

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 2006<sup>1</sup> (“the Order”) at 16:55 on 3 November 2021 (“the Declaration of an Avian Influenza Prevention Zone”). The Declaration of an Avian Influenza Zone took effect at 17:00 on 3 November 2021.

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

To reduce 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 necessary to apply additional measures in the Avian Influenza Prevention Zone.

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

The amendment of the Declaration of an Avian Influenza Prevention Zone takes effect from 00:01 hours (am) on Monday 29 November 2021.

The extent of the Avian Influenza Prevention Zone declared on 3 November 2021 continues to be the whole of Scotland.

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

Signed



Jesus Gallego

At 13:25 on 24/11/2021

A member of staff of the Scottish Ministers

***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.***

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<sup>1</sup> S.S.I. 2006/336

Copies of this declaration, the Declaration of an Avian Influenza Prevention Zone and the Order are available at [www.gov.scot/avianinfluenza](http://www.gov.scot/avianinfluenza) and from the Scottish Government Agriculture and Rural Economy Directorate, St. Andrew's House, Regent Road, Edinburgh, EH1 3DG.

## **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) feed, water and bedding is stored 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 10), 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) except at a zoo (as defined in paragraph 10), 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.

**Measures applying to all keepers of poultry or other captive birds (except within zoos)**

2. (1) Any keeper of poultry or other captive birds **must** keep such poultry and captive birds separate from wild birds in accordance with either subparagraph (2) or (3), except in relation to following categories of poultry or other captive birds:

(a) birds kept in a zoo in accordance with paragraph 3;

(b) game birds kept for restocking supplies.

(2) A keeper may separate poultry and other captive birds from wild birds by housing the birds in buildings, in which case any openings to the exterior of the parts of buildings in which the poultry or other captive birds are kept must be:

(a) closed; or

(b) completely covered with:

- (i) mesh or netting with apertures that are no more than 25 mm in width or length; or
- (ii) other material;

provided that the covering is suitable for preventing the exit of the poultry and other captive birds and also entry by wild birds.

(3) A keeper may separate poultry and other captive birds from wild birds in outdoor areas by implementing the following measures:

(a) keeping the poultry and other captive birds in a way that prevents them from being in contact with wild birds, through use of the following:

- (i) mesh or netting with apertures that are no more than 25 mm in width or length;
- (ii) roofs;
- (iii) horizontal fabrics; or
- (iv) other appropriate means;

(b) taking reasonable precautions to prevent the poultry and other captive birds being in contact with feathers and faecal material from wild birds, through use of the following:

- (i) mesh or netting;
- (ii) roofs;
- (iii) horizontal fabrics; or
- (iv) other appropriate means; and

(c) complying with sub-paragraph (5).

(4) Keepers must comply with requirements of sub-paragraph (5) but only in relation to the following categories of poultry and other captive birds:

(a) poultry and other captive birds that are required to be kept separate from wild birds under sub-paragraph (1) but are not kept separate from wild birds by housing them in buildings in accordance with sub-paragraph (2); and

(b) game birds kept for restocking supplies.

(5) If this sub-paragraph applies to a keeper of poultry or other captive birds, the keeper must, in relation only to the categories of poultry and other captive birds listed in sub-paragraph (4), comply with the following requirements:

(a) the poultry and other captive birds must be supplied with feed and water in the following conditions:

(i) indoors; or

(ii) under a shelter which prevents contact by wild birds with the feed or water intended for the poultry and other captive birds;

(b) before placing any new structures or enclosures on land for the purpose of keeping poultry or other captive birds outdoors, the relevant site must be inspected for feathers and faecal matter from wild birds and, if such material is discovered, it must be removed; and

(c) measures must be taken to discourage wild birds (in particular gulls and wild waterfowl) from entering the outdoor range area and wild birds must not be attracted to the vicinity of the outdoor range area, in particular to open or standing water.

(6) When keeping poultry and other captive birds separate from wild birds in accordance with sub-paragraph (1), regardless of whether using the means specified in sub-paragraph (2) or (3), the keeper must:

(a) inspect the areas in which the poultry or other captive birds are kept every day in order to check that the birds are being kept in accordance with sub-paragraph (2) or (3); and

(b) comply with all relevant requirements of Part 2 of the Animal Health and Welfare Act 2006<sup>2</sup> and all legislation made thereunder.

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<sup>2</sup> 2006 asp 11.

### **Measures applying in relation to keepers of poultry or other captive birds in zoos**

3. (1) A keeper of poultry or other captive birds kept at a zoo (as defined in paragraph 10), **must** either:

(a) keep such poultry and captive birds separate from wild birds by taking either of the measures referred to in paragraph 2(1) above; or

(b) take other measures that are reasonable and practicable to keep poultry and other captive birds separate from wild birds and must also:

- (i) identify measures in consultation with a veterinary surgeon to minimise virus contamination to and from any poultry or other captive birds; and
- (ii) thereafter implement such measures.

(2) 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 10), must do the following:

(i) carry out an assessment of the risk of virus contamination posed by allowing the public to access the vicinity of any enclosures in which poultry or other captive birds are kept;

(ii) allow movement of people, vehicles or equipment to and from an area, building or enclosure in which poultry or other captive birds are kept only for the following purposes:

- when necessary for the management of the poultry or other captive birds or the zoo in which they are kept;
- the upkeep of the health and welfare of the poultry, other captive birds or other animals kept in the zoo;
- to allow the public to walk through an area, building or enclosure used for the exhibition of animals to the public, provided that there is no direct contact between the public and that biosecurity precautions are maintained;
- official or inspection visits;

(iii) require all keepers, staff and volunteers to wear suitable personal protective equipment if in direct contact with poultry or other captive birds;

(iv) install disinfectant mats (containing disinfectant in accordance with paragraph 11) at all points of entry to, and exit from, either—

- the areas, buildings or enclosures in which poultry or other captive birds are kept and which members of the public have access, or

- the zoo,

if such points of entry or exit are used by members of the public and members of the public are to have access to areas, buildings or enclosures of the zoo in which poultry or other captive birds are kept;

(v) 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 (except at a zoo)**

4. Except at a zoo (as defined in paragraph 10), 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 11) 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 (except at a zoo)**

5. Except at a zoo (as defined in paragraph 10), any keeper of more than 500 poultry or other captive birds must (in addition to the other measures in this Annex) comply with the measures:

(a) in paragraph 6 in relation to any part of the premises where poultry are kept;

(b) in paragraph 7 in relation to any part of the premises for ancillary uses in the keeping of poultry;

(c) in paragraph 8 in relation to any other part of the premises;

(d) in paragraph 9 in relation to any premises controlled by the keeper within 500 metres of any premises on which the poultry are kept.

6. 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.

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

- (a) access must be limited to essential personnel only, and full bio-security 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.

8. 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.

9. A keeper of more than 500 birds must not feed wild game birds in any area controlled by the keeper within 500 metres of any premises on which the poultry are kept.

## **Definitions**

10. 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) “wild game bird” means a bird which lives freely in the wild and is of a species that is hunted for human consumption;
- (i) “zoo” (which can include an aquarium) means a zoo within the meaning of section 1(2) of the Zoo Licensing Act 1981<sup>3</sup> 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.

**11.** 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.

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<sup>3</sup> 1981 c.37.