
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 78

The Bovine Viral Diarrhoea (Scotland) Order 2012

PART 2

HERD SCREENING

Breeding Herds

7.—(1) The keeper of a breeding herd or breeding bovine animal must, at the keeper's expense and unless the keeper has a reasonable excuse, comply with paragraph (2).

(2) The keeper must by each compliance deadline (set in accordance with articles 8 and 9)—

(a) take (or arrange to have taken)—

(i) in the case of a breeding herd, a sample or samples as described in any one of the sub-paragraphs of paragraph (3);

(ii) in the case of a breeding bovine animal, a sample as described in any one of the sub-paragraphs of paragraph (4); and

(b) in accordance with paragraph (6), submit (or arrange to have submitted) the sample or samples to an approved laboratory with which arrangements have been made for testing under article 13.

(3) The samples described in this paragraph are—

(a) a sample of milk comprising milk from all of the lactating bovine animals in the herd at the time and a sample of blood from each of the dry female bovine animals and in-calf heifers in the herd at the time;

(b) a sample of milk comprising milk from all of the first lactation bovine animals in the herd at the time ("first lactation bovine animal" means a dairy bovine animal that is lactating and has been pregnant once);

(c) a sample of blood from—

(i) each of 5 calves between the age of 9 and 18 months in the herd at the time, or, where the herd contains separately managed groups, each of 5 such calves from each such group at the time or, if there are fewer than 5 calves in the herd or any such group, each of the calves between the age of 9 and 18 months in the herd or group;

(ii) each of 10 calves between the age of 6 and 18 months in the herd at the time, or, where the herd contains separately managed groups, each of 10 such calves from each such group at the time or, if there are fewer than 10 calves in the herd or any such group, each of the calves between the age of 6 and 18 months in the herd or group; or

(iii) where there are no calves between the age of 6 to 18 months in the herd at the time, each of 5 bovine animals over the age of 18 months in the herd at the time, or, where the herd contains separately managed groups, from 5 such bovine animals from each such group at the time or, if there are fewer than 5 animals in the herd or any such

- group, each of the animals in the herd or that group, provided that all samples taken under this head are taken from animals which have not left the Holding since birth;
- (d) subject to article 8, from each of the calves in the herd born since the immediately preceding compliance deadline either—
- (i) an ear tag sample of tissue taken in accordance with paragraph (5); or
 - (ii) a sample of blood;
- (e) subject to paragraph (9) and article 8, on four occasions occurring at intervals of not less than 80 days and not more than 100 days, a sample of milk comprising milk from all of the lactating bovine animals in the herd at the time whose milk is being taken for human consumption; and
- (f) from each of the bovine animals in the herd at the time either—
- (i) an ear tag sample of tissue taken in accordance with paragraph (5); or
 - (ii) a sample of blood.
- (4) The samples described in this paragraph are—
- (a) a sample of milk from the animal;
 - (b) an ear tag sample of tissue from the animal taken in accordance with paragraph (5); and
 - (c) a sample of blood from the animal.
- (5) An ear tag sample of tissue is taken in accordance with this paragraph if—
- (a) the tag used when the sample is collected is an ear tag applied under the 2007 Regulations; or
 - (b) the tag and the vessel for collecting the sample have an identical, pre-printed, identification number; and that identification number—
- (i) in the case of a sample taken from an animal in a breeding herd, is used only once within the same herd; and
 - (ii) in any case, is notified along with the animal's ear tag number required by paragraph (6)(b)(vi) when the sample is submitted.
- (6) 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 kit 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) by reference to the sub-paragraphs of paragraph (3) or (4), the description of the sample;
 - (iii) the date the sample was taken;
 - (iv) subject to paragraphs (7) and (8), a request for the sample to be tested for the presence of BVDV, or evidence of exposure to BVDV;
 - (v) the CPH number for the Holding on which the herd or animal is kept;
 - (vi) in the case of a sample described in paragraph (3)(c), (d) or (f), the ear tag numbers from ear tags applied under the 2007 Regulations to all animals from which the sample derives;
 - (vii) in the case of a sample described in paragraph (4), the ear tag numbers from the ear tags applied to the animal under the 2007 Regulations; and

(viii) any other information reasonably requested by the laboratory.

(7) Where the keeper elects to submit (or arrange to have submitted) the sample described in paragraph (3)(b) or the samples described in paragraph (3)(c), the request under paragraph (6)(b)(iv) must be that a test for evidence of exposure to BVDV is carried out.

(8) Where the keeper elects to submit (or arrange to have submitted) the samples described in paragraph (3)(d) or (f) or a sample described in paragraph (4), the request under paragraph (6)(b)(iv) must be that a test for the presence of BVDV is carried out.

(9) Where the keeper of the breeding herd elects to submit (or arrange to have submitted) the samples described in paragraph (3)(e) and as a result of testing the first, second or third sample the approved laboratory determines the BVD finding as “not negative”—

(a) the keeper is not required to submit the remaining sample or samples for testing; and

(b) the date of that determination is taken to be the date of compliance with paragraph (2).

