
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 310

The Bovine Viral Diarrhoea (Scotland) Order 2019

PART 3

BVD Control

Individual BVD status

- 26.**—(1) For the purposes of this Order, a bovine animal referred to in paragraph (2), either—
- (a) has an individual BVD status of positive,
 - (b) has an individual BVD status of negative, or
 - (c) has no individual BVD status.
- (2) The bovine animals referred to in this paragraph are—
- (a) each breeding bovine animal,
 - (b) each bovine animal in a breeding herd, and
 - (c) each qualifying calf.
- (3) Subject to article 28, a bovine animal has an individual BVD status of positive if—
- (a) the operator of an approved laboratory has by notice informed the Scottish Ministers that the animal has an individual BVD status of positive in accordance with article 22(2)(b)(i) or, in the case of a qualifying calf, article 23(3)(a), or
 - (b) except in a case where paragraph (4)(a) applies, it is the calf of a female animal which has an individual BVD status of positive.
- (4) A bovine animal has an individual BVD status of negative if—
- (a) the operator of an approved laboratory has by notice informed the Scottish Ministers that the animal has an individual BVD status of negative in accordance with article 22(2)(a) or, in the case of a qualifying calf, article 23(3)(b), or
 - (b) the animal is the dam of a calf which has an individual BVD status of negative.
- (5) The bovine animal has no individual BVD status in all other cases.

Commencement Information

II Art. 26 in force at 1.12.2019, see art. 1(1)

Collective BVD status of breeding herds

- 27.**—(1) For the purposes of this Order, a breeding herd either—
- (a) has a collective BVD status of not negative, or
 - (b) has a collective BVD status of negative.

- (2) Subject to article 29, a breeding herd has collective BVD status of not negative—
- (a) at any time that paragraph (4) applies to the herd, or
 - (b) where the operator of an approved laboratory has by notice under article 22(1)(b) or 22(2)(b)(ii) informed the Scottish Ministers that the herd has a collective BVD status of not negative.
- (3) A breeding herd has a collective BVD status of negative—
- (a) at any time paragraph (4) does not apply to the herd, and
 - (b) where the operator of an approved laboratory has by notice informed the Scottish Ministers that the herd has a collective BVD status of negative under article 22(1)(a).
- (4) This article applies where—
- (a) the herd contains a bovine animal which has an individual BVD status of positive,
 - (b) the herd is kept on the same holding as any bovine animal which is a high risk animal and has no individual BVD status, or
 - (c) the keeper of the herd has not complied with any obligations applicable to the herd in article 9.
- (5) In this article, any reference to a “notice” means the most recent notice submitted by the operator of an approved laboratory to the Scottish Ministers under article 22 and supersedes any previous notice.

Commencement Information

I2 Art. 27 in force at 1.12.2019, see art. 1(1)

Change of individual BVD status by an approved veterinary surgeon

28. An approved veterinary surgeon may change the individual BVD status of a bovine animal from positive to negative where that surgeon reasonably considers that further action or investigation has been carried out which confirms that BVDV is not or is no longer present in that animal.

Commencement Information

I3 Art. 28 in force at 1.12.2019, see art. 1(1)

Change of collective BVD status by an approved veterinary surgeon

29. An approved veterinary surgeon may change the collective BVD status of a breeding herd from not negative to negative where that surgeon reasonably considers that—

- (a) further action or investigation has been carried out to confirm the presence of BVDV in any animal forming part of the herd, and
- (b) as a result of such action or investigation, either the presence of BVDV has not been confirmed in any such animal or, in the case where the presence of BVDV has been confirmed in any such animal, that animal has been removed from the herd and, prior to its removal, the animal was isolated or other appropriate steps were taken so as to minimise the risk of spread of BVDV to any other animal in the herd.

Commencement Information

I4 Art. 29 in force at 1.12.2019, see art. 1(1)

Notification of a change of status by an approved veterinary surgeon

30.—(1) The approved veterinary surgeon must by notice inform the keeper and the Scottish Ministers of any change of BVD status under articles 28 or 29.

