
WELSH STATUTORY INSTRUMENTS

2006 No 1761 (W.183)

ANIMALS, WALES

ANIMAL HEALTH, WALES

The Avian Influenza (Vaccination) (Wales) Regulations 2006

Made - - - - 5 July 2006

Coming into force - - 6 July 2006

The National Assembly for Wales, is designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to the common agricultural policy of the European Community(2).

Exercising the powers conferred upon it by that section, the National Assembly for Wales makes the following Regulations:

Title, application and commencement

1.—(1) The title of these Regulations is The Avian Influenza (Vaccination) (Wales) Regulations 2006.

(2) These Regulations apply in relation to Wales and come into force on 6 July 2006.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Animal Health Act 1981(3);

“avian influenza” (“*ffliw adar*”) means an infection of poultry or other captive birds caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six week old chickens greater than 1.2;

“the Avian Influenza Order” (“*y Gorchymyn ffliw adar*”) means the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) Order 2006(4);

“the Directive” (“*y Gyfarwyddeb*”) means Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC(5);

(1) 1972 c. 68.

(2) S.I.2005/2766.

(3) 1981 c. 22, amended by S.I. 1992/3293 and the Animal Health Act 2002, c. 42. Other amendments are not relevant to these Regulations.

(4) S.I. 2006/1762 (W.184).

(5) OJ No. L 10, 14.1.2006, p. 16.

“emergency vaccination” (“*brechu brys*”) has the same meaning as it has in Article 53 of the Directive.

“inspector” (“*arolygydd*”) means an inspector appointed by a local authority for the purposes of these Regulations or under the Act, or a veterinary inspector;

“local authority” (“*awdurdod lleol*”) means in relation to an area the county council or county borough council for that area;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales of Cathays Park, Cardiff CF10 3NQ

“other captive bird” (“*aderyn caeth arall*”) means any bird kept in captivity which is not poultry and includes a bird kept for shows, races, exhibitions, competitions, breeding or for sale;

“poultry” (“*dofednod*”) means all birds that are reared or kept in captivity for the production of meat or eggs for consumption, the production of other products, for restocking supplies of game or for the purposes of any breeding programme for the production of these categories of birds;

“premises” (“*mangre*”) includes any land, building or place;

“preventive vaccination” (“*brechu ataliol*”) has the same meaning as it has in Article 56 of the Directive;

“vaccinate” (“*brechu*”) means treat poultry or other captive birds with vaccine against avian influenza;

“veterinary inspector” (“*arolygydd milfeddygol*”) means a veterinary inspector appointed by the National Assembly for the purposes of these Regulations or under the Act.

(2) Other expressions defined in the Directive have the same meaning in these Regulations.

Declarations, notices and licences

3.—(1) Declarations made under these Regulations—

- (a) must be in writing;
- (b) may be amended or revoked, by further declaration in writing, at any time;
- (c) must designate the extent of the vaccination zone being declared;
- (d) must refer to the minimum measures which apply in the vaccination zone and state whether they apply in all or part of the zone;
- (e) must state which categories of birds the measures apply to; and
- (f) must state at whose expense the measures are to be carried out.

(2) Notices issued under these Regulations—

- (a) may be amended or revoked, by further notice, at any time;
- (b) must specify whether they apply to all or part of the premises;
- (c) must, if they apply to part of premises, specify to which part they apply;
- (d) must refer to the minimum measures which apply to the premises;
- (e) must state which categories of birds the measures apply to; and
- (f) must state at whose expense the measures are to be carried out.

