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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 337**

**The Avian Influenza (Slaughter and  
Vaccination) (Scotland) Regulations 2006**

**Powers of Slaughter**

**Preventive eradication**

4.—(1) The Scottish Ministers may, where they consider appropriate on the basis of epidemiological information or other evidence, implement a preventive eradication programme of avian influenza.

(2) As part of such a programme, the Scottish Ministers may cause to be killed the poultry and other captive birds on such premises as they consider necessary with a view to preventing the spread of avian influenza.

(3) Killing shall be carried out in such a way as to minimise the dispersal of avian influenza virus.

(4) Compensation shall be payable for any bird killed under this regulation as if that bird had been killed under the powers conferred by paragraph 5(1) of Schedule 3 to the Act, and as if the definition of “poultry” in section 87(4) of the Act was extended to include all species of bird.

**Duty to kill birds on infected premises**

5.—(1) Subject to paragraph (2) and regulations 6 to 8, where avian influenza is confirmed on any premises, the Scottish Ministers shall, in exercise of their powers under paragraph 5(1) of Schedule 3 to the Act, cause to be killed all poultry and other captive birds on those premises.

(2) On the basis of an assessment of the risk of further spread of avian influenza, the Scottish Ministers may decide not to cause to be killed certain species of poultry or other captive birds to which paragraph (1) applies.

(3) The Scottish Ministers may, by notice to the occupier of the premises, specify appropriate measures and conditions to limit any possible spread of avian influenza to any wild birds on the premises.

**Separate production units**

6.—(1) The Scottish Ministers may by notice served on the occupier of premises declare those premises to consist of two or more separate production units where, taking account of the—

- (a) structure of the premises;
- (b) size of the premises;
- (c) operation of the premises;
- (d) type of housing on the premises;
- (e) feeding on the premises;
- (f) water source on the premises;
- (g) equipment on the premises; and

(h) staff and visitors to the premises,  
the Chief Veterinary Officer (Scotland) is satisfied that the production units are completely independent of other production units on the same premises in terms of location and day to day management of the poultry or other captive birds kept there, and so advises the Scottish Ministers.

(2) Where premises consist of two or more separate production units, the Scottish Ministers may decide not to cause to be killed poultry or other captive birds on those separate production units of the premises where avian influenza has not been confirmed, provided that such a decision does not materially reduce the effectiveness of measures to prevent the spread of avian influenza.

### **Measures on special category premises – highly pathogenic avian influenza**

7.—(1) Where highly pathogenic avian influenza is confirmed on special category premises, the Scottish Ministers may decide not to cause all or any of the poultry or other captive birds on those premises to be killed under paragraph 5(1) of Schedule 3 to the Act where they consider that this does not materially reduce the effectiveness of measures to prevent the spread of avian influenza.

(2) Where a decision is taken under paragraph (1) not to cause any poultry or other captive birds on special category premises to be killed under paragraph 5(1) of Schedule 3 to the Act, those birds shall not be moved unless the Chief Veterinary Officer (Scotland) is satisfied, following tests, that they are not infectious with avian influenza.

(3) Where a decision is taken under paragraph (1) not to cause any poultry or other captive birds on special category premises to be killed under paragraph 5(1) of Schedule 3 to the Act, the occupier of the special category premises must ensure that—

- (a) poultry and other captive birds on the premises are housed or (if, in the view of a veterinary inspector, housing is impractical or would adversely affect the birds' welfare to a significant degree) isolated, on the premises;
- (b) records are kept of all poultry and other captive birds which become sick or die on the premises;
- (c) no poultry or other captive bird is moved from the premises except—
  - (i) to a slaughterhouse or other premises in accordance with a licence granted by a veterinary inspector; or
  - (ii) to a slaughterhouse or other premises in another member State, if the movement is licensed by a veterinary inspector and is authorised by that member State.

(4) The occupier of the premises must take all reasonable steps to minimise contact between birds isolated under paragraph (3)(a) and—

- (a) poultry and other captive birds on other premises; and
- (b) wild birds.

### **Measures on special category premises – low pathogenic avian influenza**

8.—(1) Where low pathogenic avian influenza is confirmed on special category premises, the Scottish Ministers may decide not to cause poultry or other captive birds on those premises to be killed under paragraph 5(1) of Schedule 3 to the Act where they consider that this does not materially reduce the effectiveness of measures to prevent the spread of avian influenza.

(2) Where a decision is taken under paragraph (1) not to cause poultry or other captive birds on special category premises to be killed under paragraph 5(1) of Schedule 3 to the Act, those birds should not be moved unless the Chief Veterinary Officer (Scotland) is satisfied, following tests, that the proposed movement would not significantly increase the risk of the spread of low pathogenic avian influenza.

(3) Where a decision is taken under paragraph (1) not to cause poultry or other captive birds on special category premises to be killed under paragraph 5(1) of Schedule 3 to the Act, the occupier of special category premises must ensure that—

- (a) poultry and other captive birds are housed or (if, in the view of a veterinary inspector, housing is impractical or would adversely affect the birds' welfare to a significant degree) isolated, on the premises;
- (b) records are kept of all poultry and other captive birds which become sick or die on the premises;
- (c) no poultry or other captive bird is moved from the premises except—
  - (i) to a slaughterhouse or other premises in accordance with a licence granted by a veterinary inspector; or
  - (ii) to a slaughterhouse or other premises in another member State, if the movement is licensed by a veterinary inspector and is authorised by that member State.

(4) The occupier of the premises must take all reasonable steps to minimise contact between birds isolated under paragraph (3)(a) and—

- (a) poultry and other captive birds on other premises; and
- (b) wild birds.

### **Killing of birds on premises**

9.—(1) Subject to regulation 10, the Scottish Ministers must ensure that poultry and other captive birds to be killed under regulation 4 or under paragraph 5(1) of Schedule 3 to the Act are killed without delay on the premises where they are kept.

(2) Killing shall be carried out in such a way as to minimise the dispersal of avian influenza virus.

### **Movement of birds off premises for killing**

10.—(1) If the Scottish Ministers consider that—

- (a) in the case of highly pathogenic avian influenza, killing birds off the premises where they are kept would limit the risk of the spread of avian influenza more effectively, they must issue the notice specified in paragraph (2);
- (b) in the case of low pathogenic avian influenza, killing birds off the premises where they are kept would not significantly increase the risk of the spread of avian influenza, they may issue the notice specified in paragraph (2).

(2) A notice under this paragraph is a notice issued by the Scottish Ministers directing the occupier of the premises where the birds are located, that killing of the birds specified in the notice is to be carried out at a place specified in the notice.

(3) Where the Scottish Ministers issue a notice under paragraph (2), they shall license the movement of those birds to that place.