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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 310**

**The Bovine Viral Diarrhoea (Scotland) Order 2019**

**PART 2**

**BVD Screening**

**Approval of veterinary surgeons**

6.—(1) The Scottish Ministers may approve, subject to any conditions that the Scottish Ministers consider necessary, any veterinary surgeon whom they consider to be suitable for the purposes of carrying out the functions conferred on an approved veterinary surgeon by Parts 2 and 3 of this Order.

(2) For the purpose of deciding whether to grant an approval under this article, the Scottish Ministers may require a veterinary surgeon to complete such training as they consider necessary.

(3) An approved veterinary surgeon must comply with any condition of the approval.

(4) The Scottish Ministers may by notice given to the veterinary surgeon suspend or revoke an approval granted under this article.

(5) Suspension of an approval under this article lasts for such period, or until such steps are taken, as the Scottish Ministers specify in the notice.

(6) An approved veterinary surgeon may by notice given to the Scottish Ministers indicate that the veterinary surgeon no longer wishes approval, in which case the approval ceases to have effect on the date on which the Scottish Ministers receive that notice.

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**Commencement Information**

**I1** [Art. 6](#) in force at 1.12.2019, see [art. 1\(1\)](#)

**Approval of laboratories**

7.—(1) The Scottish Ministers may approve, subject to any conditions that the Scottish Ministers consider necessary, 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 the Scottish Ministers consider necessary.

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

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**Commencement Information**

**I2** [Art. 7](#) in force at 1.12.2019, see [art. 1\(1\)](#)

*Status: Point in time view as at 01/12/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Bovine Viral Diarrhoea (Scotland) Order 2019, PART 2. (See end of Document for details)*

## Suspension and revocation of approval of laboratories

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

### Commencement Information

**I3** [Art. 8](#) in force at 1.12.2019, see [art. 1\(1\)](#)

## Sampling of breeding herds in accordance with compliance deadlines

9.—(1) For the purposes of this article, a breeding herd does not include any bovine animal which has an individual BVD status of negative.

(2) The keeper of a breeding herd which is not kept in the Shetland Islands and is not a dairy breeding herd must, by each compliance deadline, take samples as described in any one of the subparagraphs of paragraph (3).

(3) The samples described in this paragraph are—

- (a) from each of the bovine animals in the herd either—
  - (i) an ear tag sample of tissue taken in accordance with article 14, or
  - (ii) a sample of blood,
- (b) a sample of blood from—
  - (i) each of 5 calves between the age of 9 and 18 months in the relevant group,
  - (ii) each of 10 calves between the age of 6 and 18 months in the relevant group, or
  - (iii) where there are no calves between the ages of 6 and 18 months in the relevant group, each of 5 bovine animals in the relevant group which are over the age of 18 months and have not left the holding of their birth,
- (c) subject to paragraph (8), from each of the calves in the herd born in the immediately preceding 12 month period—
  - (i) an ear tag sample of tissue taken in accordance with article 14, or
  - (ii) a sample of blood.

(4) The keeper of a breeding herd kept in any area within the Shetland Islands, must, by each compliance deadline, take a sample of blood from each of 5 calves between the age of 6 and 18 months in the relevant group.

(5) The keeper of a dairy breeding herd, must, by each compliance deadline, take a sample of blood from each of 10 calves between the age of 9 and 18 months in the relevant group.

(6) For the purposes of this article “relevant group” means—

- (a) in the case of a breeding herd which does not contain any separately managed groups, the herd, and
- (b) in the case of a breeding herd which contains two or more separately managed groups, each separately managed group.

(7) Where—

- (a) any sub-paragraph of paragraph (3) requires the keeper to take samples from a specified number of bovine animals of any description (“the described animals”), and
- (b) the relevant group contains a number of described animals that is fewer than the specified number,

the specified number in the relevant sub-paragraph is to be read as the total number of the described animals in the relevant group.

(8) Paragraph (3)(c) applies only where no calves have been removed from the herd in the immediately preceding 12 month period.

