

EXECUTIVE NOTE

THE AVIAN INFLUENZA (H5N1 in Wild Birds) (SCOTLAND) ORDER 2007 SSI/2007/61

Introduction

The above Order is made by Scottish Ministers under the Animal Health Act 1981. It is not subject to parliamentary procedures.

Policy Objective

The **Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007 (SSI/2007/61)** (“the Wild Birds Order”) transposes Commission Decision 2006/563/EC to provide protection measures in the event of the H5N1 subtype of the Avian Influenza (AI) virus being discovered in wild birds in Scotland. In addition to transposing European legislation, the effect of these measures is to reinforce biosecurity and movement controls on the domestic poultry flock.

Background

Avian Influenza (AI) is a serious disease of poultry and other birds. It exists in two main forms, the more serious being Highly Pathogenic Avian Influenza (HPAI) which is a notifiable disease causing high and rapid mortality in birds and entailing serious economic consequences. Although it does not transmit easily to humans, fatalities have been recorded, usually in people living in close contact with infected birds. The less serious form, Low Pathogenic Avian Influenza (LPAI) is, owing to its tendency to mutate into the HP form, subject to controls for the first time in the Directive. The virus has several subtypes, of which H5N1 is considered to be of the greatest concern.

The Wild Birds Order provides for the establishment of a control area (CA) of minimum radius 3km and a monitoring area (MA) of minimum radius 10 km where H5N1 is suspected or confirmed in a wild bird . In these areas, measures include:

- controls on movements of live birds, hatching eggs, meat and by products from the CA
- controls on movements of live birds from the MA
- Bans on bird gatherings, hunting/shooting and release of game birds in CA and MA

However, many of the provisions can be varied depending on a risk assessment, and thus provide a flexible set of measures with which to protect the domestic poultry flock in the event of H5N1 being found in the wild.

Consultation

There has been no formal period of public consultation as Decision 2006/563/EC requires prompt adoption. The previous Decision 2006/115/EC (which has been replaced by 2006/563/EC) was transposed to a very short timescale (at the start of the Cellardyke H5N1

incident in April 2006) and its provisions were explained to, and discussed with, stakeholders during that incident. The resulting SSI (2006/196) has been in the public domain since April and has produced few comments, other than a request from the poultry industry for all provisions under relevant legislation to be clearly communicated.

Impact

No Regulatory Impact Assessment has been prepared for this instrument.

SCOTTISH EXECUTIVE ENVIRONMENT AND RURAL AFFAIRS DEPARTMENT
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