(3) Licences granted under these Regulations—

- (a) must be granted by the National Assembly or by an inspector appointed by the local authority acting under its direction;
- (b) must be in writing;

- (c) may be general or specific;
 - (d) may, in addition to any conditions required by these Regulations, be made subject to such conditions as the National Assembly considers necessary to control disease; and
 - (e) may be amended, suspended or revoked, in writing, at any time.
- (4) The National Assembly must take such steps as it considers fit to ensure that declarations, notices and licences are brought to the attention of those who may be affected by them as soon as is reasonably practicable.
- (5) The National Assembly must, in particular, ensure that the extent of any zone declared under these Regulations, the nature of the restrictions and requirements applicable within it and the dates of its declaration and withdrawal are publicised.
- (6) Except as otherwise directed by the National Assembly (in a declaration of a vaccination zone or by notice to the licence holder), licences granted in Scotland, England or Northern Ireland for activities which could be licensed in Wales under these Regulations have effect in Wales as if they were licences granted under these Regulations.
- (7) A person moving anything under the authority of a specific licence granted under these Regulations must—
- (a) keep the licence or a copy of it with him or her at all times during the licensed movement;
 - (b) on demand made by an inspector or other officer of the National Assembly, produce the licence and allow a copy or extract to be taken; and
 - (c) on such demand, furnish his or her name and address.
- (8) A person moving anything under the authority of a general licence granted under these Regulations must—
- (a) carry with him or her, at all times during the licensed movement, a consignment note which contains details of—
 - (i) what is moved (including its quantity);
 - (ii) the date of the movement;
 - (iii) the name and address of the originating premises;
 - (iv) the name and address of the place of destination.
 - (b) on demand by an inspector or by another officer of the National Assembly, produce the consignment note and allow a copy or extract to be taken; and
 - (c) on such demand, furnish his or her name and address.

Prohibition on vaccination

- 4.—(1) No person is to vaccinate any bird against avian influenza except where required by the National Assembly in accordance with regulation 5 or 6.
- (2) The prohibition in this regulation does not apply to—
- (a) anything done under the authority of a licence granted under article 4 of the Specified Animal Pathogens Order 1998(6); or
 - (b) administration of a vaccine in accordance with an animal test certificate granted under regulation 8 of the Veterinary Medicines Regulations 2005(7).

(6) S.I. 1998/463.
(7) S.I. 2005/2745.

Decision to require emergency vaccination

5.—(1) Where the condition in paragraph (2) is fulfilled, the National Assembly must, if it considers necessary to reduce the risk of the spread of avian influenza—

- (a) declare an emergency vaccination zone in all or part of Wales, where these areas contain poultry or other captive birds which it considers should be vaccinated; or
- (b) serve an emergency vaccination notice on the occupier of any premises where poultry, other captive birds or any category of poultry or other captive bird which it considers should be vaccinated, are kept.

(2) The condition referred to in paragraph (1) is that the National Assembly has carried out a risk assessment which indicates that there is a significant and immediate threat of avian influenza spreading within or into Wales following—

- (a) an outbreak of avian influenza within the United Kingdom;
- (b) an outbreak of avian influenza within a nearby Member State; or
- (c) confirmation of the presence of avian influenza in poultry or other captive birds in a nearby third country.

(3) Any premises which are partly inside and partly outside an emergency vaccination zone are deemed to be wholly within it.

Decision to require preventive vaccination

6.—(1) Where the conditions in paragraph (2) are fulfilled, the National Assembly must, if it considers necessary to reduce the risk of transmission of avian influenza—

- (a) declare a preventive vaccination zone in all or part of Wales, where these areas contain poultry or other captive birds which it considers should be vaccinated; or
- (b) serve a preventive vaccination notice on the occupier of any premises where poultry, other captive birds or any category of poultry or other captive bird which it considers should be vaccinated, are kept.

(2) The conditions referred to in paragraph (1) are—

- (a) a risk assessment has been carried out by the National Assembly which indicates that all or certain areas of Wales, types of poultry husbandry or certain categories of poultry or other captive birds are exposed to the risk of avian influenza; and
- (b) a preventive vaccination plan has been submitted to and approved by the Commission in accordance with Articles 56 and 57 of the Directive.

(3) Any premises which are partly inside and partly outside a preventive vaccination zone are deemed to be wholly within it.

Extension of the power to cause vaccination

7. Notwithstanding section 16(1) of the Act, the National Assembly may cause vaccination of poultry or captive birds which do not fall within that section where they are in a vaccination zone or within premises which are the subject of a vaccination notice and the following provisions of the Act apply as if such vaccination was carried out in exercise of the power in section 16(1)—

- (a) sub-sections 16(2) to 16(17)(8) (treatment after exposure to infection);
- (b) section 16A(9) (slaughter of vaccinated animals); and

(8) Section 16 was amended by the Animal Health Act 2002 (c. 42), section 7.

