

EXECUTIVE NOTE – AVIAN INFLUENZA

THE AVIAN INFLUENZA (H5N1) IN WILD BIRDS) (SCOTLAND) AMENDMENT ORDER 2006 SSI/2006/237

The above instrument has been made under the Animal Health Act 1981 and implements European Commission Decision 2006/115/EC on the finding of H5N1 Highly Pathogenic Avian Influenza in Wild Birds. It amends the Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2006 made on 5 April and in addition to making a number of technical amendments takes into account the subsequent amendment of Commission Decision 2006/115/EC by Commission Decision 2006/277/EC on 7 April 2006.

Policy Objectives

1. One of the pillars of the Animal Health and Welfare Strategy is “Preparedness against the incursion of a fast spreading exotic animal disease” such as Avian Influenza. These instruments meet EU wide obligations designed to reduce the risk of the most virulent strains of Avian Influenza occurring and or spreading. They have been introduced as recognition of the increased global threat of Avian Influenza and that taking measures against its spread to the domestic bird population is preferable to responding to a disease outbreak.

Amendment Order

2. The purpose of this Amendment Order is to clarify a small number of technical errors in the Order, which was drawn up in the immediate wake of H5N1 Avian Influenza being confirmed in Cellardyke, Fife. In particular it clarifies the position regarding the movement of certain poultry products, notably table eggs. More significantly, it amends the Order to take into account European Commission Decision (EC 2006/277/EC) which permits the lifting of the Wild Bird Surveillance Zone 30 days after samples were taken, rather than 30 days after Ministers had been advised of the results (which was the requirement of the initial Decision 2006/115). This change is more appropriate to the epidemiology of the disease.

Consultation

3. The rapid development of the Commission Decisions and the requirement to develop legislation in response to the confirmation of H5N1 Avian Influenza in a wild swan in Fife has precluded any formal consultation of stakeholders. However, since the incident we have liaised closely with stakeholders at a national and local level and some of the amendments take into account feedback from these discussions.

Financial Effects

4. On the basis of an initial assessment we do not believe that costs of meeting these new requirements are significant. Generally they only come into force when disease has been confirmed. The general impact of the measures is to place restrictions on the movements of poultry and poultry products in the defined areas. Through a system of licensing we have worked to develop mechanisms in which the potential impact of such controls is minimised

whilst maintaining the heightened level of biosecurity that such controls are designed to deliver.

Scottish Executive and Rural Affairs Department

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