inspector who examines poultry under paragraph (1)(a) may carry out more than one examination of the birds and shall ensure that the veterinary inspector carries out at least one examination as close as possible to the end of the 21 day period referred to in paragraph (1).

Additional measures at restocked commercial poultry premises

68.—(1) The occupier of commercial poultry premises which have been restocked must, for at least 21 days from the date of restocking, maintain the following records—

- (a) the number or approximate number of poultry on the premises;
- (b) the number of poultry falling ill on the premises;
- (c) the number of poultry dying on the premises;
- (d) the amount of feed and, where possible, water being consumed by poultry on the premises;
- (e) any egg production on the premises.

(2) The occupier of commercial poultry premises must ensure that records made under paragraph (1) are kept for at least 6 weeks from the date the last record was made.

(3) The occupier shall ensure that any abnormalities are reported to the Divisional Veterinary Manager.

Measures at other restocked premises

69. The Scottish Ministers may carry out the measures set out in articles 67 and 68 at other restocked premises where poultry or other captive birds are kept.

Designation of premises to which things may be moved

70.—(1) The occupier of the following premises may apply in writing to the Scottish Ministers for them to be designated for the following purposes—

- (a) a slaughterhouse for the purpose of receiving poultry moved under a licence granted under this Order;
- (b) a hatchery for the purpose of receiving eggs moved under a licence granted under this Order;

- (c) an egg packing centre for the purpose of receiving eggs moved under a licence granted under this Order;
- (d) any premises for the purpose of receiving eggs moved under a licence granted under this Order for use for scientific, diagnostic or pharmaceutical purposes.

(2) The Scottish Ministers may, on such application, if satisfied that the premises are so constructed and operated that the risk of the transmission of avian influenza from them is minimal, make such a designation.

(3) The following premises are deemed to be designated under paragraph (1)(d), unless the Scottish Ministers direct otherwise by notice to the occupier of the premises—

- (a) premises licensed to manufacture or assemble human vaccines under section 8 of the Medicines Act 1968⁽²⁾;
- (b) premises authorised to manufacture animal vaccines under Regulation 5 of the Veterinary Medicines Regulations 2005⁽³⁾;
- (c) premises licensed under sections 4 or 5 of the Animals (Scientific Procedures) Act 1986⁽⁴⁾;
- (d) premises licensed under article 4 of the Specified Animal Pathogens Order 1998⁽⁵⁾.

Duty to provide reasonable assistance

71.—(1) Any person required to give reasonable assistance or information to a person executing this Order must, unless the person has reasonable cause, do so without delay.

(2) The occupier of any premises from, or to, which the occupier wishes any thing to be moved under licence under this Order must allow any person authorised by the Scottish Ministers to enter those premises for the purposes of deciding whether or not such a licence should be granted or maintained.

Provision of information

72. No person shall furnish information which the person knows to be false or misleading to a person executing this Order.

Records of movements authorised by general licence

73. Any person moving poultry, other captive birds or their products under a general licence granted under this Order must keep a record of the date of the movement and the registration of any vehicle used, for at least six weeks after the date of the movement.

Retention and production of records

74.—(1) A person who is required by this Order to keep a record must—

- (a) retain it for at least twelve months from the date the record is made (unless otherwise required under this Order); and
- (b) produce it on demand to an inspector and provide the inspector with copies if required.

(2) An inspector may enter any premises for the purpose of inspecting any records required to be kept under this Order and may copy any such records (in whatever form they are held), take them away and require any computer records to be produced in a form which can be taken away.

(2) 1968 c. 67.
(3) S.I. 2005/2745.
(4) 1986 c. 14.
(5) S.I. 1998/463.

Duty to comply with declarations, licences, notices and designations

75. Any person to whom any requirement in a declaration, licence, notice or designation under this Order applies must—

- (a) comply with the requirement (unless authorised otherwise by licence); and
- (b) comply with any reasonable requests which an inspector may make to that person to ensure that the requirement is met.

Costs of compliance

76. The costs incurred by any person in taking any action required by, or of refraining from taking action prohibited by, this Order (or of any declaration, licence, notice or designation under it) must be met by that person unless the Scottish Ministers direct otherwise in writing.

Killing of birds and destruction of things which may be contaminated

77.—(1) Before causing poultry or other birds to be killed under paragraph 5 of Schedule 3 to the Act or the Regulations, the Scottish Ministers must give notice of their intention to do so to the occupier of the premises where the birds are kept or to their keeper.

(2) Before causing any mammal to be killed under section 32 of the Act, the Scottish Ministers must give notice of their intention to do so to the occupier of the premises where the mammal is kept or to its keeper.

(3) Before causing the seizure of any thing under the Diseases of Animals (Seizure) Order 1993⁽⁶⁾, the Scottish Ministers must give notice of their intention to do so—

- (a) to the occupier of the premises where the thing is kept; or
- (b) to the owner or keeper of the thing.

Duty of the local authority to erect signs

78.—(1) The local authority must, if reasonably practicable, ensure that the boundaries of controlled zones other than avian influenza (restrictions on mammals) zones are indicated by signs erected in a conspicuous position on roads entering the zones on which poultry are likely to be moved.

(2) The local authority must, if reasonably practicable, ensure that the boundaries of avian influenza (restrictions on mammals) zones are indicated by signs erected in a conspicuous position on roads entering the zones on which mammals, or mammals specified in the declaration of the zones, are likely to be moved.

(6) S.I. 1993/1685.