

## POLICY NOTE

### THE BOVINE VIRAL DIARRHOEA (SCOTLAND) ORDER 2019

#### SSI 2019/310

The above instrument was made in exercise of the powers conferred by sections 1, 8(1) and 83(2) of the Animal Health Act 1981. The instrument has been laid before the Scottish Parliament in accordance with section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

**Purpose of the instrument: To introduce Phase 5 of Scotland's bovine viral diarrhoea (BVD) eradication scheme, an industry-led scheme that aims to remove this harmful cattle disease from the Scottish herd. Phase 5 will increase the pressure on the keepers of cattle herds that are BVD not negative in order to protect those herds that have succeeded in removing disease.**

#### Policy Objectives

This Order restates with amendments the Bovine Viral Diarrhoea (Scotland) Order 2013 ("the 2013 Order"). The main provisions of this Order which are different to the 2013 Order are as follows.

#### **Change to the compliance deadline**

Every breeding herd must update its collective BVD status annually. The deadline for compliance has previously been counted from the date that samples were taken from the animals in the herd, which could result in restrictions being back-dated to the date of sampling. This Order changes the compliance deadline to the date that results were notified by the testing laboratory, which will avoid retrospective restrictions.

#### **Compulsory BVD investigation**

This Order will introduce the requirement for herds that have been continuously BVD not negative for 15 months or more to carry out investigative testing. This BVD eradication scheme has always advised that a BVD not negative herd status should be investigated, in order to identify and remove persistently infected animals. The majority of breeding herds have followed this advice; making investigation mandatory will affect the minority of herds that have not, up to now, engaged with the BVD eradication scheme.

#### **Use of tissue tags for BVD sampling**

Anyone using a tissue-sampling ear tag to take a sample from calves under 20 days of age must use an official ear tag applied under the Cattle Identification (Scotland) Regulations 2007. This measure will reduce errors in sample submission.

#### **Confirmatory sampling restricted to vets**

On disclosing a BVD positive animal, cattle keepers can choose whether to confirm that the animal is persistently infected, or can act on the first result, which will be correct in the majority of cases. If the keeper decides on a confirmatory test, the sample must be taken by a vet. This measure will reduce the potential for fraudulent sample submission.

### **BVD positive herds will be restricted from bringing cattle in**

Herds with one or more BVD positive cattle (animals for which the most recent result is BVD virus positive) will not be permitted to bring in replacement animals. The only exemption will apply to cattle that are licensed into the herd. We anticipate that licensing will only apply in exceptional circumstances, such as to return cattle that have strayed out of the herd, or to permit the movement of cattle that are already in transit.

### **High Risk animals must be tested before moving out of breeding herds**

High risky animals are cattle that present a risk of BVD infection to others. Specifically, these are animals that move out of not negative herds without an individual BVD status, animals born on non-breeding holdings that have no individual BVD status, and animals from outside Scotland that have no individual BVD status. If high risk animals are brought in to a breeding herd, they must have an individual BVD negative status before being moved out of the herd, unless they are being moved directly to slaughter. Animals going directly to slaughter do not require an individual BVD status.

### **Consultation**

The Scottish Government consulted on the content of Phase 5 of Scotland's BVD eradication scheme from 21 August 2017 to 6 November 2017. The consultation sought views on disease control measures that would be effective and proportionate for Scotland's cattle keepers. 70 responses were received, 46 were from organisations and businesses, 24 from individuals. The main industry organisations responded (including National Farmers Union Scotland, Quality Meat Scotland, the Scottish Beef Association, Agriculture and Horticulture Development Board Dairy, Institute of Auctioneers and Appraisers Scotland) together with some local authorities, private veterinary surgeons and cattle keepers. A full list of those who consulted and agreed to the release of this information is attached to the consultation report published on the Scottish Government website.

The responses were analysed and the report was published on 24 January 2018. The measures that were supported by respondents were put to the BVD Advisory Group, a steering group that represents industry and sets the direction of the Scottish BVD eradication scheme. The membership of the Advisory Group is listed on the BVD pages of the Scottish Government website. The Advisory Group agreed on the Phase 5 measures on 7 December 2017, and has continued to meet regularly to oversee progress of Phase 5 legislation and to develop communication strategy to introduce Phase 5 to their respective colleagues, clients and members.

### **Impact Assessments**

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The Scottish Government also carried out a data protection impact assessment. The assessment considered the effect of publishing the county parish holding (CPH) numbers of BVD positive herds, a Phase 5 measure that will be introduced under article 39 of This Order. The CPH number is a geographic identifier allocated to a farming business. On its own, it does not identify an individual, but could do so if used with other information. The data protection impact assessment is attached. The outcome of the assessment was that sufficient mitigations are in place to meet the test of the General Data Protection Regulation. The Information Commission's Office was consulted in accordance with Article 36(4) of the General Data Protection Regulation and confirmed that no further input was required.

## **Financial Effects**

The impact of this policy on business is additional BVD testing costs for cattle keepers who have not investigated their BVD not negative herd status, in disregard of Scotland's BVD eradication scheme guidance. There would be advantages to the cattle industry in general due to increased productivity and reduced illness within the herd. The BRIA estimated these costs at £15,800 per year for the average dairy herd and £4,800 for the average beef herd.

Scottish Government  
Animal Health and Welfare Directorate

24 September 2019