

Scottish Government

**DECLARATION OF AMENDMENT
THE AVIAN INFLUENZA AND INFLUENZA OF AVIAN ORIGIN IN
MAMMALS (SCOTLAND) ORDER 2006**

The Scottish Ministers declared the whole of Scotland to be an Avian Influenza Prevention Zone by declaration made under article 6(1)(a) of the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006¹ (“the Order”) at 15:45 on 11 November 2020 (“the Declaration of the Avian Influenza Prevention Zone”). The Declaration of the Avian Influenza Prevention Zone took effect at 17:00 on 11 November 2020. Following a further risk assessment under article 6(1) of the Order, the Scottish Ministers considered it necessary to apply additional measures in the Avian Influenza Prevention Zone. The additional measures were applied by amendment of the Declaration of the Avian Influenza Prevention Zone by way of declaration dated 11 December 2020 which had effect from 00:01 (am) on Monday 14 December 2020.

The Scottish Ministers have carried out a further risk assessment under article 6(1) of the Order.

In light of a reduction in the risk of the transmission of avian influenza to poultry or other captive birds in Scotland from wild birds or from any other source, the Scottish Ministers consider it appropriate to subsequently amend the Declaration of the Avian Influenza Prevention Zone in order to withdraw certain additional measures applied by the declaration dated 11 December.

The Scottish Ministers accordingly declare that the Declaration of the Avian Influenza Prevention Zone is amended at the time and date specified below so that the Annex to this declaration is substituted for the Annex to the Declaration of the Avian Influenza Prevention Zone, as amended.

This declaration takes effect from 23:59 (pm) on Wednesday 31 March 2021.

The extent of the Avian Influenza Prevention Zone declared on 11 November 2020 continues to be the whole of Scotland.

This declaration is made under article 6(1)(a) and 4(1)(b) of the Order.

Signed

Sheila Voas
At 14:13 on 30 March 2021

A member of staff of the Scottish Ministers

¹ S.S.I. 2006/336

Failure to comply with the Declaration of an Avian Influenza Prevention Zone as amended by this present declaration may be an offence under section 73 of the Animal Health Act 1981 liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.

Copies of the Declaration of an Avian Influenza Prevention Zone, and the Order are available at www.gov.scot/avianinfluenza.

Annex

Measures applying in the Avian Influenza Prevention Zone

Measures applying to all keepers of poultry or other captive birds

1. Any keeper of poultry or other captive birds must take all appropriate and practicable steps, to ensure that:

(a) precautions are taken to avoid the transfer of virus contamination between premises or parts of premises where poultry or other captive birds are kept, including cleansing and disinfection of equipment, vehicles and footwear;

(b) supplies of feed, water and bedding are stored undercover and steps are taken to prevent access by wild birds and to minimise the risk of virus contamination;

(c) effective vermin control is carried out in any part of the premises where poultry or other captive birds are kept;

(d) except at a zoo (as defined in paragraph 8), the movement of people, vehicles or equipment to and from any part of the premises where poultry or other captive birds are kept is reduced to only the following:

- (i) essential movements for looking after the welfare of the poultry or other captive birds;
- (ii) collecting eggs;
- (iii) feeding;
- (iv) movements for official or inspection visits;

(e) other than in a zoo (as defined in paragraph 8), records are kept of all vehicles that enter any part of the premises where poultry or other captive birds are kept and of all people who come into any direct contact with the poultry or other captive birds;

(f) records are kept of poultry, other captive birds or eggs leaving the premises including:

- (i) the quantity and description (including species of poultry or other captive bird, and type of egg);
- (ii) the date of the movement off the premises;
- (iii) the premises of destination (if known); and
- (iv) the name and address of the person to whom ownership or possession is being or has been transferred;

(g) records kept under (e) and (f) are made available to a veterinary inspector on demand; and

(h) buildings that house the poultry or other captive birds are maintained and defects that may allow water ingress or other contamination are rectified immediately.

Additional measures applying to all keepers of poultry or other captive birds with outdoor range areas

2. Any keeper of poultry or other captive birds, where the poultry or other captive birds have access to an outdoor area (“an outdoor range area”) must (in addition to the other measures in this Annex):

(a) fence or otherwise enclose any outdoor range area to keep the poultry or other captive birds within the outdoor range area;

(b) not give ducks or geese access to the same outdoor range area as other poultry or captive birds, and house ducks or geese which have access to an outdoor range area separately from other poultry or captive birds;

(c) actively manage the outdoor range area to ensure that:

(i) the outdoor range area is regularly inspected to check for contamination with feathers or faecal material from wild birds;

(ii) all reasonable steps are taken as soon as practicable to remove any feathers or faecal material from wild birds that may be present;

(iii) other than in a zoo (as defined in paragraph 8), access to open or standing water is restricted by fencing to prevent access by poultry or other captive birds;

(iv) other than in a zoo (as defined in paragraph 8), permanent standing water is netted over to prevent access by poultry or other captive birds (where practicable to do so);

(v) there is no direct contact with poultry or other captive birds on other neighbouring premises;

(vi) supplies of feed and water are kept indoors, and poultry or other captive birds are fed indoors or under a covered area, which sufficiently discourages the landing of wild birds and thereby prevents contact by wild birds with the feed or water of the poultry or other captive birds;

(vii) measures are taken to discourage wild birds, in particular gulls and wild waterfowl, from entering the outdoor range area and that wild birds are not attracted to the vicinity of the outdoor range area, in particular to open or standing water;

(viii) carcasses of wild birds are removed from the outdoor range area;

(ix) there is regular cleansing and disinfecting of all concrete walkways, paths and similar surfaces to which poultry or other captive birds and wild birds have access; and

(x) there is regular inspection of the site and consideration that these conditions continue to be met, minimising the risk of contact with wild birds.

