
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 3

The Bovine Viral Diarrhoea (Scotland) Order 2013

PART 2

BVD screening

CHAPTER 1

General provisions

Approval of laboratories

6.—(1) The Scottish Ministers may approve any laboratory that they consider to be suitable for the purpose of testing samples submitted under this Part.

(2) For the purpose of deciding whether to grant an approval under this article, the Scottish Ministers may require the operator of a laboratory to arrange or permit such inspections and quality assurance testing as Ministers consider necessary.

(3) The operator of an approved laboratory must comply with any condition of the approval.

Suspension and revocation of approval of laboratories

7.—(1) The Scottish Ministers may by notice given to the operator of an approved laboratory suspend or revoke an approval granted under article 6 if—

- (a) they consider that the approved laboratory is no longer suitable for the purpose of carrying out testing of samples submitted to it under this Part; or
- (b) they have reason to believe that any conditions of its approval have not been, or are not being, complied with.

(2) For the purpose of deciding whether to suspend or revoke an approval under this article, the Scottish Ministers may require the operator of the laboratory to arrange or permit such inspections and quality assurance testing as Ministers consider necessary.

(3) Suspension of an approval under this article lasts for such period, or until such a state of affairs exists, as the Scottish Ministers specify when suspending the approval.

(4) The operator of an approved laboratory may by notice given to the Scottish Ministers indicate that the operator no longer wishes approval of the laboratory, in which case the approval ceases to have effect on the date on which Ministers receive that notice.

Management tags

8.—(1) This article applies where—

- (a) a management tag has been used to take a sample of tissue from a bovine animal under this Part; and
- (b) the tag, or any replacement of it, has been removed or lost or has become illegible.

(2) The keeper of the animal who applied the tag must, within 28 days (or such longer period as the Scottish Ministers approve in the particular circumstances) of the removal or of becoming aware of the loss or illegibility, apply to the animal a replacement tag bearing the same identification number as the previous tag.

(3) Except for the purpose of replacing an illegible tag or safeguarding the welfare of the animal, the keeper of the animal must not remove or replace a management tag without the approval of the Scottish Ministers.

CHAPTER 2

Sampling and testing requirements

Obligations to sample and submit for testing

9.—(1) The keeper of a breeding herd or breeding bovine animal must by each compliance deadline (set in accordance with article 10) comply with articles 11 and 14.

(2) Compliance with paragraph (1) is to be at the keeper's expense.

(3) Anything done by a previous keeper for the purposes of complying with paragraph (1) in relation to a particular compliance deadline may, if the current keeper so elects, be relied on by the current keeper for the purpose of determining compliance with that paragraph in relation to that compliance deadline.

(4) The duties imposed by this article cease to apply in relation to a breeding herd or breeding bovine animal where the herd or animal ceases to exist.

Compliance deadlines

10.—(1) The first compliance deadline is the date falling 13 calendar months after this article first applies to the breeding herd or breeding bovine animal.

(2) This article first applies to a herd or animal on the day on which the herd or animal has been kept in Scotland, as a breeding herd or breeding bovine animal, for a total of not less than 30 days in any period of one year beginning no earlier than the coming into force day.

(3) Subject to paragraphs (4) and (5)—

(a) the second compliance deadline is the date falling 13 calendar months after the first compliance deadline; and

(b) compliance deadlines subsequently occur on the date falling 13 calendar months after the immediately preceding compliance deadline.

(4) Where in any case article 9(1) is complied with before a compliance deadline, the date of such compliance is substituted as the starting point for the determination of the next compliance deadline in relation to the breeding herd or breeding bovine animal concerned.

(5) Where a herd or animal is kept in Scotland as a breeding herd or breeding bovine animal for a total of less than 30 days in the period between two compliance deadlines—

(a) the keeper does not have to comply with article 9(1) in relation to the later of those compliance deadlines; and

(b) the herd or animal is treated, as at the later of those compliance deadlines, as not previously having been kept in Scotland.

Taking of samples

11.—(1) The keeper of a breeding herd or breeding bovine animal must take (or arrange to have taken) a sample or samples as described in any one of the sub-paragraphs of paragraph (2).