(2) A notice under paragraph (1) must be given within 5 days of the approved veterinary surgeon's determination of the change of BVD status and must include the official ear tag number of the animal or animals in respect of which the further action or investigation or, as the case may be, further testing, has been carried out.

Commencement Information

I5 Art. 30 in force at 1.12.2019, see art. 1(1)

Restrictions on the movement of animals where sampling obligations are missed

31.—(1) This article applies to the keeper of a breeding herd or breeding bovine animal if, by the date of the most recent compliance deadline (set in accordance with article 11), the keeper has failed to comply with any obligations, so far as applicable to that keeper, in article 9, 10, 12 or 13 (in this article “the applicable obligations”).

(2) The keeper must not, during the relevant period, move (or arrange to move) any animal forming part of the breeding herd or the breeding bovine animal from the holding on which it is kept unless—

- (a) the animal is being moved to slaughter,
- (b) the movement is under a licence granted by a veterinary inspector or the Scottish Ministers, or
- (c) an approved veterinary surgeon reasonably considers that further action or investigation has been carried out which confirms that BVDV is not or is no longer present in the animal and has by notice under article 30 informed the keeper and the Scottish Ministers of that fact.

(3) In paragraph (2), “the relevant period” is the period—

- (a) beginning with the later of—
 - (i) the coming into force day, or
 - (ii) the date of the most recent compliance deadline, and
- (b) ending on the date on which—
 - (i) the keeper has complied with all of the applicable obligations, and
 - (ii) has received a notification under article 22 in respect of the samples tested in accordance with those obligations.

Commencement Information

I6 Art. 31 in force at 1.12.2019, see art. 1(1)

Restrictions on the movement of bovine animals with an individual BVD status of positive

32.—(1) Subject to paragraph (2), a keeper must not move a bovine animal off of a holding if the animal has an individual BVD status of positive.

(2) Paragraph (1) does not apply if—

- (a) the animal is being moved to slaughter, or
- (b) the movement is under a licence granted by a veterinary inspector or the Scottish Ministers.

Commencement Information

I7 Art. 32 in force at 1.12.2019, see art. 1(1)

Restrictions on the movement of animals off a holding with a not negative herd or a BVD positive animal

33.—(1) Subject to paragraph (2), the keeper must not move a bovine animal off of a holding if—

- (a) the animal is part of a herd which has a collective BVD status of not negative, or
- (b) there is an animal with an individual BVD status of positive present on the holding.

(2) Paragraph (1) does not apply if—

- (a) the animal has an individual BVD status of negative,
- (b) the animal is being moved to slaughter, or
- (c) the movement is under a licence granted by a veterinary inspector or the Scottish Ministers.

Commencement Information

I8 Art. 33 in force at 1.12.2019, see art. 1(1)

Restrictions on the movement of bovine animals onto a holding with a not negative herd

34.—(1) Subject to paragraph (2), the keeper must not move (or arrange to move) any bovine animal onto a holding when there is a bovine animal with an individual BVD status of positive present on that holding.

(2) Paragraph (1) shall not apply where—

- (a) the keeper does not know (and could not reasonably be expected to know) that there is bovine animal with an individual BVD status of positive on the holding, or
- (b) the movement is under a licence granted by a veterinary inspector or the Scottish Ministers.

Commencement Information

I9 Art. 34 in force at 1.12.2019, see art. 1(1)

Restriction on the movement of high risk animals

35.—(1) This article applies to the keeper of a breeding herd which contains any bovine animal which—

- (a) is a high risk animal, and
- (b) has an individual BVD status of positive or no individual BVD status.

- (2) The keeper must not move (or arrange to move) the animal off the holding unless—
- (a) the animal is being moved to slaughter,
 - (b) the movement is under a licence granted by a veterinary inspector or the Scottish Ministers, or
 - (c) an approved veterinary surgeon reasonably considers that further action or investigation has been carried out which confirms that BVDV is not present in the animal and has by notice informed the keeper and the Scottish Ministers of that fact.