(9) Section 16A was inserted by the Animal Health Act 2002 (c. 42), section 5.

- (c) section 62A(10) (slaughter: power of entry).

Measures applying in a vaccination zone or to premises under notice

8.—(1) The National Assembly must, in a declaration of a vaccination zone or in a vaccination notice—

- (a) require the vaccination of poultry, other captive birds or any specified category of poultry or other captive bird in accordance with instructions issued by it; and
 - (b) where vaccination is to be carried out by the National Assembly, require co-operation with any person authorised by it to carry out vaccination.
- (2) No person is to move any poultry, other captive bird or their products—
- (a) out of a vaccination zone; or
 - (b) out of premises which are the subject of a vaccination notice;

except under the authority of a licence.

(3) In paragraph (2), the “products” (“*cynhyrchion*”) of poultry or other captive birds means any carcase, egg or any other thing originating or made (whether in whole or in part) from poultry or other captive birds or the carcasses of such birds.

- (4) Paragraph (2) does not apply to—
- (a) products which derive from poultry or other captive birds located outside a vaccination zone or premises which are the subject of a vaccination notice; or
 - (b) the retail distribution of poultry eggs and movements subsequent to such distribution.

(5) Paragraphs (2) to (4) apply without prejudice to any other requirement or restriction applying in any part of a zone or premises because that part of the zone or premises falls within another zone declared by the National Assembly, or is the subject of another notice served by the National Assembly, for the purposes of reducing the risk of the spread of avian influenza or any other purpose.

(6) Any person moving poultry, other captive birds or their products under this regulation must keep a record, in the form of a consignment note or otherwise, of the date of the movement and the registration of any vehicle used, for at least six weeks after the date of the movement.

Emergency vaccination without an approved plan

9.—(1) Where the National Assembly declares an emergency vaccination zone or serves an emergency vaccination notice before an emergency vaccination plan has been approved by the Commission in accordance with Article 54 of the Directive—

- (a) a licence issued under regulation 8(2) must impose the conditions set out in the Schedule;
- (b) the owner or driver of any vehicle or other means of transport used for transporting live poultry or other captive birds, poultry eggs or poultry meat under such a licence must, as soon as reasonably practicable after use, cleanse and disinfect that vehicle and any equipment used in the transportation of such material in accordance with Part 1 of Schedule 3 of the Avian Influenza Order insofar as it is applicable to vehicles;
- (c) a veterinary inspector must, by notice to the owner or driver of a vehicle or other means of transport referred to in sub-paragraph 1(b), require the destruction of any thing which may be contaminated with avian influenza virus and which he or she considers cannot be cleansed and disinfected or treated.

(2) Under sub-paragraph (1)(b), disinfection must be carried out in accordance with Article 66(4) of The Avian Influenza Order.

(3) References to “this Order” in Part 1 of Schedule 3 of the Avian Influenza Order must be read as references to these Regulations.

(4) Packing centres and slaughterhouses which are designated under the Avian Influenza Order are deemed to be designated for the purpose of receiving poultry, other captive birds, poultry eggs or poultry meat (as the case may be) which are moved under a licence granted under regulation 8(2) in the circumstances described in paragraph (1).

(5) Upon approval of the emergency vaccination plan in accordance with Article 54 of the Directive, the National Assembly or an inspector acting under its direction may vary the conditions in the licence referred to in paragraph (1)(a).

Failure to vaccinate animals specified for vaccination

10.—(1) Any person (other than an inspector) who knows or suspects that the National Assembly has required a bird to be vaccinated, but that bird was not vaccinated at the time when it should have been, must immediately notify the Divisional Veterinary Manager of the State Veterinary Service for the area in which that bird is located.

(2) If an inspector suspects that the National Assembly has required a bird to be vaccinated, but that bird was not vaccinated at the time when it should have been, he or she must arrange for that bird to be vaccinated as soon as is reasonably practicable.