- (2) The samples described in this paragraph are—
- (a) on 4 occasions occurring at intervals of not less than 80 days and not more than 100 days, a sample of milk comprising milk from all of the lactating bovine animals in the herd at the time whose milk is being taken for human consumption;
 - (b) a sample of milk comprising milk from all of the lactating bovine animals in the herd at the time and a sample of blood from each of the non-lactating female bovine animals that have been in-calf at least once before and in-calf heifers in the herd at the time;
 - (c) a sample of milk comprising milk from all of the dairy bovine animals in the herd at the time that are lactating and have been pregnant once;
 - (d) a sample of blood from—
 - (i) each of 5 calves between the age of 9 and 18 months in the herd at the time, or, where the herd contains separately managed groups, each of 5 such calves from each such group;
 - (ii) where there are fewer than 5 calves between the age of 9 and 18 months in the herd at the time or, as the case may be, separately managed group, each of 10 calves between the age of 6 and 18 months in the herd at the time or, as the case may be, each of 10 such calves from each such group;
 - (iii) where there are fewer than 10 calves between the age of 6 and 18 months in the herd at the time or, as the case may be, separately managed group, each of 5 bovine animals over the age of 18 months in the herd at the time or, as the case may be, each of 5 such animals from each such group, where those animals have not left the holding since birth; or
 - (iv) where there are fewer than 10 calves as referred to in head (ii) and fewer than 5 bovine animals as referred to in head (iii) in the herd at the time or, as the case may be, separately managed group—
 - (aa) each of the calves between the age of 6 and 18 months in the herd at the time or, as the case may be, each of such calves from each such group; and
 - (bb) where there are fewer than 5 calves between the age of 6 and 18 months in the herd at the time or, as the case may be, separately managed group, each of the bovine animals over the age of 18 months which have not left the holding since birth;
 - (e) subject to paragraphs (3) and (4), from each of the calves in the herd born since the immediately preceding compliance deadline either—
 - (i) an ear tag sample of tissue taken in accordance with paragraphs (6) and (7); or
 - (ii) a sample of blood; and
 - (f) from each of the bovine animals in the herd at the time either—
 - (i) an ear tag sample of tissue taken in accordance with paragraphs (6) and (7); or
 - (ii) a sample of blood.

(3) Paragraph (2)(e) applies only where since the immediately preceding compliance deadline no calves have been removed from the herd.

(4) In relation to the first compliance deadline the reference in paragraph (2)(e) to the immediately preceding compliance deadline is to be read as a reference to the day on which article 10 first applies to the herd.

(5) For the purposes of paragraphs (2)(e) and (f), (3) and (4), the herd does not include any bovine animals which, so far as known by the keeper, have previously tested negative for the presence of

BVDV or which are the maternal antecedents of any which have previously tested negative for the presence of BVDV.

- (6) An ear tag sample of tissue is taken in accordance with this paragraph if—
- (a) the tag used when the sample is collected is an ear tag applied under the 2007 Regulations; or
 - (b) the tag used is a management tag, and the tag and the vessel for collecting the sample have an identical, pre-printed, identification number; and that identification number—
 - (i) in the case of a sample taken from a bovine animal in a breeding herd, is used only once within the same herd; and
 - (ii) is notified along with the animal's ear tag number required by article 14(3)(b)(v) or (vi) when the sample is submitted.

(7) For the purposes of paragraph (2)(e) and (f) the keeper of a breeding herd or breeding bovine animal must not take (or arrange to have taken) an ear tag sample of tissue from any calves or bovine animals in the herd from which such a sample has previously been collected from a management tag.

Decision on type of sample to take

12.—(1) Subject to paragraph (2), the keeper of a breeding herd or breeding bovine animal may take and submit (or arrange to have taken and submitted) a sample or samples described in article 11(2) (other than a sample described in article 11(2)(d)) without consulting a veterinary surgeon.

(2) The taking and submission of, or arranging to take and submit, a sample of blood must be authorised by a veterinary surgeon.

Persons authorised to take milk samples

13.—(1) The following persons may, for the purposes of article 11, take a milk sample from a bovine animal—

- (a) a veterinary surgeon;
- (b) a veterinary nurse authorised to do so by a veterinary surgeon; and
- (c) a milk recorder.

