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STATUTORY INSTRUMENTS

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**2021 No. 1305**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

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

*Made* - - - - *23rd November 2021*

*Coming into force* - - *24th November 2021*

The Secretary of State, in exercise of the powers conferred by sections 1, 8(1), 15(5), 17(1), 23 and 25 of the Animal Health Act 1981(1), makes the following Order.

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(1) 1981 c. 22, as amended by the Animal Health Act 2002 (c. 42), S.I. 1992/3293 and S.I. 2003/1734. Powers of the Secretary of State under that Act were previously exercised by the Minister of Agriculture, Fisheries and Food (see section 86(1)). Functions were transferred to the Secretary of State by S.I. 1999/3141 and 2002/794. Functions exercisable by the Secretaries of State for Scotland and Wales in relation to England were transferred to the Minister by S.I. 1999/3141 and were then transferred to the Secretary of State by S.I. 2002/794. The powers in the Animal Health Act 1981, when read with paragraph 5 of Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16), allow for modifications to be made to “retained direct minor EU legislation” as defined in section 7(6) of the Act. “Modify” is defined in section 20(1) of the European Union (Withdrawal) Act 2018 and includes “amend, repeal or revoke”.