

## SCHEDULE

Article 44(2)

### TRANSITIONAL PROVISIONS

#### Testing and sampling requirements – compliance deadlines

1.—(1) This paragraph applies where, immediately before the coming into force day, the keeper of a breeding herd or a breeding bovine animal is subject to a compliance deadline under article 10 of the 2013 Order.

(2) Sub-paragraph (4) applies where the keeper is subject to a first compliance deadline under the 2013 Order.

(3) Sub-paragraph (5) applies where the keeper is subject to a second or subsequent compliance deadline under the 2013 Order.

(4) Article 11 is to be read as if for paragraph (1) there is substituted—

“(1) The first compliance deadline falls at the expiry of the period of 30 days after the coming into force day.”.

(5) Article 11 is to be read as if for paragraph (1) there is substituted—

“(1) The first compliance deadline falls on the final day of the period of—

(a) 7 months, in the case of a dairy breeding herd, or

(b) 13 months, in all other cases,

after the results of the test under article 17 of the 2013 Order was notified to the Scottish Ministers.”.

#### Commencement Information

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

#### Qualifying calves

2.—(1) This paragraph applies where—

(a) a qualifying calf is less than 40 days old on the coming into force day, and

(b) the keeper of the calf has not taken a sample in accordance with article 15(1)(a) of the 2013 Order.

(2) The period for taking a sample from the calf provided for by article 19(1)(a) runs from the date that the calf is born.

#### Commencement Information

**I2** Sch. para. 2 in force at 1.12.2019, see [art. 1\(1\)](#)

#### Approvals of laboratories

3. Any approval of a laboratory granted by the Scottish Ministers under article 6 of the 2013 Order, which is in force immediately before the coming into force day, continues to have effect for the purposes of this Order as if it had been granted under article 7.

**Commencement Information**

**I3** Sch. para. 3 in force at 1.12.2019, see **art. 1(1)**

**Approvals of veterinary surgeons**

4. Any approval of a veterinary surgeon granted by the Scottish Ministers under article 5 of the 2013 Order, which is in force immediately before the coming into force day, continues to have effect for the purposes of this Order as if it had been granted under article 6.

**Commencement Information**

**I4** Sch. para. 4 in force at 1.12.2019, see **art. 1(1)**

**Operators of approved laboratories**

- 5.—(1) This paragraph applies where—
- (a) before the coming into force day a sample or samples have been taken in accordance with articles 11 or 15 of the 2013 Order and submitted for testing to an approved laboratory, and
  - (b) as at the coming into force day the operator of the laboratory has not fulfilled the duties imposed by articles 17 or 18 of the 2013 Order in relation to the sample or samples.
- (2) Where this paragraph applies, the operator of the approved laboratory must comply with—
- (a) article 20, in relation to a sample or samples taken from a breeding herd or a breeding bovine animal in accordance with article 11(2)(a), (b) or (c) of the 2013 Order, and,
  - (b) article 21, in relation to a sample taken from—
    - (i) a breeding herd under 11(2)(d) or (e) of the 2013 Order,
    - (ii) a breeding bovine animal under 11(6) of the 2013 Order or
    - (iii) a qualifying calf under article 15 of the 2013 Order.

**Commencement Information**

**I5** Sch. para. 5 in force at 1.12.2019, see **art. 1(1)**

**Approved laboratories – record keeping and disclosure**

6. Article 24 applies to any operator of an approved laboratory (within the meaning of the 2013 Order) in relation to a record of any test carried out under that Order before the coming into force day.

**Commencement Information**

**I6** Sch. para. 6 in force at 1.12.2019, see **art. 1(1)**

**Collective BVD status on the coming into force day**

7. A breeding herd which, immediately before the coming into force day—
- (a) had a BVD status of negative for the purposes of the 2013 Order has a collective BVD status of negative, and

- (b) had a BVD status of not negative for the purposes of the 2013 Order has a collective BVD status of not negative.

**Commencement Information**

**I7** Sch. para. 7 in force at 1.12.2019, see art. 1(1)

**Individual BVD status on the coming into force day**

**8.** A bovine animal which, immediately before the coming into force day, is of the description specified in an entry in column one has the individual BVD status provided in the corresponding entry in column 2—

<i>Column 1 BVD status under the 2013 Order</i>	<i>Column 2 BVD status for the purposes of this Order</i>
A breeding bovine animal with a BVD status of negative	Individual BVD status of negative
A breeding bovine animal with a BVD status of not negative for the presence of BVDV.	Individual BVD status of positive
A bovine animal which— (a) (a) has never been tested for the presence of BVDV, (b) is not the offspring of an animal for which the most recent test was positive for the presence of BVDV, and (c) forms part of a breeding herd that has a collective BVD status of negative (ascertained in accordance with paragraph 7)	Individual BVD status of negative
A bovine animal which— (a) (a) has never been tested for the presence of BVDV, (b) is not the offspring of an animal for which the most recent test is positive for the presence of BVDV, and (c) forms part of a breeding herd that has a collective BVD status of not negative (ascertained in accordance with paragraph 7)	No individual BVD status
A bovine animal which— (a) (a) forms part of a breeding herd, and (b) has been tested one or more times for the presence of BVDV and the finding of the most recent test is negative for the presence of BVDV	Individual BVD status of negative
A bovine animal which—	Individual BVD status of positive

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

- (a) (a) forms part of a breeding herd, and
- (b) has been tested one or more times for the presence of BVDV and the finding of the most recent test is positive for the presence of BVDV

A qualifying calf which has not been tested for the No individual BVD status presence of BVDV

---

**Commencement Information**

**18** Sch. para. 8 in force at 1.12.2019, see [art. 1\(1\)](#)

**Change of BVD finding by approved veterinary surgeon**

- 9.—(1) Where before the coming into force day—
- (a) an approved veterinary surgeon (within the meaning of the 2013 Order) has, in accordance with article 21(6) of the 2013 Order, considered a change in BVD finding to “negative” (within the meaning of that Order) in relation to a breeding herd or a breeding bovine animal, but
  - (b) no notice of a change to “negative” has been given in relation to the herd or animal in accordance with article 21(7) of the 2013 Order.
- (2) Where this paragraph applies, the veterinary surgeon may—
- (a) in the case of a breeding herd, give notice under article 30 that the herd has a collective BVD status of negative, or
  - (b) in the case of a breeding bovine animal, give notice under article 30 that the animal has an individual BVD status of negative.

**Commencement Information**

**19** Sch. para. 9 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.