(2) The following persons may, for the purposes of article 11, take a bulk milk sample—

- (a) a veterinary surgeon;
- (b) a veterinary nurse authorised to do so by a veterinary surgeon;
- (c) a milk recorder; and
- (d) a milk collector.

(3) Where a milk collector takes a bulk milk sample for the purposes of article 11, that collector may do so only from a bulk milk tank.

Submission of samples

14.—(1) Subject to paragraph (2), the keeper must, in accordance with paragraph (3), submit (or arrange to have submitted) any sample or samples taken under article 11 to an approved laboratory with whose operator arrangements have been made for testing in relation to BVDV.

(2) Where the keeper of the breeding herd elects to submit (or arrange to have submitted) the samples described in article 11(2)(a) and as a result of testing the first, second or third sample the approved laboratory determines the BVD finding as “not negative”—

- (a) the keeper is not required to submit the remaining sample or samples for testing; and
 - (b) the date of that determination is taken to be the date of compliance with article 9(1).
- (3) A sample must be—
- (a) submitted in accordance with such requirements as to storage, handling and timing as are indicated to be necessary for the effective testing of the sample by the operator of the laboratory to which the sample is to be submitted or, as the case may be, the instructions accompanying the equipment used to take the sample; and
 - (b) accompanied by a notice containing the following information—
 - (i) the keeper's name and address;
 - (ii) by reference to the relevant provision of article 11, the description of the sample;
 - (iii) the date the sample was taken;
 - (iv) the CPH number for the holding on which the herd or animal was kept at the time the sample was taken;
 - (v) in the case of a sample described in article 11(2)(d), (e) or (f), the ear tag numbers from ear tags applied under the 2007 Regulations to all animals from which the sample derives;
 - (vi) in the case of a sample described in article 11(6)(a), the ear tag numbers from ear tags applied to the animal under the 2007 Regulations; and
 - (vii) any other information reasonably requested by the operator of the laboratory.

Qualifying calves

- 15.—**(1) The keeper of a qualifying calf must—
- (a) before the calf is 40 days old take (or arrange to have taken)—
 - (i) an ear tag sample of tissue taken in accordance with paragraph (3); or
 - (ii) a sample of blood; and
 - (b) in accordance with paragraph (4), submit (or arrange to have submitted) the sample to an approved laboratory with whose operator arrangements have been made for testing in relation to BVDV.
- (2) Compliance with paragraph (1) is to be at the keeper's expense.
- (3) An ear tag sample of tissue is taken in accordance with this paragraph if—
- (a) the tag used when the sample is collected is an ear tag applied under the 2007 Regulations; or
 - (b) the tag used is a management tag, and the tag and the vessel for collecting the sample have an identical, pre-printed, identification number; and, where ear tags have been applied to the calf, that identification number is notified along with the calf's ear tag number required by paragraph (4)(b)(iv) when the sample is submitted.
- (4) A sample is submitted in accordance with this paragraph if—
- (a) it is submitted in accordance with such requirements as to storage, handling and timing as are indicated to be necessary for the effective testing of the sample by the operator of the laboratory to which the sample is to be submitted or, as the case may be, the instructions accompanying the equipment used to take the sample; and
 - (b) it is accompanied by a notice containing the following information—
 - (i) the keeper's name and address;
 - (ii) the date the sample was taken;

- (iii) the CPH number for the holding on which the calf was kept at the time the sample was taken;
- (iv) where applied, the ear tag numbers from ear tags applied to the calf under the 2007 Regulations; and
- (v) any other information reasonably requested by the operator of the laboratory.

(5) Anything done by a previous keeper for the purposes of complying with paragraph (1) may, if the current keeper so elects, be relied on by the current keeper for the purpose of determining compliance with that paragraph.

Movement of a qualifying calf

16.—(1) No person may move a qualifying calf from the holding on which it is born before a sample has been taken from it under article 15(1)(a), unless the move is under the authority of a licence granted by an inspector or an approved veterinary surgeon.

