

The Avian Influenza (Preventive Measures) (Wales) Regulations 2005

The purpose of these Regulations is to give effect to Commission Decision 2005/734/EC laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by influenza A virus of subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk. These Regulations were made under the Executive procedure at 17.05 on 28 October 2005, and came into force at 17.20 on the same day.

These Regulations give functions directly to the Minister rather than to the Assembly. The absence of an effective delegation during the mid-term recess meant that this was the only way to put effective controls in place promptly.

Standing Order 11.7

The following point has been identified for reporting under Standing Order 11.7

These Regulations were made in English only. As the Regulations had to be made as a matter of urgency the Minister concluded that it was not reasonably practicable to make them bilingually. [Standing Order 11.7(viii)]

Observations

It was not immediately apparent how the requirements of Article 2 of the Commission Decision (which requires Member States to introduce early detection systems) had been implemented. The basis for such a system is the framework established by these Regulations and the requirements of regulation 4 in particular.

The final requirement of Annex 2 to the Decision has not been included in regulation 4(4)(g), as have the other criteria. The explanation is that this criterion is met by the existing provisions of the Diseases of Poultry (Wales) Order 2003.

Glyn Davies AM

Chair, Legislation Committee

22 November 2005