Cleansing and disinfection of vehicles: provision of facilities, equipment and materials

11. Where cleansing and disinfection of vehicles is required at any premises by or under these Regulations, the occupier of those premises must provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

Change of occupation of premises under restriction

12.—(1) This regulation applies if the keeper of any poultry or other captive bird is unable to move it from premises on the termination of his or her right of occupation because of a movement restriction imposed by or under these Regulations and continues to apply for seven days after any such restriction has been removed.

(2) Where this regulation applies, the person entitled to occupation of the premises on that termination must—

- (a) provide such facilities for feeding, tending or otherwise using the poultry or other captive animal (including selling it) as the keeper may reasonably require; and
- (b) allow entry to the premises to that keeper and any person authorised by him or her at reasonable times for feeding, tending or otherwise using the poultry or other captive bird.

(3) If the keeper is unable or unwilling to feed or tend the poultry or other captive bird, the person entitled to occupation of the premises must take such steps as are necessary to ensure it is properly fed and tended.

(4) The keeper of the poultry or other captive bird is liable to pay the reasonable costs incurred under this regulation by any person feeding or tending it, or providing facilities for feeding, tending or otherwise using it.

Reasonable assistance

13. Any person required to give reasonable assistance or information to a person acting in the execution of these Regulations for the performance of his or her functions under them must, unless he or she has reasonable cause, do so without delay.

False information

14. No person is to furnish information which he or she knows to be false or misleading to a person acting in the execution of these Regulations.

Production of records

15.—(1) Any person required to produce a record by a person acting in the execution of these Regulations must do so without delay.

- (2) On production, a person acting in the execution of these Regulations may—
- (a) copy any records, in whatever form they may be held; or
 - (b) remove any records to enable them to be copied, or where they are kept electronically, require them to be produced in a form which may be taken away.
- (3) A person removing records under this regulation must give a written receipt for them.

Compliance with notices, declarations and licences

16.—(1) Any person on whom a notice is served, or to whom a declaration or licence applies, under these Regulations who contravenes or fails to comply with the requirements or restrictions in that notice, declaration or licence is guilty of an offence.

Powers of inspectors

17.—(1) The following provisions of the Act apply as if these Regulations were an Order made under the Act and as if the definition of poultry in section 87(4) of the Act was extended to include all birds—

- (a) section 63 (general powers of inspectors);
 - (b) section 64A(11) (powers of inspectors relating to Community obligations), and
 - (c) section 65(1) to (3) (power to detain vessels and aircraft).
- (2) Section 65A of the Act(12) (inspection of vehicles) applies as if—
- (a) these Regulations were an Order under the Act;
 - (b) the definition of poultry in section 87(4) of the Act was extended to include all birds; and
 - (c) every vaccination zone or premises specified in a vaccination notice was designated for the duration of its existence for the purposes of that section.
- (3) An inspector may mark any bird or other thing for identification purposes.
- (4) Any person who defaces, obscures or removes any mark applied under paragraph (3) is guilty of an offence.

Offences and proceedings

18.—(1) The following provisions of the Act apply as if these Regulations were an Order made under the Act—

- (a) section 66 and 66A(13) (refusal and obstruction);
- (b) section 67 (issue of false licences etc.);
- (c) section 68 (issue of licences etc. in blank);

(11) Section 64A was inserted by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I. 1992/3293), regulation 2.

(12) Section 65A was inserted by the Animal Health Act 2002 (c. 42), section 10.

(13) Section 66A was inserted by the Animal Health Act 2002 (c. 42), section 8(2).

- (d) section 71 (other offences as to licences);
- (e) section 71A(14), (prosecutions: time limit);
- (f) section 73 (general offences);
- (g) section 77 (money recoverable summarily); and
- (h) section 79(1) to (4) (evidence and procedure)

and as if the definition of poultry in section 87(4) of the Act was extended to include all birds.

(2) Section 69 of the Act (falsely obtaining licences etc.) applies as if licences granted under these Regulations were granted under an Order made under the Act.

