
WELSH STATUTORY INSTRUMENTS

2006 No. 1762

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

PART 6

Measures on confirmation of low pathogenic avian influenza

Measures when low pathogenic avian influenza is confirmed

46.—(1) If the Chief Veterinary Officer confirms low pathogenic avian influenza on any premises other than regulated places, the National Assembly must—

- (a) apply (by notice to the occupier of the premises) such of the measures set out in Part 1 of Schedule 6 as it considers necessary to reduce the risk of the spread of avian influenza; and
- (b) ensure that a veterinary inquiry continues at the infected premises.

(2) The National Assembly must not permit any movement otherwise prohibited under Part 1 of Schedule 6 unless it is satisfied that it would not significantly increase the risk of the spread of low pathogenic avian influenza.

(3) When reaching a decision under paragraph (2), the National Assembly must, in particular, take into account the criteria set out in Part 2 of Schedule 6.

(4) An inspector who knows or suspects that any poultry or other captive bird in transit is infected or contaminated with avian influenza may serve a notice on the keeper of the bird—

- (a) directing transport of the bird to such premises as the inspector thinks fit; and
- (b) requiring the detention at such place as the inspector directs of any vehicle, equipment or other thing suspected of being contaminated until it has been cleansed and disinfected as directed by the inspector.

(5) Any expenses arising from the transport of any bird (including feeding, watering and any other expenses incurred in relation to the welfare of the bird) must be paid by its owner.

Killing of poultry and other captive birds

47.—(1) The National Assembly must ensure that poultry and other captive birds on premises where low pathogenic avian influenza is confirmed and which are to be killed on the premises under paragraph 5 of Schedule 3 to the Act are killed as soon as possible.

(2) The occupier of a slaughterhouse must ensure that poultry from premises where low pathogenic avian influenza has been confirmed are killed as soon as possible.

(3) The National Assembly must not authorise movement to a slaughterhouse unless it is satisfied that the movement would not significantly increase the risk of the spread of low pathogenic avian influenza.

(4) The National Assembly must ensure that birds are killed or slaughtered in such a way as to reduce the risk of the spread of avian influenza.

Movement of eggs from premises where low pathogenic avian influenza is confirmed

48.—(1) If the National Assembly directs that poultry on any premises where low pathogenic avian influenza is confirmed are to be slaughtered at a slaughterhouse, it must not license the movement of eggs off the premises prior to the poultry being sent for slaughter unless it is satisfied that the movement would not significantly increase the risk of the spread of low pathogenic avian influenza.

- (2) The National Assembly may only license the movement of such eggs—
- (a) to a designated packing centre, in disposable packaging;
 - (b) to an establishment for the manufacture of egg products; or
 - (c) for disposal.

Veterinary surveillance of poultry

49. The National Assembly must ensure that any premises where poultry are kept before being sent to a slaughterhouse under article 47 are kept under veterinary surveillance.

Measures on special category premises

50.—(1) The occupier of special category premises where low pathogenic avian influenza has been confirmed but poultry and other captive birds are not killed under paragraph 5 of Schedule 3 to the Act must ensure that—

- (a) poultry and other captive birds are housed or isolated (if, in the view of a veterinary inspector, housing is impractical or would adversely affect the birds' welfare to a significant degree);
- (b) no poultry or other captive bird is moved from the premises except—
 - (i) to a designated slaughterhouse or other premises in accordance with a licence granted by a veterinary inspector; or
 - (ii) to a slaughterhouse in another member State or to other premises in another member State, if the movement is licensed by a veterinary inspector and is authorised by the competent authority of that member State.

(2) The occupier of the premises must take all reasonable steps to minimise contact between birds isolated under sub-paragraph (1)(a) and wild birds.

(3) A veterinary inspector must not grant a licence under sub-paragraph (1)(b) unless he or she is satisfied, following tests on the birds, that there is not a significant risk that the proposed movement would spread highly pathogenic avian influenza.

