
STATUTORY INSTRUMENTS

2021 No. 1305

**The Avian Influenza (H5N1 in Wild Birds)
(England) (Amendment) Order 2021**

Amendments to article 5 (confirmation or suspicion of H5N1 in wild birds)

4. In article 5 (confirmation or suspicion of H5N1 in wild birds)—
- (a) in paragraph (1)(b)—
 - (i) in paragraph (i), omit “or”;
 - (ii) at the end of paragraph (ii), insert “; or”;
 - (iii) after paragraph (ii), insert—
 - “(iii) she suspects an avian influenza of public health concern found in wild birds may be present.”;
 - (b) for paragraph (2) substitute—
 - “(2) Where this article applies, the Secretary of State, after considering a risk assessment which takes into account the factors in paragraph (2A) may declare—
 - (a) a wild bird monitoring area or a wild bird monitoring area, or
 - (b) a wild bird control area and a wild bird area.”;
 - (c) after paragraph (2) insert—
 - “(2A) The risk assessment referred to in paragraph (2) must, amongst other considerations, take into account—
 - (a) the geographical features of the proposed area;
 - (b) any administrative boundaries;
 - (c) any limnological, ecological and epizootic factors;
 - (d) any monitoring facilities.”;
 - (d) omit paragraphs (3), (4) and (5);
 - (e) in paragraph (6) omit “, (3)(a) or (3)(b)”;
 - (f) in paragraph (7) omit “, (3)(a) or (3)(b)”.