(3) Section 75 of the Act(15) (penalties for certain summary offences) applies as if these Regulations were an Order made under the Act except that any term of imprisonment on summary conviction must not exceed three months.

General powers of inspectors to take action to prevent the spread of avian influenza

19.—(1) This regulation applies in every vaccination zone and every premises stipulated in a vaccination notice.

(2) A veterinary inspector or an inspector acting under his or her direction may, if he or she considers it necessary to prevent the risk of the spread of avian influenza, require—

- (a) the detention and isolation of any vehicle, equipment or other thing and its subsequent cleansing and disinfection, by serving a notice on the occupier of the premises where it is present, or on the person in charge of the thing.
- (b) the cleansing and disinfection of any premises or part of any premises, by serving a notice requiring it on the occupier of those premises;
- (c) the detention or isolation in a specified place of any animal, poultry or other captive bird by serving a notice on the occupier of the premises where it is present, or on its keeper;
- (d) the separation of any animal, poultry or other captive bird from other animals, poultry or other captive birds by serving a notice requiring it on the occupier of the premises where it is present, or on its keeper.

Powers of inspectors in case of default

20.—(1) If any person fails to comply with a requirement of these Regulations or of a declaration, licence or notice under them, an inspector may take such steps he or she considers necessary to ensure the requirement is met (including seizing and detaining any thing).

(2) In taking steps under this regulation, an inspector may direct any person to take or refrain from specified action in respect of any premises, animal, bird, vehicle or other thing.

(3) Any steps taken under this article are without prejudice to proceedings for an offence arising out of the default.

(4) The person in default must reimburse any reasonable expenses incurred by the National Assembly or the local authority in taking such steps and such expenses are recoverable summarily.

Offences by bodies corporate

21.—(1) If an offence committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or

(14) Section 71A was amended by the Animal Health Act 2002 (c. 42), section 14.

(15) Section 75 was amended by the Animal Health Act 2002 (c. 42), section 13.

(b) to be attributable to any neglect on his or her part, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body.

(3) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Enforcement

22.—(1) The local authority must, subject to paragraph (2), enforce these Regulations.

(2) The National Assembly may, in relation to cases of a particular description or any particular case, direct that it will enforce these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(16)

5 July 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

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SCHEDULE

Regulation 8(2)

CONDITIONS FOR MOVEMENTS OF POULTRY, OTHER CAPTIVE BIRDS AND POULTRY PRODUCTS

PART 1

Interpretation

1. In this Schedule “the movement licence” (“*y drwydded symud*”) means a licence issued under Regulation 8(2) for the particular movement described in the relevant sub-paragraph of this Schedule.

PART 2

MOVEMENTS OF LIVE POULTRY OR OTHER CAPTIVE BIRDS OR POULTRY EGGS WITHIN A VACCINATION ZONE

2.—(1) Where any person moves live poultry or other captive birds or poultry eggs within a vaccination zone—

- (a) hatching eggs must—
 - (i) originate from a vaccinated or unvaccinated breeding flock which has been examined by a veterinary inspector;
 - (ii) have been disinfected before dispatch in accordance with instructions issued by a veterinary inspector;
 - (iii) be transported directly to the hatchery of destination; and
 - (iv) be traceable within the hatchery.
- (b) eggs must originate from a vaccinated or non-vaccinated layer flock which has been examined by a veterinary inspector and must be transported to—
 - (i) a designated packing centre, provided that they are packed in disposable packaging and that all biosecurity measures required by the movement licence are applied; or
 - (ii) an establishment for the manufacture of egg products as set out in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004⁽¹⁷⁾ to be handled and treated in accordance with Chapter XI of Annex II to Regulation (EC) No 852/2004⁽¹⁸⁾.
- (c) day-old chicks must—
 - (i) originate from hatching eggs satisfying the conditions set out in paragraph (a); and
 - (ii) be placed in a poultry-house or shed where there is no resident poultry.
- (d) live poultry or other captive birds must—
 - (i) have been vaccinated against avian influenza if vaccination is required by a declaration or notice under regulation 5(1);
 - (ii) have been examined by a veterinary inspector; and
 - (iii) be placed in a poultry-house or shed where there is no resident poultry.