Veterinary surveillance of birds

51. The National Assembly must ensure that birds on special category premises which are not killed under paragraph 5 of Schedule 3 of the Act are monitored for avian influenza.

Tracing of poultry and eggs

52.—(1) The National Assembly must endeavour to trace from premises where low pathogenic avian influenza has been confirmed—

- (a) hatching eggs from poultry laid during the unregulated period of infection; and
- (b) poultry hatched from eggs laid during that period.

(2) The National Assembly must ensure that such veterinary inquiries as it considers necessary to monitor for avian influenza are carried out at premises to which eggs and poultry are so traced.

Identification of contact premises

53.—(1) The National Assembly must serve a notice on the occupier of any premises (other than regulated places) if it suspects—

- (a) that low pathogenic avian influenza may have been carried there from other premises; or
- (b) that low pathogenic avian influenza may have been carried to other premises from there.

(2) Premises in respect of which a notice is served under this article are contact premises for the purposes of this Part.

Restrictions at contact premises

54.—(1) The provisions of Schedule 1 apply to contact premises until the National Assembly notifies the occupier that those measures no longer apply.

(2) The National Assembly must, if it considers it necessary to prevent the spread of low pathogenic avian influenza, direct that contact premises be deemed to be infected premises to which such of the provisions of this Part and of Schedule 6 as it directs apply.

(3) A direction under paragraph (2) must be by notice to the occupier of the contact premises and the National Assembly must not serve such a notice unless it has taken into account at least the criteria set out in paragraph (3) of article 27, as read with paragraphs (4) and (5) of article 27.

(4) If the National Assembly requires poultry or other captive birds on contact premises to be killed, it must ensure that samples are taken from the dead birds and tested for avian influenza.

Declaration of a low pathogenic avian influenza restricted zone

55.—(1) The National Assembly must, on confirmation by the Chief Veterinary Officer of low pathogenic avian influenza on premises other than regulated places in Wales (and subject to paragraph (4)), declare a low pathogenic avian influenza restricted zone around the infected premises.

(2) The National Assembly must, on confirmation by the Chief Veterinary Officer of low pathogenic avian influenza in an area of England which is less than 1 kilometre from Wales, declare a low pathogenic avian influenza restricted zone in Wales.

(3) The National Assembly may declare a low pathogenic avian influenza restricted zone on confirmation by the Chief Veterinary Officer of low pathogenic avian influenza in an area of Scotland or England which is 1 kilometre or more from Wales.

(4) The National Assembly may, on the basis of a risk assessment, decide not to declare a low pathogenic avian influenza restricted zone if the premises where low pathogenic avian influenza is confirmed are—

- (a) a hatchery; or
- (b) special category premises.

Size of zones

56. A low pathogenic avian influenza restricted zone must be centred on the part of the infected premises which the National Assembly considers the most appropriate, given the nature of the outbreak, and have a radius of at least 1 kilometre.

Measures in low pathogenic avian influenza restricted zones

57.—(1) The measures in Schedule 7 apply in respect of a low pathogenic avian influenza restricted zone, subject to paragraphs (2) and (3).

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(2) The National Assembly may, if it has carried out a risk assessment and does not believe that to do so would endanger disease control, disapply in its declaration under article 55 some or all of the measures set out in Schedule 7 if the premises where avian influenza has been confirmed are a hatchery or special category premises.

(3) The National Assembly may, if it considers it necessary to reduce the risk of the spread of avian influenza, impose (by declaration) measures additional to those set out in Schedule 7.

(4) The National Assembly must ensure that—

- (a) commercial premises in the zone containing poultry or other captive birds are identified as soon as possible;
- (b) tests for avian influenza are carried out on commercial poultry premises within a radius of at least 1 kilometre of the boundary of the infected premises or, if it thinks it more appropriate, of the part of the infected premises where avian influenza was found.