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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 530**

**The Avian Influenza (Preventive Measures) (Scotland) Regulations 2005**

**Risk assessment and imposition of restrictions**

4.—(1) The Scottish Ministers shall evaluate the risk of the transmission of avian influenza virus (in particular virus of the subtype H5N1) from birds living in the wild to poultry or other captive birds in Scotland, taking into account the criteria and risk factors set out in Annex I to the Commission Decision.

(2) Having carried out such an evaluation, the Scottish Ministers shall, if they consider it necessary to reduce the risk of transmission of avian influenza (in particular virus of the subtype H5N1)—

- (a) declare an avian influenza prevention zone in all or part of Scotland; or
- (b) serve a restrictions notice on the owner or occupier of any premises where poultry or other captive birds are kept.

(3) A restrictions notice may, on the instruction of the Scottish Ministers, be served by an inspector.

(4) The Scottish Ministers shall, in a declaration of an avian influenza prevention zone or in a restrictions notice, impose such of the following restrictions and requirements as they consider necessary—

- (a) poultry and other captive birds must be housed or otherwise kept separate from wild birds;
- (b) domestic ducks and geese must be housed or otherwise kept separate from other poultry and captive birds;
- (c) poultry and other captive birds must be fed and provided with drinking water indoors or under a shelter which prevents wild birds from gaining access to the food or water supply;
- (d) bodies of water to which poultry have access for animal welfare reasons must be sufficiently screened off from wild waterfowl;
- (e) drinking water provided to poultry and other captive birds must not be sourced from surface water reservoirs unless the water has been treated to render any virus it may contain inactive;
- (f) birds of the orders *Anseriformes* (including ducks, geese and swans) and *Charadriiformes* (including gulls, murrelets, terns, avocets, puffins, woodcock, oystercatchers, sandpipers, plovers, surfbirds, snipes and skimmers) must not be used as decoys during bird-hunting except—
  - (i) for the purpose of attracting birds for sampling as part of the 2005 avian influenza survey<sup>(1)</sup>; and
  - (ii) under the authority of a licence granted by a veterinary inspector;

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(1) O.J. L 274, 20.10.2005, p.95.

- (g) keepers of poultry or other captive birds must immediately notify the Scottish Ministers of the following as regards those birds—
  - (i) any drop in feed and water intake of more than 20%;
  - (ii) any drop in egg production of more than 5% for more than 2 days;
  - (iii) a mortality rate greater than 3% in a week.
- (h) keepers of poultry and other captive birds and any other person who comes into contact with such birds or who enters or leaves premises where they are kept must take appropriate bio security measures;
  - (i) such other measures as the Scottish Ministers consider necessary—
    - (aa) to prevent any direct or indirect contact which wild birds might otherwise have with poultry and other captive birds; and
    - (bb) to ensure separation between domestic ducks and geese on the one hand and other poultry on the other.
- (5) A declaration of an avian influenza prevention zone shall—
  - (a) specify the boundaries of the avian influenza prevention zone; and
  - (b) specify the restrictions and requirements which apply in the zone.
- (6) Any premises which are partly inside and partly outside an avian influenza prevention zone shall be deemed to be wholly within it.
- (7) Any person subject to a declaration or a notice under these Regulations shall comply with such declaration or notice except to the extent that the person is authorised to do otherwise by a licence issued by a veterinary inspector.