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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 86**

**ANIMALS**

**ANIMAL HEALTH**

**The Bovine Viral Diarrhoea (Scotland) Amendment Order 2020**

<i>Made</i>	- - - -	<i>19th March 2020</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>23rd March 2020</i>
<i>Coming into force</i>	- -	<i>18th May 2020</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 1 of the Animal Health Act 1981(1) and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Bovine Viral Diarrhoea (Scotland) Amendment Order 2020 and comes into force on 18 May 2020.

**Amendment of the Bovine Viral Diarrhoea (Scotland) Order 2019**

- 2.—(1) The Bovine Viral Diarrhoea (Scotland) Order 2019(2) is amended as follows.  
(2) After article 35 (restriction on the movement of high risk animals) insert—

**“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—

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(1) [1981 c.22](#). Powers to make Orders under this section were originally conferred on “the Ministers”, as defined in section 86(1) of the Animal Health Act 1981. The functions of the Ministers were, in so far as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 ([c.46](#)).

(2) [S.S.I. 2019/310](#).

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*Status: This is the original version (as it was originally made).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

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- (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.”.

St Andrew’s House,  
Edinburgh  
19th March 2020

*MAIRI GOUGEON*  
Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This instrument amends the Bovine Viral Diarrhoea (Scotland) Order 2019 (“the 2019 Order”).

Article 2 inserts a new article 35A into the 2019 Order. The new article provides that bovine animals with an individual BVD status of positive (under the 2019 Order) must be separated from the rest of the herd and kept in one or more BVD positive groups. Where a group would contain only one animal then the keeper must ensure that the minimum number of other bovine animals are kept in the group to ensure the protection of each animal’s welfare.