

# **Scottish Government confirmation of highly pathogenic avian influenza**

## **Declaration of Infected Premises, Protection Zone and Surveillance Zone**

The Chief Veterinary Officer (Scotland) has formed the opinion that highly pathogenic avian influenza exists, or has in the previous 56 days existed, on premises and has informed the Scottish Ministers of that conclusion.

In accordance with article 19 of the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006 (“the Order”), the Scottish Ministers confirm the existence of highly pathogenic avian influenza and declare the premises in Annex 1 to be infected premises.

The Scottish Ministers, having taken into account the criteria in article 27(5) of the Order, declare, under article 26(1) of the Order, that the area described in Annex 2 to this Declaration is a Protection Zone. In all of the Protection Zone the measures set out in schedule 4 of the Order apply (as listed in Annex 2).

The Scottish Ministers, having taken into account the criteria in article 27(5) of the Order, declare, under article 26(1) of the Order, that the area described in Annex 3 to this Declaration is a Surveillance Zone. In all of the Surveillance Zone the measures set out in schedule 5 of the Order apply (as listed in Annex 3).

The Protection and Surveillance Zones are marked on the map in Annex 4.

This Declaration has effect from the date and time it is made, until it is amended or revoked by further declaration.

Signed

Ms Gillian Martin

Made on 22<sup>nd</sup> November 2023

at 8:11 pm

Authorised to sign by Scottish Ministers

**Failure to comply with this Declaration may be an offence under section 72 or 73 of the Animal Health Act 1981.**

Copies of this Declaration and of the Order are available at [www.gov.scot/avianinfluenza](http://www.gov.scot/avianinfluenza) and from the Scottish Government Agriculture and Rural Economy Directorate, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

## **Annex 1: Infected Premises**

The infected premises are the premises known as East Quatquoy, Finstown, Orkney, Orkney Islands, KW17 2ET.

## **Annex 2: The Protection Zone**

The Protection Zone is that part of Scotland contained within a circle with a radius of 3 kilometres, centred on grid reference HY 38043 15768. The Protection Zone is the area within the smaller circle on the map in Annex 4.

### **Measures applicable in the Protection Zone**

#### **Record keeping and duty to inform the Scottish Ministers of birds' change in health**

1. The occupier of any premises must make a record of—
  - (a) the name and address of any person visiting the premises (unless the visit is only to a part of the premises where people live and where no poultry or other captive birds are kept);
  - (b) the date of the visit;
  - (c) whether the person had any contact with poultry or other captive birds on the premises.
2. The occupier of any such premises must keep a record of all poultry entering or leaving those premises.
3. Every person who is engaged in the transport or marketing of poultry or poultry eggs must keep a record of all poultry and poultry eggs transported or marketed by that person.
4. The records referred to in paragraphs 2 and 3 must include—
  - (a) the quantity and description (including species of poultry and type of egg) transported or marketed;
  - (b) in the case of movement from premises—
    - (i) the date of the movement off the premises;
    - (ii) the premises of destination (if known);
    - (iii) the name and address of the person to whom ownership or possession is being or has been transferred;
  - (c) in the case of movement onto premises—
    - (i) the date of the movement on to the premises;
    - (ii) the premises from which the movement originated (if known);
    - (iii) the name and address of the person from whom ownership or possession is being or has been transferred;
  - (d) in the case of marketing without an associated movement, the name and address of the person to whom and the date on which ownership was transferred;
  - (e) the identity and address of any such person.

5. Paragraphs 1 and 3 do not apply to—

- (a) the retail distribution of eggs and movements subsequent to such distribution; or
- (b) the movement of people to zoos, wildlife parks or (unless required by the Scottish Ministers) any other premises open to the public, provided the public has no access to any area where birds are kept.