⁽¹⁷⁾ OJ No. L139, 30.4.2004, p.55.

⁽¹⁸⁾ OJ No. L139, 30.4.2004, p.1.

- (e) poultry for slaughter must—
 - (i) be examined by a veterinary inspector before loading; and
 - (ii) be sent directly to a designated slaughterhouse for immediate slaughter.
- (2) Sub-paragraph (1)(b) does not apply to the retail distribution of poultry eggs and movements subsequent to such distribution.

PART 3

MOVEMENTS OF LIVE POULTRY OR OTHER CAPTIVE BIRDS OR POULTRY EGGS FROM PREMISES OUTSIDE A VACCINATION ZONE OR PREMISES WHICH ARE NOT UNDER NOTICE TO PREMISES WITHIN A VACCINATION ZONE OR TO PREMISES WHICH ARE UNDER NOTICE

3.—(1) Where any person moves live poultry or other captive birds or poultry eggs from premises outside a vaccination zone, or premises which are not under notice, to premises within a vaccination zone or to premises which are under notice—

- (a) hatching eggs must—
 - (i) be transported directly to the hatchery of destination; and
 - (ii) be traceable within the hatchery.
- (b) eggs must be transported to—
 - (i) a designated packing centre, provided that they are packed in disposable packaging and that all biosecurity measures required by the movement licence are applied; or
 - (ii) an establishment for the manufacture of egg products as set out in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004 to be handled and treated in accordance with Chapter XI of Annex II to Regulation (EC) No 852/2004.
- (c) day-old chicks must be placed in a poultry house or shed where there is no resident poultry.
- (d) live poultry or other captive birds must—
 - (i) be placed in a poultry-house or shed where there is no resident poultry; and
 - (ii) be vaccinated at the farm of destination if vaccination is required by a declaration or notice under regulation 5(1).
- (e) poultry for slaughter must be sent directly to a designated slaughterhouse for immediate slaughter.
- (2) Sub-paragraph (1)(b) does not apply to the retail distribution of poultry eggs and movements subsequent to such distribution.

PART 4

MOVEMENTS OF LIVE POULTRY OR OTHER CAPTIVE BIRDS OR POULTRY EGGS FROM PREMISES WITHIN A VACCINATION ZONE OR

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PREMISES WHICH ARE UNDER NOTICE TO PREMISES OUTSIDE A VACCINATION ZONE OR TO PREMISES WHICH ARE NOT UNDER NOTICE

4.—(1) Where any person moves live poultry or other captive birds or poultry eggs from premises within a vaccination zone, or from premises which are under notice, to premises outside a vaccination zone or to premises which are not under notice—

- (a) hatching eggs must—
 - (i) originate from a vaccinated or unvaccinated breeding flock which has been examined by a veterinary inspector;
 - (ii) have been disinfected before dispatch in accordance with instructions issued by a veterinary inspector;
 - (iii) be transported directly to the hatchery of destination; and
 - (iv) be traceable within the hatchery.
- (b) eggs must originate from a vaccinated or non-vaccinated layer flock which has been examined by a veterinary inspector and must be transported to—
 - (i) a designated packing centre, provided that they are packed in disposable packaging and that all biosecurity measures required by the movement licence are applied; or
 - (ii) an establishment for the manufacture of egg products as set out in Chapter II of Section X of Annex III to Regulation (EC) No 853/2004 to be handled and treated in accordance with Chapter XI of Annex II to Regulation (EC) No 852/2004.
- (c) day-old chicks must—
 - (i) not have been vaccinated;
 - (ii) originate from hatching eggs satisfying the conditions set out in paragraph 2(1)(a), 3(1)(a) or 4(1)(a);
 - (iii) be placed in a poultry-house or shed where there is no resident poultry.
- (d) live poultry or other captive birds must—
 - (i) not have been vaccinated;
 - (ii) have been examined by a veterinary inspector; and
 - (iii) be placed in a poultry-house or shed where there is no resident poultry.
- (e) poultry for slaughter must—
 - (i) be examined by a veterinary inspector before loading; and
 - (ii) be sent directly to a designated slaughterhouse for immediate slaughter.