#### **Commencement Information**

**I4** [Art. 9](#) in force at 1.12.2019, see [art. 1\(1\)](#)

### **Sampling of breeding bovine animals in accordance with compliance deadlines**

**10.**—(1) The keeper of a breeding bovine animal must, by each compliance deadline, take from the animal—

- (a) an ear tag sample of tissue taken in accordance with article 14, or
- (b) a sample of blood.

(2) Paragraph (1) does not apply in the case of a breeding bovine animal which has an individual BVD status of negative.

#### **Commencement Information**

**I5** [Art. 10](#) in force at 1.12.2019, see [art. 1\(1\)](#)

### **Determining compliance deadlines**

**11.**—(1) The first compliance deadline falls on the expiry of the period of 30 consecutive days that the herd or animal has been kept in Scotland as a breeding herd or as a breeding bovine animal.

(2) Subject to paragraph (3), each subsequent compliance deadline falls on the final day of the period—

- (a) of 7 months (in the case of a dairy breeding herd), or
- (b) of 13 months (in all other cases),

after the results of the tests of the samples taken under article 9 or 10 are notified to the Scottish Ministers under article 22.

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

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- (a) a compliance deadline will not fall on the later of those compliance deadlines, and
- (b) the herd or animal will be treated as not having been kept in Scotland as a breeding herd or breeding bovine animal on that date.

**Commencement Information**

**I6** Art. 11 in force at 1.12.2019, see [art. 1\(1\)](#)

**Additional sampling of not negative breeding herds**

**12.**—(1) This article applies to a breeding herd where—

- (a) the collective BVD status of the breeding herd is not negative in accordance with article 27(2), and
- (b) there has been no change to the collective BVD status of the herd for a period of 15 consecutive months.

(2) This article ceases to apply on the earlier of—

- (a) the date that every animal in the herd has an individual BVD status of negative, or
- (b) the date that an approved veterinary surgeon has notified the Scottish Ministers of a change of the collective BVD status of the breeding herd from not negative to negative under article 30.

(3) Where this article applies, the keeper must, within the period of 13 months starting on the date on which this article first applies, take from each bovine animal in the herd which has no individual BVD status—

- (a) an ear tag sample of tissue taken in accordance with article 14, or
- (b) a sample of blood.

**Commencement Information**

**I7** Art. 12 in force at 1.12.2019, see [art. 1\(1\)](#)

**Follow-on sampling of long term not negative herds**

**13.**—(1) This article applies to a breeding herd on the date that article 12 ceases to apply to the herd in accordance with article 12(2)(a).

(2) This article ceases to apply on the date falling 12 months after this article first applies.

(3) Where this article applies, the keeper must take—

- (a) an ear tag sample of tissue taken in accordance with article 14, or
- (b) a sample of blood,

from each calf born in the herd.

**Commencement Information**

**I8** Art. 13 in force at 1.12.2019, see [art. 1\(1\)](#)

### Ear tag samples of tissue

14.—(1) Subject to paragraphs (3) and (4), an ear tag sample of tissue is taken in accordance with this article if it is extracted from the animal from an official ear tag or a management tag and the vessel used to collect the sample complies with the conditions in paragraph (2).

(2) The conditions in this paragraph are—

- (a) the vessel used to collect the sample must have a pre-printed identification number which is identical to the official ear tag number or the number on the management tag (as the case may be), and
- (b) the identification number—
  - (i) is notified along with the animal's ear tag number when the sample is submitted, and
  - (ii) in the case of a sample taken from a bovine animal in a breeding herd, is used only once within the herd.

(3) The keeper must not take (or arrange to have taken) an ear tag sample of tissue from any bovine animal from which a sample has previously been collected from a management tag for the purpose of submitting for sampling under this Order.

(4) Where a sample of tissue is taken from a calf under 20 days of age, the sample must be taken from an official ear tag unless—

- (a) a sample of tissue has previously been taken from the calf from an official ear tag in which case the sample must be taken from a management tag, or
- (b) the calf has died before the sample is taken in which case the sample may be taken from an official ear tag or a management tag.

(5) For the purposes of this article, “collected” includes any attempt to collect a sample.