6. The occupier of any premises in the protection zone must maintain the following records—

- (a) the number or approximate number of poultry (if any) on the premises;
- (b) the number of poultry falling ill on the premises;
- (c) the number of poultry dying on the premises;
- (d) the amount of feed and, where possible, water being consumed by any poultry on the premises;
- (e) any egg production on the premises.

#### **Isolation of poultry and other captive birds**

7. The occupier of premises where poultry or other captive birds are kept must ensure that they are—

- (a) housed; or
- (b) kept isolated (if, in the view of a veterinary inspector, housing is impractical or would adversely affect the birds' welfare to a significant degree).

8. If birds are kept isolated but not housed, the occupier must—

- (a) ensure that they have no contact with poultry or other captive birds on other premises; and
- (b) take all reasonable steps to minimise their contact with wild birds in accordance with a veterinary inspector's instructions.

#### **Disposal of carcasses**

9. The occupier must ensure that all carcasses not seized or disposed of by a veterinary inspector are disposed of in accordance with a veterinary inspector's instructions (unless he licenses their use for diagnosis of disease).

#### **Biosecurity measures**

10. The occupier and any person entering or leaving premises where poultry, other captive birds or eggs are kept must—

(a) take appropriate biosecurity measures to reduce the risk of the spread of avian influenza to or from the premises; and

(b) comply with any biosecurity requirements which a veterinary inspector, by notice, imposes.

### **Litter, poultry manure and slurry**

11. No person shall remove from premises in the zone or spread used poultry litter, poultry manure or poultry slurry unless licensed to do so by a veterinary inspector.

### **Gatherings of poultry**

12. No person shall permit any poultry or other captive birds to be collected together at any fair, market, show, exhibition or other gathering.

### **Release of game**

13. No person shall release game birds.

### **Restrictions on the movement of mammals, birds, eggs, poultry meat and carcasses**

14.— (1) Subject to sub-paragraph (2), no person shall move any domestic mammal within, into or out of the protection zone unless the movement is licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector.

(2) Sub-paragraph (1) does not apply to a pet animal which—

(a) only has access to a part of the premises where people live;

(b) has no contact with poultry or other captive birds on the premises; and

(c) has no access to any cages or areas on the premises where poultry or other captive birds are kept.

15. Subject to paragraph 16, no person shall move any poultry, other captive bird, egg or carcase within, into or out of the protection zone unless—

(a) the movement is set out in paragraph 17 and is;

(i) direct;

(ii) licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector;

(b) the movement involves only the retail distribution of table eggs or is a movement subsequent to such distribution; or

(c) the movement is within the same premises.

16. Poultry and eggs may be transported through the protection zone on a major highway or railway if no stop is made within the zone.

17. The movements referred to in paragraph 15(a) are the following—

- (a) poultry from premises in the protection zone for immediate slaughter at a slaughterhouse (if the requirements of paragraph 18 and any additional licence conditions are met);
  - (b) poultry meat within or out of the protection zone (if the requirements of paragraph 19 and any additional licence conditions are met);
  - (c) poultry to a designated slaughterhouse within the protection zone from premises outside the zone (if the requirements of paragraph 20 and any additional licence conditions are met);
  - (d) day old chicks hatched from eggs produced in the protection zone or from eggs which came into contact with such eggs (if the requirements of paragraph 21 and any additional licence conditions are met);
  - (e) day old chicks hatched from eggs originating outside the protection zone and the surveillance zone kept separate from eggs produced in such a zone (if the requirements of paragraph 22 and any additional licence conditions are met);
  - (f) ready to lay poultry to premises, or part of premises, where no poultry are kept (if the requirements of paragraph 23 and any additional licence conditions are met);
  - (g) hatching eggs from outside the zone to a designated hatchery in the zone or to designated laboratories or institutes for use for scientific, diagnostic or pharmaceutical purposes (if any licence conditions are met);
  - (h) hatching eggs from the zone—
    - (i) to any designated hatchery; or
    - (ii) to designated laboratories or institutes for use for scientific, diagnostic or pharmaceutical purposes
- (if, in both cases, the requirements of paragraph 24 and any additional licence conditions are met);
- (i) eggs to a packing centre (if the requirements of paragraph 25 and any additional licence conditions are met);
  - (j) eggs to premises for the manufacture of egg products as referred to in Chapter II of Section X of Annex III to [Regulation 853/2004](#) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin (if any licence conditions are met);
  - (k) eggs for disposal (if any licence conditions are met);
  - (l) carcasses for disposal (if any licence conditions are met).

