Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Avian Influenza (Preventive Measures) (Wales) 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. 2803 (W.242)

ANIMALS, WALES

ANIMAL HEALTH

The Avian Influenza (Preventive Measures) (Wales) Regulations 2006

Made - - - -	*18 October 2006*
Coming into force - -	*13 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 (Preventive Measures) (Wales) Regulations 2006.

(2) These Regulations apply in relation to Wales and come into force on 13 November 2006.

Interpretation

2. 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;

"disinfect" ("*diheintio*") means disinfect with a disinfectant approved by the National Assembly under the Diseases of Animals (Approved Disinfectants) Order 1978 [F4] for use under the Diseases of Poultry Order [F5];

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

"keeper" ("*ceidwad*") means the person with day to day responsibility for poultry or other captive birds at any premises;

"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;

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

"other captive bird" ("*aderyn caeth arall*") means any bird kept in captivity which is not poultry and includes a pet bird and any 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 commercial 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;

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

"vehicle" ("*cerbyd*") 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; and

(c) a container or other structure designed or adapted to be carried on a vehicle;

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

"zoo" ("*sw*") means either—

(i) a permanent establishment where animals of wild species are kept for exhibition to the public for seven or more days a year, with the exception of circuses and pet shops; or

(ii) an approved body, institute or centre, as defined in point (c) of Article 2(1) of Council Directive 92/65 EC laying down animal health requirements governing trade in and imports into the **[**F6European Union**]** of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC[F7], as last amended by Council Directive 2004/68/EC[F8].

F3 1981, c 22; as amended by the Animal Health Act 2002 (c. 42), **S.I**. 1992/3293 and S.I. 2003/1734. Other amendments are not relevant to these Regulations.

F4 S.I. 1978/32, amended by S.I. 2005/583 (W.49) and S.I. 2006/1762 (W.184). Other amending instruments are not relevant to these Regulations.

F5 The Diseases of Poultry Order is defined in S.I. 1978/32 as the Diseases of Poultry (Wales) Order 2003 (S.I. 2003/1079 (W.148)) and the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) Order 2006 (S.I. 2006/1762 (W.184)).

F6 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **8-10**

F7 OJ No L 268, 14.9.1992, p. 54.

F8 OJ No L 139, 30.4.2004, p. 321; *see* the corrected text as set out in the corrigendum to the Directive published in OJ No L 226, 25.6.2004, p.128.

Licences and notices

3.—(1) Licences and notices under these Regulations must be in writing and may be amended, suspended or revoked in writing at any time.

(2) Licences under these Regulations may be general or specific and subject to such conditions as the person granting them considers necessary.

Licences granted in England or Scotland

4. Licences granted in England or Scotland for activities that could be licensed in Wales under these Regulations have effect in Wales as if they were 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.

Production of licences

5.—(1) 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 by an inspector, veterinary inspector or other officer of the National Assembly, produce the licence or copy and allow a copy or extract of it to be taken; and

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

(2) A person moving anything under the authority of a general 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 thing was moved;

(v) the name of the consignee;

(vi) the address of the premises to which the thing is being moved.

(b) on demand by an inspector, 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 of bird gatherings

6.—(1) No person may arrange any fair, market, show, exhibition or other gathering involving the collecting together of poultry or other captive birds unless the National Assembly licenses him or her to do so.

(2) No person may bring any poultry or other captive bird to such a gathering if he or she knows or suspects that the gathering is not so licensed.

(3) The National Assembly must not grant a licence under paragraph (1) unless—

(a) a veterinary risk assessment has been carried out; and

(b) the National Assembly is satisfied that such a gathering and the transit of birds to and from such a gathering would not significantly increase the risk of the transmission of avian influenza virus.