#### Commencement Information

**I9** [Art. 14](#) in force at 1.12.2019, see [art. 1\(1\)](#)

### Removal of management tags

15.—(1) The keeper must remove a management tag which has been applied to a bovine animal where the information on the tag has become illegible.

(2) The keeper must not remove a management tag for any other purpose except—

- (a) with the approval of the Scottish Ministers, or
- (b) where the removal is necessary to safeguard the welfare of the animal.

#### Commencement Information

**I10** [Art. 15](#) in force at 1.12.2019, see [art. 1\(1\)](#)

### Replacement of management tags

16.—(1) This article applies where a management tag—

- (a) has been removed in accordance with article 15, or
- (b) has become otherwise detached from the animal.

(2) Where this article applies, the keeper must apply to the animal a tag that complies with the conditions provided in paragraph (3).

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- (3) The conditions of this paragraph are that the replacement tag—
- (a) must bear the same identification number as the management tag, and
  - (b) must not be a management tag.
- (4) The replacement of the tag under paragraph (2) must be within 28 days (or such longer period as the Scottish Ministers approve in the particular circumstances) of the keeper becoming aware—
- (a) that the tag is required to be removed under article 15(1) or (2)(b),
  - (b) that the Scottish Ministers have approved the removal of the tag in accordance with article 15(2)(a), or
  - (c) that the tag has been otherwise detached from the animal.
- (5) This article applies in the same way to the removal and replacement of any replacement tag applied in accordance with this article.

#### Commencement Information

**I11** Art. 16 in force at 1.12.2019, see **art. 1(1)**

#### Sampling restricted to veterinary surgeons

- 17.**—(1) A keeper may not take (or arrange to have taken) a sample referred to in paragraph (2) unless the sample is taken by, or under the supervision of, a veterinary surgeon.
- (2) The samples referred to in this paragraph are—
- (a) a sample of blood from any bovine animal, or
  - (b) any sample from a bovine animal which has an individual BVD status of positive.

#### Commencement Information

**I12** Art. 17 in force at 1.12.2019, see **art. 1(1)**

#### Submission of samples for testing

- 18.**—(1) The keeper must, in accordance with paragraph (2), submit any sample taken under articles 9, 10, 12(3) or 13(3) to an approved laboratory with whose operator arrangements have been made for testing in relation to BVDV.
- (2) 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 articles 9, 10, 12(3) or 13(3), a 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) where applied, the official ear tag number from the official ear tag,
- (vi) any other information reasonably requested by the operator of the laboratory.

**Commencement Information**

**I13** Art. 18 in force at 1.12.2019, see [art. 1\(1\)](#)

**Sampling of qualifying calves**

- 19.**—(1) The keeper of a qualifying calf must—
- (a) before the calf is 40 days old take—
    - (i) an ear tag sample of tissue taken in accordance with article 14, or
    - (ii) a sample of blood, and
  - (b) in accordance with paragraph (2), submit the sample to an approved laboratory with whose operator arrangements have been made for testing in relation to BVDV.
- (2) 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 official ear tag number from the official ear tag, and
    - (v) any other information reasonably requested by the operator of the laboratory.

**Commencement Information**

**I14** Art. 19 in force at 1.12.2019, see [art. 1\(1\)](#)

**Testing for exposure to BVDV**

- 20.**—(1) This article applies where—
- (a) the keeper of a breeding herd has taken (or arranged to have taken) samples described in article 9(3)(b), (4) or (5),
  - (b) the keeper has arranged for the testing of the samples by an approved laboratory in accordance with article 18, and
  - (c) the samples have been submitted to an approved laboratory.
- (2) Where this article applies, the operator of the approved laboratory must—
- (a) test each of the samples for evidence of exposure to BVDV, and
  - (b) determine whether or not any of the samples show evidence of exposure to BVDV.

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#### Commencement Information

**I15** Art. 20 in force at 1.12.2019, see [art. 1\(1\)](#)

#### Testing for the presence of BVDV

**21.**—(1) This article applies where—

- (a) a keeper of a breeding herd or breeding bovine animal has taken (or arranged to have taken) any sample for the purposes of this Order not described in the paragraphs referred to in article 20(1)(a),
  - (b) the keeper has arranged for the testing of a sample by an approved laboratory in accordance with article 18, and
  - (c) the sample has been submitted to the laboratory.
- (2) Where this article applies, the operator of the laboratory must—
- (a) test the sample for the presence of BVDV, and
  - (b) determine whether or not BVDV is present in the sample.