**Requirements for the transport of poultry from premises in the zone for immediate slaughter at a designated slaughterhouse**

18. Poultry must not be moved unless the following requirements are met–

(a) a veterinary inspector must have clinically examined poultry at the premises a maximum of 24 hours before they leave the premises; and

(b) the poultry are transported in vehicles sealed by a veterinary inspector or in accordance with the instructions of a veterinary inspector.

**Requirements for the movement of poultry meat from poultry sent to a designated slaughterhouse from premises within the zone**

19. Poultry meat must not be moved unless it meets the requirements of article 61.

**Requirements for the movement of poultry to a slaughterhouse within the zone from premises outside the zone**

20. Poultry must not be moved unless they are kept separate from poultry originating within the zone and are subsequently slaughtered separately or at different times from other poultry.

**Requirements for the movement of day old chicks hatched from eggs produced in the zone or from eggs which had contact with such eggs**

21. Day old chicks must not be moved unless they are transported in vehicles sealed by a veterinary inspector or in accordance with the instructions of a veterinary inspector.

**Requirements for the movement of day old chicks hatched from eggs originating outside the zone**

22. Day-old chicks from eggs originating outside the protection and surveillance zones must not be transported unless the hatchery within the zone is operated in such a way that those eggs do not come into contact with eggs or day old chicks from within the zone.

**Requirements for the movement of ready to lay poultry**

23. Ready to lay poultry must not be moved from premises within the zone unless–

(a) poultry and other captive birds at the premises have been clinically examined by a veterinary inspector; and

(b) the ready to lay poultry are transported in vehicles sealed by the veterinary inspector or in accordance with the instructions of a veterinary inspector.

**Requirements for the movement of hatching eggs from the zone to a designated hatchery or a designated laboratory or institute for use for scientific, diagnostic or pharmaceutical purposes**

24. Hatching eggs must not be moved from the zone to any hatchery, laboratory or institute unless–

- (a) a veterinary inspector does not suspect avian influenza in the flocks from which the eggs derive;
- (b) the eggs and their packaging are disinfected before dispatch; and
- (c) the eggs are transported in vehicles sealed by a veterinary inspector or in accordance with the veterinary inspector's instructions.

#### **Requirements for the movement of table eggs to a packing centre**

25. Table eggs must not be moved to a packing centre unless any person transporting the eggs complies with any biosecurity requirements laid down by a veterinary inspector.

#### **Requirements at slaughterhouses**

26. The occupier of a slaughterhouse to which poultry from the zone is sent must ensure that the requirements of article 61 are met.

#### **Requirements for poultry meat**

27. Poultry meat from poultry originating in the zone is subject to the requirements set out in article 61(3).

28. Poultry meat from poultry originating outside the zone is subject to the requirements set out in article 61(4).

#### **Cleansing and disinfection of vehicles**

29. A person who transports any poultry, other captive bird, meat, feed, manure, slurry, litter or any other thing which may be contaminated must cleanse and disinfect the vehicle and any equipment used to transport that thing as soon as it is unloaded, in accordance with article 65.

30. A person who enters or leaves premises by vehicle must cleanse and disinfect any part of the vehicle which may have been contaminated without delay in accordance with article 65.

#### **Access to prohibited places**

31. No person shall enter any place the subject of a prohibition notice under article 33 except in accordance with that article.

#### **Veterinary surveillance**

32. The Scottish Ministers must ensure that such veterinary surveillance as they consider necessary to monitor for avian influenza are carried out at premises to which things are moved in accordance with this schedule.