(2) Sub-paragraph (1)(b) does not apply to the retail distribution of poultry eggs and movements subsequent to such distribution.

PART 5

MEAT OBTAINED FROM POULTRY KEPT WITHIN A VACCINATION ZONE OR PREMISES UNDER NOTICE

5.—(1) For meat obtained from vaccinated poultry kept within a vaccination zone or premises under notice and which have been sent for slaughter, that poultry must—

- (a) have been vaccinated with a vaccine specified in a declaration or notice under regulation 5(1);

- (b) have been inspected and tested by a veterinary inspector;
 - (c) have been clinically inspected by a veterinary inspector within 48 hours before loading and if appropriate any sentinel birds on the premises must have been examined by a veterinary inspector; and
 - (d) have been sent directly to a designated slaughterhouse for immediate slaughter.
- (2) For meat obtained from non-vaccinated poultry kept within a vaccination zone or premises under notice and which have been sent for slaughter, the poultry must have undergone monitoring by a veterinary inspector or an inspector under the direction of a veterinary inspector.

PART 6

MOVEMENT OF POULTRY OR OTHER CAPTIVE BIRDS FROM THE UNITED KINGDOM

6. The movement of poultry or other captive birds kept within a vaccination zone or premises under notice from the United Kingdom is prohibited unless authorised by the receiving Member State.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose for Wales Council Directive [2005/94/EC](#) on Community measures for the control of avian influenza repealing Directive [92/40/EEC](#) (OJNo. L10, 14.1.2006, p. 16) insofar as it deals with vaccination against avian influenza.

Regulation 4 imposes a general prohibition on vaccination of animals against avian influenza except where required by the National Assembly.

Regulations 5 and 6 require the National Assembly to declare vaccination zones in areas which contain poultry or other captive birds which it considers should be vaccinated to prevent the risk of the spread of avian influenza, or to serve vaccination notices on premises where such birds are kept. Such measures can only be carried out where a risk assessment has been carried out and it has indicated that there is a risk of avian influenza spreading within or into Wales, or that certain areas or birds are in any event exposed to the risk of avian influenza. These measures will be emergency or preventive, depending on the nature of the risk.

Regulation 7 extends the power to vaccinate animals in section 16 of the Animal Health Act [1981 \(c. 22](#), amended by the Animal Health Act [2002, c. 42](#)) (“the Act”) and consequentially, the effect of the other provisions of the Act relation to vaccination.

Regulation 8 provides for measures applying in a vaccination zone or premises stipulated in a vaccination notice. The National Assembly must stipulate in the declaration or notice whether vaccination is required to be carried out by the occupier of the relevant premises or whether it is to be carried out by it and co-operation is required. There is also a general prohibition on the movement of poultry or other captive birds within, into or out of the zone or premises unless authorised by licence.

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Regulation 9 provides that where emergency vaccination is undertaken before the Commission has approved the emergency vaccination plan, any licence permitting the movement of poultry or other captive birds must impose the requirements set out in the Schedule.

Regulation 10 makes provision for birds which ought to have been included in a vaccination programme but were not for any reason vaccinated.

Regulation 11 requires occupiers to provide facilities, equipment and materials where cleansing and disinfection of vehicles is required on their premises.

Regulation 12 provides for the feeding and tending of animals or poultry which cannot be moved on termination of a right of occupation because of a restriction imposed by the Regulations.

Regulations 13 to 22 make provision related to offences and enforcement. In particular, regulation 18 applies offence related provisions of the Act as if the Regulations were empowered by the Act; consequentially, failure to comply with the Regulations is an offence under section 73 of the Act (regulation 18(1)(f)). Regulation 18(3) provides that a person guilty of an offence under these Regulations will be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding £5000 or both.

A regulatory appraisal of the effect that this instrument will have on the costs of business has not been prepared. A Transposition Note setting out how elements of Directive [2005/94/EC](#) are transposed in these Regulations may be obtained from the National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.