Additional measures applying in relation to keepers of poultry or other captive birds in zoos

2A.— In addition to the measures required under paragraph 1 (measures applying to all keepers of poultry or other captive birds) of this Annex, **any** keeper of poultry or other captive birds at a zoo (as defined in paragraph 8), must do the following:

- (a) install disinfectant mats (containing disinfectant in accordance with paragraph 9) at all points of entry and exit at the zoo that are for use by visiting members of the public (if members of the public are to be admitted to areas, buildings or enclosures of the zoo in which poultry or other captive birds are kept); and
- (b) make available handwashing facilities to visiting members of the public if the public are to be admitted to areas, buildings or enclosures of the zoo in which poultry or other captive birds are kept.

Additional measures applying to keepers of more than 50 poultry or other captive birds

3. Any keeper of more than 50 poultry or other captive birds must (in addition to the other measures in this Annex):

- (a) place foot dip containing disinfectant (in accordance with paragraph 9) at all entry and exit points of any part of the premises where poultry or other captive birds are kept.
- (b) take all appropriate and practicable steps to ensure that any person entering and exiting the part of the premises where poultry or other captive birds are kept, cleanses and disinfects their footwear using the dips, or, alternatively, changes footwear when moving between parts of the premises where poultry or other captive birds are kept and other parts of the premises.

Additional measures applying to keepers of more than 500 poultry

4. Any keeper of more than 500 poultry or other captive birds must (in addition to the other measures in this Annex) apply the measures:

- (a) in paragraph 5 to any part of the premises where poultry are kept;
- (b) in paragraph 6 to any part of the premises for ancillary uses in the keeping of poultry; and
- (c) in paragraph 7 to any other part of the premises.

5. The following measures apply to any part of the premises where poultry are kept:

- (a) access must be restricted to essential authorised personnel only;
- (b) effective barrier hygiene must be operated, including changing clothing and footwear before entering and on exit;

- (c) only essential equipment and vehicles may enter;
- (d) the exterior of any vehicles (particularly wheels and wheel arches) and equipment which enter or leave must be cleansed and disinfected on both entry and exit;
- (e) thorough cleansing and disinfecting (based on industry best practice) of housing and equipment must be undertaken at the end of a production cycle and before new birds are introduced; and
- (f) records must be kept of vehicles and personnel entering and leaving.

6. The following measures apply to any part of the premises for ancillary uses:

- (a) access must be limited to essential personnel only, and full biosecurity practices adopted on entry and exit;
- (b) this part of the premises should be fully separated, with clear demarcation, from the part of the premises where poultry is kept;
- (c) waste and fallen stock must be held in appropriately bio-secure facilities in this part of the premises with clear separation between both the part of the premises where poultry are kept and the part of the premises which form a restricted access bio-secure barrier;
- (d) the exterior of any vehicles (particularly wheels and wheel arches) which enter or leave must be cleansed and disinfected on both entry and exit; and
- (e) any plastic egg trays must be cleansed and disinfected before use, and the packing, handling and storage of eggs which are damaged or contaminated with foreign matter must be managed in a bio-secure manner.

7. The following measures apply to any other part of the premises:

- (a) access by the public should be controlled and only essential workers and contractors should enter;
- (b) non-essential vehicles must not enter.

Definitions

8. In this Annex –

- (a) “keeper” means any person responsible for birds, whether on a temporary or permanent basis;
- (b) “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;
- (c) “other captive birds” means any bird other than poultry kept in captivity;

(d) “premises” includes any land, place of business or other place where poultry or other captive birds are kept;

(e) references to the “part of the premises” where poultry, or other captive birds, are kept means any structure or open area which is used to keep poultry, or other captive birds, and includes contiguous ancillary areas such as bird feed bins, or for the storage of bird manure;

(f) “vehicle” includes any means of transport and includes –
(i) a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle;
(ii) a detachable part of any vehicle;
(iii) a container or other structure designed or adapted to be carried on a vehicle;

(g) “veterinary inspector” means a veterinary inspector appointed by the Scottish Ministers;

(h) “zoo” (which can include an aquarium) means a zoo within the meaning of section 1(2) of the Zoo Licensing Act 1981² which is operated under the authority of a licence under that Act or is subject to a dispensation, in a direction under section 14(1) of the Act, that the Act shall not apply to that zoo;

(i) “range” for the purposes of this declaration means any outdoor areas where poultry and captive birds are allowed access at any time.

9. Requirements relating to disinfection, or the use of disinfectants, require the use of the disinfectants:

(a) authorised by the Scottish Ministers under the Disease of Animals (Approved Disinfectants) (Scotland) Order 2008,

(b) at the concentrations approved under that Order, and

(c) in accordance with manufacturer’s instructions (if any), or, if a veterinary inspector has instructed otherwise, in accordance with the instructions of the veterinary inspector.

² 1981 c.37.