## **Annex 3: The Surveillance Zone**

The Surveillance Zone is that part of Scotland contained within a circle with a radius of 10 kilometres, centred on grid reference HY 38043 15768, but beyond the Protection Zone. The Surveillance Zone is the area in Scotland within the larger circle but outside the smaller circle on the map in Annex 4.

### **Measures applicable in the Surveillance Zone**

#### **Record keeping and duty to inform the Scottish Ministers of birds' change in health**

1. The occupier of any premises must make a record of–

- (a) the name and address of any person visiting the premises (unless the visit is only to a part of the premises where people live and where no poultry or other captive birds are kept);
- (b) the date of the visit;
- (c) whether the person had any contact with poultry or other captive birds on the premises.

2. The occupier of any such premises must keep a record of all poultry entering or leaving those premises.

3. Every person who is engaged in the transport or marketing of poultry or poultry eggs must keep a record of all poultry and poultry eggs transported or marketed by that person.

4. The records referred to in paragraphs (2) and (3) must include–

(a) the quantity and description (including species of poultry and type of egg) transported or marketed;

(b) in the case of movement from premises–

- (i) the date of the movement off the premises;
- (ii) the premises of destination (if known);
- (iii) the name and address of the person to whom ownership or possession is being or has been transferred;

(c) in the case of movement onto premises–

- (i) the date of the movement on to the premises;
- (ii) the premises from which the movement originated (if known);
- (iii) the name and address of the person from whom ownership or possession is being or has been transferred;

(d) in the case of marketing without an associated movement, the name and address of the person to whom and the date on which ownership was transferred;

(e) the identity and address of any such person.

5. Paragraphs 1 and 3 do not apply to—

- (a) the retail distribution of eggs and movements subsequent to such distribution; or
- (b) the movement of people to zoos, wildlife parks or (unless required by the Scottish Ministers) any other premises open to the public, provided the public has no access to any area where birds are kept.

6. The occupier of any premises in the surveillance zone must maintain the following records—

- (a) the number or approximate number of poultry (if any) on the premises;
- (b) the number of poultry falling ill on the premises;
- (c) the number of poultry dying on the premises;
- (d) the amount of feed and, where possible, water being consumed by any poultry on the premises;
- (e) any egg production on the premises.

#### **Restrictions on the movement of poultry, other captive birds and mammals onto and off premises**

7.— (1) No person shall move poultry, other captive birds or mammals of domestic species from or to premises within the surveillance zone, unless the movement is licensed by a veterinary inspector or by an inspector under the direction of a veterinary inspector.

(2) Sub-paragraph (1) does not apply to pet mammals which—

- (a) only have access to a part of the premises where people live;
- (b) have no contact with poultry or other captive birds on the premises; and
- (c) have no access to any cages or areas on the premises where poultry or other captive birds are kept.

#### **Biosecurity measures**

8. The occupier and any person entering or leaving premises where poultry, other captive birds or eggs are kept must—

- (a) take appropriate biosecurity measures to reduce the risk of the spread of avian influenza to or from the premises; and
- (b) comply with any biosecurity requirements which a veterinary inspector, by notice, imposes.

### **Litter, poultry manure and slurry**

9. No person shall remove from premises in the zone or spread used poultry litter, poultry manure or poultry slurry unless licensed to do so by a veterinary inspector.

### **Gatherings of poultry**

10. No person shall permit any poultry or other captive birds to be collected together at any fair, market, show, exhibition or other gathering.

### **Release of game**

11. No person shall release game birds.

### **Restrictions on the movement of poultry and eggs within the surveillance zone**

12. No person shall move any poultry or eggs within the surveillance zone (other than through the zone by road or rail without stopping), unless licensed to do so by a veterinary inspector.