(10) Anything done by a previous keeper for the purposes of complying with paragraph (2) in relation to a particular compliance deadline may, if the current keeper so elects, be relied on by the current keeper for the purpose of determining compliance with that paragraph in relation to that compliance deadline.

(11) The duties imposed by this article cease to apply in relation to a breeding herd or breeding bovine animal where the herd or animal ceases to exist.

First compliance deadline

8.—(1) Subject to paragraph (2)—

(a) the first compliance deadline is the date falling one calendar month after the day on which the herd or animal is kept in Scotland, as a breeding herd or breeding bovine animal, for 30 days in any period of one year beginning no earlier than the coming into force day; and

(b) in relation to that compliance deadline—

(i) the reference in article 7(3)(d) to the immediately preceding compliance deadline is to be read as a reference to the day after the day on which the herd or breeding animal is kept in Scotland, as a breeding herd or bovine animal, for 30 days; and

(ii) article 7(3)(e) does not apply.

(2) In relation to a herd or animal which is kept in Scotland as a breeding herd or breeding bovine animal for at least 30 days in the period beginning with the coming into force day and ending immediately before 1st January 2013—

(a) the first compliance deadline is 1st February 2013; and

(b) in relation to that compliance deadline—

(i) anything done between 1st December 2011 and the coming into force day which, had it been done on or after the coming into force day, could have been relied on for the purpose of compliance with article 7(2) or 13 is, if the keeper of the herd or animal so elects, to be treated as if done on the coming into force day;

(ii) the reference in article 7(3)(d) to the immediately preceding compliance deadline is to be read as a reference to the day after the day on which the herd or breeding animal is kept in Scotland, as a breeding herd or bovine animal, for 30 days; and

(iii) article 7(3)(e) applies only if the day after the day on which the herd or breeding animal is kept in Scotland, as a breeding herd or bovine animal, for 30 days occurs before 5th June 2012.

Subsequent compliance deadlines

9.—(1) Subject to paragraphs (2) and (3)—

- (a) the second compliance deadline for the purposes of article 7 is the date falling 13 calendar months after the first compliance deadline; and
- (b) compliance deadlines subsequently occur on the date falling 13 calendar months after the immediately preceding compliance deadline.

(2) Where in any case article 7(2) is complied with before a compliance deadline, the date of compliance is substituted as the starting point for the determination of the next compliance deadline in relation to the breeding herd or breeding bovine animal concerned.

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

- (a) the keeper does not have to comply with article 7(2) in relation to the later of those compliance deadlines; and
- (b) the herd or animal is treated, as at the later of those compliance deadlines, as not previously having been kept in Scotland.

Persons authorised to take milk samples

10.—(1) The following persons may, for the purposes of this Order, take a milk sample from a bovine animal—

- (a) a veterinary surgeon;
- (b) a veterinary nurse authorised to do so by a veterinary surgeon; and
- (c) a milk recorder.

(2) The following persons may, for the purposes of this Order, take a bulk milk sample—

- (a) a veterinary surgeon;
- (b) a veterinary nurse authorised to do so by a veterinary surgeon;
- (c) a milk recorder; and
- (d) a milk collector.

(3) Where a milk collector takes a bulk milk sample for the purposes of paragraph (2), that collector may do so only from a bulk milk tank.

Decision on type of sample to take

11.—(1) A decision to take and submit (or arrange to have taken and submitted) a sample or samples described in any of the following provisions may be taken by the keeper of a breeding herd or breeding bovine animal without consulting a veterinary surgeon:—

- (a) article 7(3)(b);
- (b) article 7(3)(d)(i);
- (c) article 7(3)(e);
- (d) article 7(3)(f)(ii);
- (e) article 7(4)(a);
- (f) article 7(4)(b);
- (g) article 7(4)(c).

(2) A decision to take and submit (or arrange to have taken and submitted) any other samples must be agreed between the keeper and a veterinary surgeon.

Change of BVD finding by approved veterinary surgeon

12.—(1) An approved veterinary surgeon may, on behalf of the keeper of a breeding herd, by notice inform the Scottish Ministers of a change in BVD finding to “negative” where, following a determination of the finding as “not negative”, the veterinary surgeon reasonably considers that—

- (a) appropriate follow-up testing has been carried out to identify individual animals infected with BVDV; and
- (b) either—
 - (i) no such animals could be identified; or
 - (ii) animals so identified have been removed from the herd.

(2) Notice under paragraph (1) is, where the follow-up testing identified animals infected with BVDV, to include the ear tag numbers from ear tags applied under the 2007 Regulations to all such animals.

(3) An approved veterinary surgeon may, on behalf of the keeper of a breeding bovine animal, by notice inform the Scottish Ministers of a change in BVD finding to “negative” where, following a determination of the status as “not negative”, the veterinary surgeon reasonably considers that appropriate further testing has been carried out which shows that the animal is now “negative”.

(4) Notice under paragraph (3) is to include the ear tag numbers from the ear tags applied to the animal under the 2007 Regulations.