

---

STATUTORY INSTRUMENTS

---

**2006 No. 1197**

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

PART 4

Measures on confirmation of highly pathogenic avian  
influenza at premises other than regulated places

**Disapplication of measures to regulated places**

18. This Part does not apply to regulated places.

**Restrictions on confirmation of highly pathogenic avian influenza**

19. If the Chief Veterinary Officer confirms that highly pathogenic avian influenza or highly pathogenic avian influenza virus exists on any premises, a veterinary inspector must (by notice to the occupier of the infected premises), impose, in addition to the restrictions and requirements set out in Schedule 1, the restrictions and requirements contained in Schedule 2.

**Killing of birds on premises**

20. The Secretary of State must, subject to article 21, ensure that poultry and other captive birds to be killed under paragraph 5 of Schedule 3 to the Act are killed without delay on the premises where they are kept.

**Movement of birds off premises for killing**

21. If the Secretary of State considers that killing birds off suspect premises would limit the risk of the spread of avian influenza more effectively, she may—

- (a) direct, by notice to the occupier of the premises where the birds are located, that killing of the birds specified in the notice be carried out at a place specified in the notice; and
- (b) license the movement of those birds to that place.

**Measures on special category premises**

22.—(1) The Secretary of State must not license the movement from special category premises of birds not killed under paragraph 5 of Schedule 3 to the Act unless she is satisfied, following tests on the birds, that they are not infectious.

(2) A veterinary inspector must not license a movement to another member State unless the movement is authorised by the competent authority of that member State.

(3) The following are special category premises—

- (a) non-commercial premises;

- (b) circuses;
- (c) zoos;
- (d) pet shops;
- (e) wildlife parks;
- (f) fenced areas where poultry or other captive birds are kept for scientific purposes or for purposes related to the conservation of endangered species;
- (g) premises or parts of premises where only breeds of poultry or other captive birds which the Secretary of State considers to be rare are kept.

### **Tracing of meat and eggs from infected premises**

**23.**—(1) The Secretary of State must (subject to paragraph (2)) endeavour to trace from infected premises—

- (a) the meat of all poultry slaughtered during the unregulated period of infection;
  - (b) poultry eggs laid at the premises during that period; and
  - (c) poultry hatched from such eggs.
- (2) The Secretary of State need not trace meat or poultry eggs moved from retail premises.

(3) “Unregulated period of infection” means the period from the date when, in the opinion of a veterinary inspector, avian influenza may first have been introduced to premises to the date when restrictions were imposed in relation to the premises under article 9.

### **Measures when meat and eggs have been traced**

**24.**—(1) The Secretary of State must ensure that any meat traced from infected premises in accordance with article 23 is destroyed.

- (2) The Secretary of State must—
- (a) ensure that all eggs so traced are disposed of or moved directly to premises for the manufacture of egg products in accordance with a licence granted by a veterinary inspector; and
  - (b) require, by notice to the occupier of any premises to which poultry already hatched from eggs so traced have been moved, that the poultry are not moved off the premises for at least 21 days from the date they arrived there.
- (3) A person moving eggs under a licence granted under sub-paragraph 2(a) must ensure that—
- (a) each consignment of eggs is sealed by a veterinary inspector or in accordance with his instructions before dispatch;
  - (b) vehicles used to transport the eggs to the plant have been cleansed and disinfected before the eggs are loaded.

(4) No person shall tamper with a seal attached under sub-paragraph 3(a) or remove it before the consignment arrives at the premises.

### **Veterinary inquiry at infected premises**

**25.** The Secretary of State must ensure that veterinary inquiries continue at all infected premises for such period as she considers necessary.

### **Identification of contact premises**

26.—(1) The Secretary of State must serve a notice on the occupier of any premises if she suspects—

- (a) that highly pathogenic avian influenza may have been carried there from other premises; or
- (b) that highly pathogenic avian influenza 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.

### **Restrictions at contact premises**

27.—(1) The provisions of Schedule 1 apply to contact premises until the Secretary of State notifies the occupier that those restrictions are withdrawn or that the premises are infected premises.

(2) The Secretary of State may, by notice to the occupier of contact premises, also require the occupier to comply with one or more of the requirements of Schedule 2.

(3) When considering whether to require an occupier to comply with any of the requirements of Schedule 2, the Secretary of State must take at least the following criteria into account—

- (a) the existence of any clinical signs of avian influenza in any birds on the contact premises;
- (b) the susceptibility to avian influenza of the species of poultry on the contact premises;
- (c) any movements of poultry or other captive birds from infected premises to the contact premises after the earliest date a veterinary inspector considers avian influenza may have been introduced to the infected premises;
- (d) the density of poultry in the area where the contact premises are located;
- (e) the duration of the outbreak of avian influenza and its spread from infected premises;
- (f) the proximity of the contact premises to infected premises;
- (g) epidemiological links between the contact premises and infected premises;
- (h) the extent to which measures to control the outbreak are working.

