
WELSH STATUTORY INSTRUMENTS

2006 No. 1762

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

PART 1

Introduction

Title, application and commencement

1.—(1) The title of this Order is the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) Order 2006.

(2) This Order applies in relation to Wales and comes into force on 6 July 2006.

Interpretation

2. In this Order—

“the Act” means the Animal Health Act 1981;

“avian influenza” 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;

“border inspection post” means a place specified as such in Schedule 2 to the Animal and Animal Products (Import and Export) (Wales) Regulations 2005(1);

“carcase” means the carcase of any bird and includes any part of a carcase;

“the Chief Veterinary Officer” means the Chief Veterinary Officer appointed by the National Assembly;

“commercial poultry premises” means commercial premises where poultry are kept;

“commercial premises” means premises where poultry or other captive birds are kept for commercial purposes and does not include premises where all poultry and their eggs are kept by their owners for their own consumption or use or, in the case of poultry, as pets;

“competent authority” means the authority in a member State authorised by it to carry out its functions under the Directive;

“contact premises” has the meaning given in article 26;

“controlled zone” means a protection zone, a surveillance zone, a restricted zone, a temporary movement restriction zone, a temporary control zone, a low pathogenic avian influenza restricted zone, an avian influenza prevention zone, or an avian influenza (restrictions on mammals) zone;

“day-old chick” means all poultry less than 72 hours old which have not yet fed and muscovy ducks (*Cairina moschata*) and their crosses less than 72 hours old, whether or not fed;

“designated” means designated by the National Assembly in accordance with article 71;

“the Directive” means Council Directive [2005/94/EC\(2\)](#) on Community measures for the control of avian influenza which repealed Council Directive [92/40/EEC](#);

“dispose” means deal with in accordance with the Animal By-Products (Wales) Regulations 2005(3);

“the Divisional Veterinary Manager” means the veterinary inspector of the State Veterinary Service with this title appointed by the National Assembly for the area in which premises are located;

“highly pathogenic avian influenza” means an infection of poultry or other captive birds caused by—

- (a) avian influenza viruses of the subtypes H5 or H7 with genome sequences codifying for multiple basic amino acids at the cleavage site of the haemagglutinin molecule similar to that observed for other highly pathogenic avian influenza viruses, indicating that the haemagglutinin molecule can be cleaved by a host ubiquitous protease; or
- (b) avian influenza viruses with an intravenous pathogenicity index in six-week old chickens greater than 1.2;

“keeper” means any person responsible for birds or animals, whether on a permanent or temporary basis, but does not include a person responsible for them solely because he or she is transporting them;

“local authority” means in relation to an area the county council or county borough council for that area;

“low pathogenic avian influenza” means an infection of poultry or other captive birds caused by avian influenza viruses of subtypes H5 or H7 other than avian influenza viruses of subtypes H5 or H7 which cause highly pathogenic avian influenza;

“mammal” means any mammal, except man;

“National Assembly” means the National Assembly for Wales of Cathays Park, Cardiff CF10 3NQ;

“non-commercial premises” means premises where poultry or other captive birds are kept by their owners for their own consumption, use or as pets;

“occupier” means the person in charge of premises;

“other captive bird” means a bird kept in captivity which is not poultry and includes a pet bird and a bird kept for shows, races, exhibitions, competitions, breeding or for sale;

“poultry” means a bird reared or kept in captivity for the production of meat or eggs for consumption, or of other products, for restocking supplies of game or for the purposes of any breeding programme for the production of such categories of birds;

“premises” includes any land, building or other place;

“prohibition notice” has the meaning given in article 35(4);

“quarantine centre” means premises where imported birds are quarantined on arrival in Wales;

“racing pigeon” means any pigeon transported or intended for transport from its pigeon house so that it may be released and freely fly back there or to another destination;

“regulated place” means a slaughterhouse, quarantine centre or border inspection post;

“slaughterhouse” means an establishment used for slaughtering poultry, the meat of which is intended for human consumption;

(2) OJ No L10, 14.1.2006, p16.

(3) S.I. [2003/2756](#).

