Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Avian Influenza (Vaccination) (Wales) (No.2) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2006 No. 2932 (W.265)

ANIMALS, WALES

ANIMAL HEALTH, WALES

The Avian Influenza (Vaccination) (Wales) (No.2) Regulations 2006

Made - - - -	*7 November 2006*
Coming into force - -	*14 November 2006*

The National Assembly for Wales is designated for the purposes of section 2(2) of the European Communities Act 1972 [F1] in relation to the common agricultural policy of the European Community [F2].

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

F1 1972 c. 68.
F2 S.I. 2005/2766.

Title, application and commencement

1.—(1) The title of these Regulations is The Avian Influenza (Vaccination) (Wales) (No.2) Regulations 2006.

(2) These Regulations apply in relation to Wales and come into force on 14 November 2006.

Interpretation

2.—(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Animal Health Act 1981 [F3];

"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 Directive" ("*y Gyfarwyddeb*") means Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC[F4];

"emergency vaccination notice" ("*hysbysiad brechu brys*") has the meaning given by regulation 6(1)(b);

"emergency vaccination plan" ("*cynllun brechu brys*") has the same meaning as it has in Article 53 of the Directive;

"emergency vaccination zone" ("*parth brechu brys*") has the meaning given by regulation 6(1)(a);

"inspector" ("*arolygydd*") means an inspector appointed by the National Assembly or a local authority for the purposes of these Regulations or under the Act, and, unless the context otherwise requires, includes a veterinary inspector;

"local authority" ("*awdurdod lleo*l") 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, Cathays Park, Cardiff CF10 3NQ;

"occupier" ("*meddiannydd*") means, in relation to any premises, the person in charge of those premises;

"other captive bird" ("*aderyn caeth arall*") means a bird kept in captivity that is not poultry and includes a pet bird and 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 notice" ("*hysbysiad brechu ataliol*") has the meaning given by regulation 7(1)(b)(ii);

"preventive vaccination plan" ("*cynllun brechu ataliol*") has the same meaning as it has in Article 56 of the Directive;

"preventive vaccination zone" ("*parth brechu ataliol*") has the meaning given by regulation 7(1)(b)(i);

"slaughterhouse" ("*lladd-dy*") means an establishment used for slaughtering poultry, the meat of which is intended for human consumption;

"vaccination licence" ("*trwydded brechu*") has the meaning given by regulation 7(1)(a);

"vaccination notice" ("*hysbysiad brechu*") means either an emergency vaccination notice or a preventive vaccination notice;

"vaccination plan" ("*cynllun brechu*") means either an emergency vaccination plan or a preventive vaccination plan;

"vaccination zone" ("*parth brechu*") means either an emergency vaccination zone or a preventive vaccination zone;

"veterinary inspector" ("*arolygydd milfeddygol*") means a person appointed as such by the National Assembly for the purposes of these Regulations or under the Act.

(2) Other expressions used in these Regulations that are defined in the Directive have the same meaning as they have in the Directive.

F3 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.

F4 OJ No. L 10, 14.1.2006, p. 16.

Scope of the Regulations

3. These Regulations do not apply to birds kept in a zoo within the meaning of the Avian Influenza (Preventive Measures) (Wales) Regulations 2006 [F5].

F5 S.I. 2006/2803 (W.242).

Declarations, notices and licences

4.—(1) A declaration of a vaccination zone under these Regulations—

(a) must be in writing;

(b) may be amended or revoked, by further declaration, at any time;

(c) must designate the extent of the zone being declared;

(d) must list or refer to the measures that apply in the zone and, if they apply only in part of the zone, specify to which part they apply; and

(e) must state which categories of birds the measures apply to.

(2) Notices issued under these Regulations must be in writing and may be amended or revoked, by further notice, at any time.

(3) Vaccination notices issued under these Regulations—

(a) must list or refer to the measures that apply on the premises and, if they apply only on part of the premises, specify to which part they apply; and

(b) must state which categories of birds the measures apply to.

(4) Licences granted under these Regulations—

(a) must be in writing;

(b) may be general or specific;

(c) may be made subject to such conditions as the person granting the licence considers necessary to reduce the risk of the spread of avian influenza; and

(d) may be amended, suspended or revoked, in writing, at any time,

and in the case of vaccination licences, must also specify the matters set out at paragraph (3)(a) and (b).