Identification of poultry premises

7.—(1) A person who, at the date these Regulations come into force, is the keeper of 50 or more poultry at any one premises must notify the National Assembly in writing of the following, in relation to each such premises—

(a) the address and holding number (if it has one) of the premises;

(b) his or her name and address and, if different, those of—

(i) the owner of the poultry; and

(ii) the occupier of the premises;

(c) the species kept at the premises;

(d) the husbandry system or systems in use at the premises, including whether poultry are kept for the production of—

(i) meat;

(ii) hatching eggs; or

(iii) eggs for consumption;

(e) the number of each species of poultry usually kept at the premises;

(f) the incubator capacity of any hatchery;

(g) details of any seasonal stocking variations which might result in significant differences in the numbers or species of poultry on the premises;

(h) the number of each species of poultry with access to the open air; and

(i) the presence on or in the vicinity of the premises of any body of water which attracts wild birds.

(2) A notification under paragraph (1) must be made within 1 month of the date these Regulations come into force.

(3) Paragraph (1) does not apply to any person who notified the National Assembly under regulation 6(2) of the Avian Influenza (Preventive Measures) (Wales) Regulations 2005 [F9] or regulation 6(2) of the Avian Influenza (Preventive Measures) (Wales) (No.2) Regulations 2005 [F10] (together, "the old Regulations").

(4) A person who becomes the keeper of 50 or more poultry at any one premises after the date these Regulations come into force must notify the information referred to in paragraph (1) to the National Assembly in writing within 1 month of becoming so.

(5) A person who has made a notification under the old Regulations or under this regulation must notify the National Assembly in writing within 1 month of the following—

(a) a change to the information referred to in paragraph (1)(b) or (c); or

(b) an increase or decrease of 20% or more in a number referred to in paragraph (1)(e) or (h), unless this is due to usual management fluctuations.

(6) The National Assembly may, by notice, require any person who has notified under the old Regulations or under this regulation to notify it of—

(a) any changes to the information so notified; and

(b) any other information the National Assembly reasonably requires to carry out functions under these Regulations or the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) Order 2006 [F11].

(7) A person required to notify under paragraph (6) must do so within 1 month of receiving a notice from the National Assembly.

(8) In this regulation, "usual management fluctuations" means—

(a) the emptying of poultry houses or hatcheries for immediate restocking; and

(b) seasonal stocking.

F9 S.I. 2005/2985 (W.219).
F10 S.I. 2005/3384 (W.268).
F11 S.I. 2006/1762 (W.184).

Restriction on vaccination of zoo birds

8.—(1) No person may vaccinate any zoo bird unless he or she is required or licensed to do so by the National Assembly.

(2) Paragraph (1) does not apply to—

(a) anything done under the authority of a licence granted under article 4 of the Specified Animal Pathogens Order 1998 [F12]; or

(b) administration of a vaccine for research purposes in accordance with an animal test certificate granted under regulation 8 of the Veterinary Medicines Regulations 2005 [F13].

F12 S.I. 1998/463, to which there is an amendment not relevant to these Regulations.
F13 S.I. 2005/2745.

Vaccination of zoo birds

9.—(1) If the condition in paragraph (2) is fulfilled, the National Assembly may—

(a) vaccinate such birds in such zoos as it considers necessary (after giving written notice to the occupier of such zoos);

(b) require (by written notice to the occupier of any zoo) the vaccination of any bird in the zoo; or

(c) license the occupier of a zoo to vaccinate any bird in the zoo.

(2) The condition is that the National Assembly has carried out a risk assessment and considers there is a risk that avian influenza will be transmitted to zoo birds or to categories of such birds.

(3) As part of its risk assessment, the National Assembly must consider whether a zoo is—

(a) on a migratory flyway;

(b) close to any body of water where migratory birds may gather;

(c) located in an area with a high density of migratory birds.

(4) The National Assembly must specify, in a notice or licence under this regulation—

(a) the number and species of birds to be vaccinated;

(b) biosecurity conditions to be met at the zoo or any part of the zoo;

(c) conditions relating to the storage and administration of vaccine.