“special category premises” has the meaning given in article 22(3);

“unregulated period of infection” has the meaning given in article 23(3);

“vehicle” includes any means of transport and includes—

- (a) a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle;
- (b) a detachable part of any vehicle;
- (c) a container or other structure designed or adapted to be carried on a vehicle;

“veterinary surgeon” means a person who is registered in the register of veterinary surgeons maintained by the Royal College of Veterinary Surgeons (“the College”) or in the supplementary register maintained by the College.

Scope of the Act and of this Order

3.—(1) For the purposes of the Act in its application to avian influenza and to this Order—

- (a) the definition of “poultry” in section 87(4) of the Act is extended to include all birds;
- (b) the definition of “animals” in section 87(1) of the Act is extended to include all mammals, except man;
- (c) the definition of “disease” in section 88(1) of the Act is extended to include any infection in mammals caused by influenza virus of avian origin.

(2) Section 32 of the Act applies to any infection in mammals caused by influenza virus of avian origin.

(3) This Order does not apply to anything done in accordance with a licence under the Specified Animal Pathogens Order 1998(4).

Declarations, licences, notices and designations under this Order

4.—(1) Declarations under this Order—

- (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 any controlled zone being declared;
- (d) must list or refer to the measures which apply in such a zone and state whether they apply in all or part of the zone;
- (e) must state to which categories of bird or mammal measures apply; and
- (f) must, where they designate a controlled zone, be ended by further declaration.

(2) Licences under this Order—

- (a) must be in writing;
- (b) may be general or specific;
- (c) may, in addition to any conditions required by this Order, be made subject to such conditions as the National Assembly considers necessary to control avian influenza; and
- (d) may be amended, suspended or revoked, in writing, at any time.

(3) Notices under this Order—

- (a) may be amended or revoked, by further notice, at any time;
- (b) must specify whether they apply to all or part of premises;
- (c) must, if they apply to part of premises, specify to which part they apply.

(4) S.I. 1998/463.

- (4) Designations under this Order—
- (a) must be in writing;
 - (b) may be made subject to such conditions as the National Assembly considers necessary to control avian influenza;
 - (c) may be amended, suspended or revoked in writing at any time.
- (5) The National Assembly must take such steps as it considers fit to ensure that declarations, licences, notices and designations are brought to the attention of those who may be affected by them as soon as is reasonably practicable.
- (6) The National Assembly must, in particular, ensure that the extent of any zone declared under this Order, the nature of the restrictions and requirements applicable within it and the dates of its declaration and withdrawal are publicised.
- (7) Except as otherwise directed by the National Assembly in a declaration of a controlled zone or by notice to the licence holder—
- (a) licences granted in Scotland, England or Northern Ireland for activities which could be licensed in Wales under this Order have effect in Wales as if they were licences granted under this Order; and
 - (b) premises in Scotland, England and Northern Ireland designated respectively by the Scottish Ministers, the Department for the Environment, Food and Rural Affairs or by the Department for Agriculture and Rural Development of Northern Ireland for the same purposes as they may be designated under this Order are deemed to be designated by the National Assembly for the purposes of this Order.
- (8) A person moving anything under the authority of a specific licence granted under this Order must—
- (a) keep the licence or a copy of it with him or her at all times during the licensed movement;
 - (b) on demand by an inspector, a veterinary inspector or by another 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.
- (9) A person moving anything under the authority of a general licence granted under this Order 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 destination;
 - (b) on demand by an inspector, a veterinary 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.
- (10) Unless the National Assembly declares otherwise in a declaration of a controlled zone or by notice to the occupier of any premises or to the owner or occupier of any vehicle, any movement which has already started when such a declaration comes into force may be completed.

Controlled zones

5.—(1) Subject to paragraph (2), premises which are only partly in a controlled zone are deemed to be wholly within the controlled zone.

(2) Premises in any controlled zone which are partly in one of the following zones and partly in another are deemed to be wholly in the zone furthest up the following list—

- (a) protection zone;
- (b) surveillance zone;
- (c) restricted zone;
- (d) temporary control zone;
- (e) temporary movement restriction zone;
- (f) low pathogenic avian influenza restricted zone;
- (g) avian influenza prevention zone.

(3) Every controlled zone (other than an avian influenza prevention zone) is an infected area for the purposes of the Act.