(4) When considering the proximity of the contact premises to infected premises under sub-paragraph 3(f), the Secretary of State must give particular consideration to whether she should impose measures on premises which are—

- (a) within 500 metres of infected premises; or
- (b) which are 500 metres or more from infected premises but are in an area with a high density of poultry.

(5) When considering epidemiological links between the contact premises and infected premises in accordance with sub-paragraph (3)(g), the Secretary of State must give particular consideration to whether she should impose measures on premises with links to more than one infected premises.

(6) If the Secretary of State requires poultry or other captive birds on a contact premises to be killed, she must ensure that samples are taken from the dead birds and tested for avian influenza.

### **Declaration of protection, surveillance and restricted zones**

28.—(1) The Secretary of State must, on confirmation by the Chief Veterinary Officer of highly pathogenic avian influenza on premises in England, declare a protection zone and a surveillance zone around the infected premises.

(2) The Secretary of State must, on confirmation by the Chief Veterinary Officer of highly pathogenic avian influenza in an area of Scotland or Wales which is 3 kilometres or less from England, declare a protection zone and a surveillance zone in England.

(3) The Secretary of State must, on confirmation by the Chief Veterinary Officer of highly pathogenic avian influenza in an area of Scotland or Wales which is more than 3 and up to 10 kilometres from England—

- (a) declare a surveillance zone in England; and
- (b) declare a protection zone in England (if she considers it necessary to prevent the spread of avian influenza).

(4) The Secretary of State may declare protection and surveillance zones in England on confirmation by the Chief Veterinary Officer of highly pathogenic avian influenza in an area of Scotland or Wales which is more than 10 kilometres from England.

(5) The Secretary of State must, if she considers it necessary to reduce the risk of the spread of avian influenza, declare one or more restricted zones in addition to protection and surveillance zones.

(6) Paragraphs (1), (2) and (3) do not affect the power of the Secretary of State to disapply measures or to apply alternative measures under articles 30(2), 31(2) and 33.

### **Size of zones**

**29.**—(1) A protection zone declared under paragraphs (1), (2) or (3) of article 28 must—

- (a) be centred on the part of the infected premises which the Secretary of State considers most appropriate, given the nature of the outbreak; and
- (b) have a radius of at least 3 kilometres.

(2) A surveillance zone declared under paragraphs (1), (2) or (3) of article 28 must—

- (a) be centred on the part of the infected premises which the Secretary of State considers most appropriate, given the nature of the outbreak; and
- (b) have a radius of at least 10 kilometres.

(3) A restricted zone must—

- (a) either
  - (i) be centred on the part of the infected premises which the Secretary of State considers most appropriate, given the nature of the outbreak; or
  - (ii) be adjacent to the surveillance zone or to another restricted zone; and
- (b) be of such size as the Secretary of State considers necessary.

(4) The Secretary of State must take account of the criteria set out in paragraph (5) when deciding—

- (a) what size zones to declare under paragraphs (1), (2) and (3) of article 28; and
- (b) whether to declare restricted zones under paragraph (5) of article 28.

(5) The criteria referred to in paragraph (4) are—

- (a) the results of veterinary inquiries;
- (b) the geographical features of the area around the infected premises;
- (c) the location and proximity of other premises containing poultry and other captive birds in the area;
- (d) patterns of movement of and trade in poultry and other captive birds in the area;
- (e) the facilities and personnel available to control movements within the zone (including any movement of poultry or other captive birds off premises for slaughter and disposal).

(6) Protection zones and surveillance zones declared under paragraph (4) of article 28 must be centred on the part of the premises which the Secretary of State considers most appropriate, given

the nature of the outbreak, and must be of such size as she considers necessary to reduce the risk of the spread of avian influenza.

### **Measures in protection zones**

**30.**—(1) The measures in Schedule 4 apply in respect of a protection zone, subject to paragraph (2) and articles 33 and 35.

(2) The Secretary of State may in her declaration of the protection zone, if she has carried out a risk assessment and does not believe that to do so would endanger disease control—

- (a) disapply one or more of those measures to movements of racing pigeons into, from and within the zone;
- (b) disapply one or more of the measures set out in paragraph 14 of Schedule 4 (restrictions on the movement of birds, eggs, poultry meat and carcasses) and article 63(2) (restrictions on the movement of meat) if—
  - (i) the premises where avian influenza has been confirmed are special category premises; and
  - (ii) avian influenza has been confirmed in poultry on those premises.

(3) The Secretary of State must ensure that—

- (a) premises containing poultry and other captive birds within a protection zone are identified as soon as possible; and
- (b) a veterinary inspector examines poultry and other captive birds at all such premises, carrying out examinations at commercial premises as soon as possible.