#### Commencement Information

**I16** Art. 21 in force at 1.12.2019, see [art. 1\(1\)](#)

#### Notification of test result

**22.**—(1) Following the completion of a test under article 20 the operator of an approved laboratory must by notice inform the keeper and the Scottish Ministers of each test result and—

- (a) where none of the samples show evidence of exposure to BVDV, that the herd has a collective BVD status of negative, or
- (b) where any of the samples show evidence of exposure to BVDV, that the herd has a collective BVD status of not negative.

(2) Following the completion of a test under article 21 the operator must by notice inform the keeper and the Scottish Ministers of the test result and—

- (a) where BVDV is not present in the sample, that the animal has an individual BVD status of negative, or
- (b) where BVDV is present in the sample—
  - (i) that the animal has an individual BVD status of positive, and
  - (ii) that the breeding herd, where relevant, has a collective BVD status of not negative.

(3) Notification to the keeper and the Scottish Ministers in accordance with paragraphs (1) or (2) must be within 5 working days of the date of the test and include details of—

- (a) the keeper's name and address,
- (b) by reference to the relevant provision of articles 9, 10, 12 or 13 the description of the sample,
- (c) the date the sample was taken,
- (d) the date the sample was tested,
- (e) 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,



- (f) where applied, the official ear tag number from the official ear tag.

**Commencement Information**

**I17** Art. 22 in force at 1.12.2019, see **art. 1(1)**

**Testing of qualifying calves**

- 23.**—(1) This article applies where—
- (a) the keeper of a qualifying calf has in accordance with article 19 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 for the presence of BVDV,
  - (b) determine whether or not BVDV is present in the sample.
- (3) Following the completion of a test under sub-paragraph (2)(a), the operator must by notice inform the keeper and the Scottish Ministers of the result of the test and—
- (a) where BVDV is present in the sample, that the qualifying calf has an individual BVD status of positive, or
  - (b) where BVDV is not present in the sample, that the qualifying calf has an individual BVD status of negative.
- (4) A notice to the Scottish Ministers in accordance with paragraph (3) must be within 5 working days of testing the sample under paragraph (2)(a), and include details of—
- (a) the keeper's name and address,
  - (b) the date the sample was taken,
  - (c) the date the sample was tested, and
  - (d) the CPH number for the holding on which the calf was kept at the time the sample was taken, and
  - (e) where applied, the official ear tag number from the official ear tag.

**Commencement Information**

**I18** Art. 23 in force at 1.12.2019, see **art. 1(1)**

**Record keeping and disclosure**

- 24.**—(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 a copy of such records.

**Commencement Information**

**I19** Art. 24 in force at 1.12.2019, see **art. 1(1)**

*Status: Point in time view as at 01/12/2019.*

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### **Reporting of tests for presence of BVDV other than under this Order**

**25.**—(1) This article applies where, other than for the purposes of this Order, a laboratory (including an approved laboratory) tests for evidence of exposure to BVDV or for the presence of BVDV in a sample (of any description) taken from a bovine animal.

(2) The operator of the laboratory must by notice inform the Scottish Ministers and the keeper, within 5 working days of testing the sample, of—

- (a) a description of the sample,
- (b) the date the sample was tested,
- (c) the result of the test, clearly indicating—
  - (i) whether or not the sample shows evidence of exposure to BVDV, or,
  - (ii) whether or not BVDV is present in the sample, and
- (d) in so far as known by the operator—
  - (i) the official ear tag number,
  - (ii) the keeper's name and address,
  - (iii) the CPH number for the holding on which the animal was kept at the time the sample was taken, and
  - (iv) the date the sample was taken.

#### **Commencement Information**

**I20** Art. 25 in force at 1.12.2019, see **art. 1(1)**

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**Changes to legislation:**

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