13. Paragraph 12 does not apply to the retail distribution of eggs and movements subsequent to such distribution

14. A veterinary inspector must not grant a licence under paragraph 12 unless satisfied that the licensee will take appropriate biosecurity measures at the premises and the taking of these measures must be conditions of the licence.

15. A veterinary inspector may license the transport of poultry from outside the protection and surveillance zones to a designated slaughterhouse within the surveillance zone and subsequent movements of the meat derived from such poultry.

### **Restrictions on the movement of poultry and eggs out of the surveillance zone**

16. No person shall move any poultry or eggs out of the surveillance zone, unless the movement is one of the following and is licensed by a veterinary inspector—

(a) poultry for slaughter (if the requirements of paragraph 18 and any additional licence conditions are met);

(b) day-old chicks hatched from eggs originating within the surveillance zone (if the requirements of paragraph 19 and any additional licence conditions are met);

(c) day-old chicks hatched from eggs originating outside the protection and surveillance zones (if the requirements of paragraph 20 and any additional licence conditions are met);

(d) ready-to-lay poultry to premises, or part of premises, where no poultry are kept if any licence conditions are met;

(e) hatching eggs from the zone—

(i) to a designated hatchery; or

- (ii) to a designated laboratory or institute for use for scientific, diagnostic or pharmaceutical purposes,  
(if the requirements of paragraph 21 and any additional licence conditions are met);
- (f) eggs to a designated packing centre (if the requirements of paragraph 22 and any additional licence conditions are met);
- (g) eggs to premises for the manufacture of egg products (if the requirements of paragraph 23 and any additional licence conditions are met);
- (h) eggs for disposal if any licence conditions are met.

17. Paragraph 16 does not apply to the retail distribution of eggs and movements subsequent to such distribution.

**Requirements for the transport of poultry from premises in the surveillance zone for immediate slaughter at a designated slaughterhouse**

18. Poultry must not be moved to a designated slaughterhouse unless a veterinary inspector has clinically examined poultry at the premises a maximum of 24 hours before they leave the premises.

**Requirements for the movement of day-old chicks hatched from eggs produced within the surveillance zone or from eggs which have had contact with such eggs**

19. Day-old chicks must not be moved unless any biosecurity measures laid down by a veterinary inspector are complied with.

**Requirements for the movement of day-old chicks hatched from eggs originating outside the protection and surveillance zones**

20. Day-old chicks hatched from eggs originating outside the protection and surveillance zones must not be moved unless the hatchery within the zone is operated in such a way that eggs from outside the zone do not come into contact with eggs or day old chicks from within the zone.

**Requirements for the movement of hatching eggs from the zone to a designated hatchery, or to a designated laboratory or institute for use for scientific, diagnostic or pharmaceutical purposes**

21. Hatching eggs must not be moved from the zone to any hatchery, laboratory or institute unless the eggs and their packaging are disinfected before they leave the premises.

**Requirements for the movement of table eggs to a packing centre**

22. Table eggs must not be transported to a designated packing centre unless any person transporting the eggs complies with any biosecurity measures laid down by a veterinary inspector.

## **Requirements for the movement of table eggs to premises for the manufacture of egg products**

**23.** Eggs must not be transported to premises for the manufacture of egg products except in accordance with Chapter XI of Annex II to (EC) No. 852/2004.

### **Cleansing and disinfection of vehicles**

**24.** A person who transports any poultry, other captive bird, carcase, feed, manure, slurry, litter or any other thing which may be contaminated must cleanse and disinfect the vehicle and any equipment used to transport that thing as soon as it is unloaded in accordance with article 65.

**25.** A person who enters or leaves premises by vehicle must, without delay, cleanse and disinfect any part of the vehicle which may have been contaminated in accordance with article 65.

**Annex 4: This map shows the Protection Zone and Surveillance Zone**

**Highly Pathogenic Avian Influenza H5N1,  
3km Protection Zone and 10km Surveillance Zone,  
Near Finstown, Orkney Islands  
22nd November 2023**