(5) The National Assembly must ensure that the extent of any vaccination 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) Movement licences granted in Scotland or England for activities that could be licensed in Wales under these Regulations have effect in Wales as if they were movement licences granted under these Regulations, but an inspector acting under the direction of the National Assembly may serve a notice on any person moving any thing under the authority of such a licence, directing him or her to move it to and keep it on premises specified in the notice or move it out of Wales.

(7) A person moving anything under the authority of a specific movement 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 by a local authority inspector, veterinary inspector or other officer of the National Assembly, produce the licence or copy and allow a copy or extract to be taken; and

(c) on such demand, provide his or her name and address.

(8) A person moving anything under the authority of a general movement licence granted under these Regulations must—

(a) keep with him or her, at all times during the licensed movement, a consignment note that contains details of—

(i) what is moved (including its quantity);

(ii) the date of the movement;

(iii) the name of the consignor;

(iv) the address of the premises from which the movement started;

(v) the name of the consignee; and

(vi) the address of the premises of destination;

(b) on demand by a local authority inspector, a veterinary inspector or other officer of the National Assembly, produce the consignment note and allow a copy or extract to be taken; and

(c) on such demand, provide his or her name and address.

Prohibition on vaccination

5.—(1) No person is to vaccinate any bird against avian influenza except where required or licensed by the National Assembly.

(2) This prohibition does not apply to—

(a) anything done under the authority of a licence granted under article 4 of the Specified Animal Pathogens Order 1998 [F6]; or

(b) administration of a vaccine for research purposes in accordance with an animal test certificate granted under **[**[F7]regulation 3(2)(b) of the Veterinary Medicines Regulations 2013**]**.

F6 S.I. 1998/463, to which there are amendments not relevant to these Regulations.
F7 Words in reg. 5(2)(b) substituted (17.12.2018) by The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/1216), regs. 1(3), **30**

Emergency vaccination

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

(a) declare a zone in all or part of Wales where there are poultry or other captive birds that it considers should be vaccinated, within which emergency vaccination against avian influenza is required to be carried out (an "emergency vaccination zone"); or

(b) serve a notice on the occupier of any premises where there are poultry or other captive birds that it considers should be vaccinated, on which emergency vaccination against avian influenza is required to be carried out (an "emergency vaccination notice").

(2) The condition 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) Where an emergency vaccination zone is declared, or an emergency vaccination notice is served after an emergency vaccination plan has been submitted to and approved by the European Commission in accordance with Articles 53 and 54 of the Directive, the declaration or service of the notice must be in accordance with the provisions of that plan.

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

Preventive vaccination

7.—(1) Where the conditions in paragraph (2) are fulfilled, the National Assembly —

(a) may, in accordance with the preventive vaccination plan referred to in paragraph (2)(b), grant a licence to the occupier of any premises to vaccinate poultry, other captive birds or any category of poultry or other captive birds on those premises (a "vaccination licence");

(b) must, in accordance with the preventive vaccination plan referred to in paragraph (2)(b) and if it considers it necessary to reduce the risk of the spread of avian influenza—

(i) declare a zone in all or part of Wales where there are poultry or other captive birds that it considers should be vaccinated, within which preventive vaccination against avian influenza is required to be carried out (a "preventive vaccination zone"); or

(ii) serve a notice on the occupier of any premises where there are poultry or other captive birds that it considers should be vaccinated, on which preventive vaccination against avian influenza is required to be carried out (a "preventive vaccination notice").

(2) The conditions are—

(a) a risk assessment has been carried out by the National Assembly that indicates that any poultry or other captive birds in any part of Wales are exposed to a risk of avian influenza;

(b) a preventive vaccination plan has been submitted to and approved by the European Commission in accordance with Articles 56 and 57 of the Directive.

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

Power to require vaccination

8.—(1) The National Assembly may, in a declaration of a vaccination zone or vaccination notice, require vaccination of poultry or other captive birds in that zone or on premises that are the subject of that notice.

(2) The following provisions of the Act apply as if such vaccination was carried out in exercise of the power in section 16(1) of the Act—

(a) section 16(2) to 16(17) [F8] (treatment after exposure to infection);

(b) section 16A [F9] (slaughter of vaccinated animals); and

(c) section 62A [F10] (slaughter: power of entry).

F8 Section 16 was amended by the Animal Health Act 2002 (c. 42), **section 7**.
F9 Section 16A was inserted by the Animal Health Act 2002, section 5.
F10 Section 62A was inserted by the Animal Health Act 2002, section 8.