(4) The Secretary of State may, notwithstanding sub-paragraph (3)(b), authorise a reduced level of surveillance to that provided for in that sub-paragraph—

- (a) if the premises on which avian influenza is confirmed are special category premises; and
- (b) if she is satisfied that this would not endanger disease control.

(5) The Secretary of State must ensure that such veterinary inquiries as she considers necessary to monitor for avian influenza are carried out at premises to which things are moved within and out of a protection zone.

### **Measures in surveillance zones**

**31.**—(1) The measures in Schedule 5 apply in respect of a surveillance zone, subject to paragraph (2) and articles 33 and 35.

(2) The Secretary of State may, if she has carried out a risk assessment and does not believe that to do so would endanger disease control—

- (a) disapply one or more of those measures to movements of racing pigeons into, from and within the zone;
- (b) disapply one or more of the measures set out in paragraphs 6, 11 or 15 of Schedule 5 (restrictions on the movement of poultry and eggs within and outside the zone and of poultry, other captive birds and mammals onto premises) if—
  - (i) the premises where avian influenza has been confirmed are special category premises; and
  - (ii) avian influenza has been confirmed in poultry on those premises.

(3) The Secretary of State must ensure that all commercial poultry premises within a surveillance zone are identified as soon as possible.

**Restrictions on trade in things from areas where measures have been disapplied**

**32.** No person shall allow any poultry, other captive bird, hatching egg, used litter, manure or slurry from premises in respect of which any of the measures in Schedule 4 or 5 have been disapplied under articles 30 or 31 to be supplied for intra-Community or international trade, unless licensed by a veterinary inspector.

**Alternative measures where avian influenza is confirmed at a hatchery or in other captive birds on special category premises**

**33.**—(1) If the Secretary of State is satisfied, following confirmation of highly pathogenic avian influenza at a hatchery or in other captive birds on special category premises, that applying less stringent measures than those set out in articles 28 to 31 would not endanger disease control, she may decide—

- (a) not to make a declaration of any controlled zone around the premises;
- (b) to declare fewer zones than required under article 28;
- (c) to declare a controlled zone smaller in size than provided for in article 29;
- (d) to specify in her declaration of a controlled zone that one or more of the measures set out in Schedules 4 and 5 do not apply in that zone.

(2) The Secretary of State must carry out a risk assessment before reaching a decision under paragraph (1).

**Measures in restricted zones**

**34.**—(1) The Secretary of State must, in a declaration of a restricted zone under article 28(5), apply, in each zone so declared, such measures as she considers necessary to reduce the risk of the spread of avian influenza.

(2) These measures may include some or all of the measures set out in Schedules 4 and 5 and article 35.

**Additional measures in protection, surveillance and restricted zones**

**35.**—(1) The Secretary of State must, if she considers it necessary to reduce the risk of the spread of avian influenza, impose (by declaration) measures additional to those set out in Schedules 4 and 5.

(2) The Secretary of State's power to declare additional measures includes the power to prohibit or restrict—

- (a) the movement of vehicles or people involved in—
  - (i) the supply of animal feed;
  - (ii) the supply of agricultural equipment;
  - (iii) the collection of eggs;
  - (iv) the transport of poultry to slaughterhouses;
  - (v) the collection of carcasses for disposal;
- (b) the movement of those working on premises, including veterinary surgeons;
- (c) the movement of any person onto any premises (including common, unenclosed and waste land and agricultural buildings), notwithstanding the existence of any public footpath or right of way.

(3) The power to prohibit or restrict movement under paragraph (2)(c) applies only in relation to a protection zone and does not include a power to prohibit or restrict movement onto premises by—

- (a) the owner or occupier of the premises;
  - (b) any person whose principal residence or place of employment is those premises;
  - (c) an officer of the Secretary of State or an inspector;
  - (d) any person entering under the authority of a licence granted by a veterinary inspector or by an inspector under the direction of a veterinary inspector.
- (4) An inspector must cause a notice of a prohibition declared in accordance with paragraph (2) (c) (“a prohibition notice”) to be displayed at every entrance to the prohibited place.

### **Ending of protection, surveillance and restricted zones**

**36.**—(1) The Secretary of State may, by declaration, end a protection zone but must not, in the case of a protection zone declared under paragraph (1), (2) or (3) of article 28 do so until—

- (a) at least 21 days have elapsed since the completion at all infected premises in the zone of the preliminary cleansing and disinfection measures referred to in Part 2 of Schedule 3; and
- (b) a veterinary inquiry has been completed on all premises within the zone identified as containing poultry or other captive birds.

(2) On the ending of any protection zone, the area which formed that protection zone shall become part of the associated surveillance zone.

(3) The Secretary of State may, by declaration, end a surveillance zone but, in the case of a zone declared under paragraphs (1), (2) or (3) of article 28, must not do so until at least 30 days have elapsed since the completion at all infected premises in the zone of the preliminary cleansing and disinfection measures referred to in Part 2 of Schedule 3.