Commencement Information

I10 Art. 35 in force at 1.12.2019, see art. 1(1)

[^{F1}Separation of bovine animals with an individual BVD status of positive

35A.—(1) This article applies to a breeding herd which contains one or more bovine animals with an individual BVD status of positive.

(2) Subject to paragraphs (4) and (5), where this article applies the keeper must separate all the bovine animals with an individual BVD status of positive from the rest of the herd and house them in one or more groups (each a “BVD positive group”) in accordance with the conditions in paragraph (3).

(3) The conditions of this paragraph are that the animals are housed indoors and in a manner consistent with good practice which—

- (a) prevents physical contact with, and
- (b) does not give rise to any appreciable risk of transferring BVDV to,

any bovine animal that is not part of a BVD positive group.

(4) Where a BVD positive group would contain no more than one animal with an individual BVD status of positive, the keeper must ensure that the group contains the minimum number of other bovine animals (regardless of individual BVD status) necessary in order to protect the welfare of each animal.

(5) Paragraph 2 does not apply where the animal is being—

- (a) moved to slaughter, or
- (b) moved under a licence granted by a veterinary inspector or the Scottish Ministers.

(6) A bovine animal does not cease to be part of a breeding herd by virtue of its separation under this article.]

Textual Amendments

F1 Art. 35A inserted (18.5.2020) by [The Bovine Viral Diarrhoea \(Scotland\) Amendment Order 2020 \(S.S.I. 2020/86\)](#), arts. 1, **2(2)**

Notification of BVD on a holding

36.—(1) This article applies where—

- (a) there is a bovine animal with an individual BVD status of positive present on a holding, and
- (b) there is a bovine animal belonging to another keeper (in this article “the other keeper”) kept on the holding.

(2) The keeper must give notice to the other keeper that there is a bovine animal with an individual BVD status of positive on the holding.

(3) A notice under paragraph (2) must be given within 7 days of the later of—

- (a) the date that the keeper knows (or ought reasonably to know) that the animal has an individual BVD status of positive, or
- (b) the other keeper moving a bovine animal onto the holding.

(4) Where the individual BVD status of the bovine animal is changed, the keeper must, within 7 days of receiving notice from an approved laboratory of the change of individual BVD status (or otherwise becoming aware of the change), give the other keeper notice of the change.

Commencement Information

III Art. 36 in force at 1.12.2019, see art. 1(1)

Notification of BVD status prior to movement

37.—(1) This article applies where a keeper intends to move a bovine animal in a breeding herd or a breeding bovine animal off the holding on which it is kept (except where the animal is being moved to slaughter).

(2) The keeper must, before moving the animal off of the holding, give notice to the persons mentioned in paragraph (3) of—

- (a) the individual BVD status of each bovine animal, and
- (b) in the case of a breeding herd, the collective BVD status of the herd.

(3) The persons mentioned in this paragraph are—

- (a) the operator of a market to which the animal is to be moved,
- (b) the prospective keeper of the animal,
- (c) any person with whom the animal is to be temporarily placed.

(4) This article does not apply if the relevant person mentioned in paragraph (3) is aware of the individual BVD status of—

- (a) the animal being moved, and
- (b) every other bovine animal that is being moved with the animal.

Commencement Information

III Art. 37 in force at 1.12.2019, see art. 1(1)

Meaning of “moved to slaughter”

38.—(1) In this Part, where any bovine animal is “moved to slaughter” this means that the animal is being moved under the conditions specified in paragraph (2).

(2) The conditions specified in this paragraph are that the animal is being moved—

- (a) directly to slaughter, and
- (b) under arrangements which do not give rise to any appreciable risk of infection with BVDV to any other bovine animal (except a bovine animal which is also being moved to slaughter).

Changes to legislation: *There are currently no known outstanding effects for the The Bovine Viral Diarrhoea (Scotland) Order 2019, PART 3. (See end of Document for details)*

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Commencement Information

I13 Art. 38 in force at 1.12.2019, see art. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Bovine Viral Diarrhoea (Scotland) Order 2019, PART 3.