(2) Any person moving a qualifying calf under the authority of a licence granted under paragraph (1) must—

- (a) keep upon that person the licence or a copy of it at all times during such movement;
 - (b) on demand by a veterinary inspector, an approved veterinary surgeon, an inspector or an officer of the Scottish Ministers, produce the licence or a copy of it and allow a copy or extract to be taken; and
 - (c) keep the licence or a copy of it for the period of 6 months after the movement is completed.
- (3) A person to whom the licence is granted must comply with any condition of the licence.

CHAPTER 3

Testing requirements

Duties of operators of approved laboratories – breeding herds or breeding bovine animals

17.—(1) This article applies where—

- (a) the keeper of a breeding herd or a breeding bovine animal has in accordance with article 14 arranged for the testing of a sample or samples by an approved laboratory; and
 - (b) the sample has, or those samples have, been submitted to the laboratory.
- (2) The operator of the laboratory must—
- (a) test the sample or samples in accordance with paragraph (3); and
 - (b) subject to paragraph (4)—
 - (i) make a finding in relation to the herd or animal of negative or not negative for the presence of BVDV or, as the case may be, evidence of exposure to BVDV;
 - (ii) by notice inform the keeper of the finding; and
 - (iii) by notice inform the Scottish Ministers, within 40 days of testing the sample or samples under sub-paragraph (a), of the matters mentioned in paragraph (5).
- (3) The sample or samples are tested in accordance with this paragraph if—
- (a) in the case of a sample or samples described in article 11(2)(a), (b), (c) or (d), it is or they are tested for evidence of exposure to BVDV; and
 - (b) in the case of any other sample, it is tested for the presence of BVDV.
- (4) In relation to the samples described in article 11(2)(a), the operator of the laboratory—
- (a) may make a finding of “negative” under paragraph (2)(b)(i)—

- (i) only after the operator has tested under paragraph (2)(a) each of the 4 samples which the keeper is required to submit; and
 - (ii) in the opinion of the operator, the results indicate that the herd or animal is negative for evidence of exposure to BVDV; and
 - (b) in such a case, must give notice under paragraph (2)(b)(iii) within 40 days of the testing of the last of the 4 samples.
- (5) The matters mentioned in this paragraph are—
- (a) the keeper’s name and address;
 - (b) by reference to the relevant provision of article 11, the description of the sample or samples;
 - (c) the date the sample was or the samples were taken;
 - (d) the date the sample was or the samples were tested;
 - (e) the results of the tests of the sample or samples;
 - (f) the CPH number for the holding on which the herd or animal was kept at the time the sample was or the samples were taken;
 - (g) in the case of a sample or samples described in article 11(2)(e) or (f), the ear tag numbers from ear tags applied under the 2007 Regulations to all animals from which the sample derives or the samples derive; and
 - (h) the finding under paragraph (2)(b)(i).
- (6) The duties imposed by this article cease to apply in relation to a breeding herd or breeding bovine animal where the herd or animal ceases to exist.

Duties of operators of approved laboratories – qualifying calves

- 18.**—(1) This article applies where—
- (a) the keeper of a qualifying calf has in accordance with article 15 arranged for the testing of a sample by an approved laboratory; and
 - (b) the sample has been submitted to the laboratory.
- (2) The operator of the laboratory must—
- (a) test the sample submitted for the presence of BVDV;
 - (b) by notice inform the keeper of the result of the test, clearly indicating to the keeper whether the result is negative or not negative for the presence of BVDV; and
 - (c) by notice inform the Scottish Ministers, within 40 days of testing the sample under subparagraph (a), of—
 - (i) the keeper’s name and address;
 - (ii) the date the sample was taken;
 - (iii) the date the sample was tested;
 - (iv) the result of the test;
 - (v) the CPH number for the holding on which the calf was kept at the time the sample was taken; and
 - (vi) the ear tag numbers from ear tags applied to the calf under the 2007 Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Approved laboratories - record keeping and disclosure

19.—(1) The operator of an approved laboratory must maintain a record of any test carried out under this Part for 3 years from the date of such a test.

(2) The operator of the approved laboratory must, if requested by notice by the Scottish Ministers to do so, provide the Scottish Ministers with such records.