
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 78

The Bovine Viral Diarrhoea (Scotland) Order 2012

PART 3

LABORATORIES

Duties of operators of approved laboratories

13.—(1) Where the keeper of a breeding herd or a breeding bovine animal has in accordance with article 7(2)(b) arranged for the testing of a sample or samples by an approved laboratory and the sample has or samples have been submitted to the laboratory, the operator of the laboratory must, unless the operator has a reasonable excuse—

- (a) test the sample or samples in accordance with the request under article 7(6)(b)(iv) which accompanied the sample or samples when it was or they were submitted; and
- (b) subject to paragraph (3)—
 - (i) make a finding in relation to the herd or animal of negative or not negative for the presence of BVDV or, as the case may be, evidence of exposure to BVDV;
 - (ii) by notice inform the keeper of the finding; and
 - (iii) by notice inform the Scottish Ministers, within 40 days of testing the sample or samples under sub-paragraph (a), of the matters mentioned in paragraph (2).

(2) The matters mentioned in this paragraph are—

- (a) the keeper's name and address;
- (b) by reference to the sub-paragraphs of article 7(3) or (4), the description of the sample or samples;
- (c) the date the sample was or the samples were taken;
- (d) the date the sample was or the samples were tested;
- (e) whether the sample was or the samples were tested for the presence of BVDV or evidence of exposure to BVDV;
- (f) the CPH number for the Holding on which the herd or animal is kept;
- (g) in the case of a sample or samples described in article 7(3)(d) or (f), the ear tag numbers from ear tags applied under the 2007 Regulations to all animals from which the sample derives or the samples derive;
- (h) in the case of a sample described in article 7(4)(b) or (c), the ear tag numbers from the ear tags applied to the animal under the 2007 Regulations; and
- (i) the finding under paragraph (1)(b)(i).

(3) In relation to the samples described in article 7(3)(e), the operator of the laboratory—

- (a) may make a finding of “negative” under paragraph (1)(b)(i)—
 - (i) only after it has tested under paragraph (1)(a) each of the 4 samples which the keeper is required to submit; and

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- (ii) only if in respect of each of the samples that determination is negative for evidence of exposure to BVDV; and
- (b) in such a case, is to give notice under paragraph (1)(b)(iii) within 40 days of the testing of the last of the 4 samples.
- (4) 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.

Approved laboratories - record keeping and disclosure

- 14.—**(1) The operator of an approved laboratory must maintain a record of any test carried out under this Order for three years from the date of such a test.
- (2) The operator of the approved laboratory must, if requested by notice by the Scottish Ministers to do so, provide Scottish Ministers with such records.