
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 3

The Bovine Viral Diarrhoea (Scotland) Order 2013

PART 1

Preliminary

Citation, commencement and extent

1.—(1) This Order may be cited as the Bovine Viral Diarrhoea (Scotland) Order 2013 and comes into force on 9th February 2013.

(2) It extends to Scotland only.

Interpretation

2. In this Order unless the context otherwise requires—

“the 2007 Regulations” means the Cattle Identification (Scotland) Regulations 2007⁽¹⁾;

“the 2012 Order” means the Bovine Viral Diarrhoea (Scotland) Order 2012⁽²⁾;

“the Act” means the Animal Health Act 1981;

“approved laboratory” means a laboratory approved by the Scottish Ministers under article 6;

“approved veterinary surgeon” means a veterinary surgeon approved by the Scottish Ministers under article 5;

“bovine animal” means a domestic animal of the genus *Bos* or the species *Bubalus bubalus* or *Bison bison*;

“breeding bovine animal” means a bovine animal not forming part of a herd of bovine animals which, whether by natural, assisted or artificial means, is intended by its keeper to breed and no steps are taken to prevent or minimise the chances of its breeding;

“breeding herd” means a group of two or more bovine animals in which breeding, whether by natural, assisted or artificial means, is intended by its keeper to take place and no steps are taken to prevent or minimise the chances of such breeding;

“bulk milk sample” means a sample taken from a container of milk comprising milk from more than one bovine animal;

“BVD” means bovine viral diarrhoea;

“BVD finding” means, in relation to a breeding herd or breeding bovine animal in respect of which samples have been tested by the operator of an approved laboratory under article 17 or the operator of a laboratory as mentioned in article 20, the finding of—

(a) negative for the presence of BVDV or, as the case may be, evidence of exposure to BVDV; or

(1) S.S.I. 2007/174, amended by S.S.I. 2007/312 and 2011/412 and S.I. 2011/1043.

(2) S.S.I. 2012/78.

- (b) not negative for the presence of BVDV or, as the case may be, evidence of exposure to BVDV,

as determined by the operator of an approved laboratory under article 17(2)(b)(i) or, as the case may be, the operator of a laboratory as mentioned in article 20; and “negative” and “not negative”, in relation to BVD finding, are to be construed accordingly;

“BVDV” means BVD virus;

“calves” means bovine animals which are aged 18 months or less;

“coming into force day” means the day on which this Order comes into force;

“CPH number” means the county parish holding number assigned to a holding or part of a holding by the Scottish Ministers;

“holding” means a holding or part of a holding to which a CPH number has been assigned;

“keeper” means, in relation to a bovine animal, the person who is in day-to-day charge of the animal; and that person remains the keeper where the animal is placed temporarily in the control of another person (including where it is placed in the control of a transporter);

“management tag” means an ear tag, other than an ear tag applied under the 2007 Regulations, which is suitable to be applied to a bovine animal for the purpose of taking a sample of tissue;

“milk collector” means a person employed by, or contracted to, a dairy or other facility for the purpose of collecting milk for human consumption from the holding on which it is produced;

“milk recorder” means a person employed by, or contracted to—

- (a) a milk recording organisation which is a member of the International Committee for Animal Recording; or

- (b) the operator of an approved laboratory,

for the purpose of taking representative samples from individual bovine animals and bulk milk tanks;

“qualifying calf” means a calf of a bovine animal that is born otherwise than into a breeding herd or to a breeding bovine animal; and

“separately managed group” means, within a breeding herd, any bovine animals that, for a period of two months or more, graze or are housed together—

- (a) separately from any other animals in the herd; and

- (b) in sufficient proximity to each other to allow BVDV to circulate amongst them.

Notices and other instruments

3.—(1) Any notice, licence or approval under this Order—

- (a) may be subject to conditions; and

- (b) unless specified otherwise, may be amended, suspended or revoked by the same type of instrument at any time.

(2) Any licence or approval under this Order must be in writing.

(3) Where anything under this Order is to be done in writing that includes an electronic communication, as defined in section 15(1) of the Electronic Communications Act 2000(3), which has been recorded and is consequently capable of being reproduced.

(3) 2000 c.7. Section 15 was amended by the Communications Act 2003 (c.21), section 406 and Schedule 17, paragraph 158.

Extension of definition of “disease”

4. The definition of “disease” in section 88(1) of the Act is extended to include BVD for all the purposes of the Act⁽⁴⁾.

Approval of veterinary surgeons

5.—(1) The Scottish Ministers may approve any veterinary surgeon whom they consider to be suitable for the purposes of carrying out the functions conferred on an approved veterinary surgeon by Parts 2 and 4 of this Order.

(2) For the purpose of deciding whether to grant an approval under this article, the Scottish Ministers may require a veterinary surgeon to complete such training as they consider necessary.

(3) An approved veterinary surgeon must comply with any condition of the approval.

(4) The Scottish Ministers may by notice given to the veterinary surgeon suspend or revoke an approval granted under this article.

(5) Suspension of an approval under this article lasts for such period, or until such steps are taken, as the Scottish Ministers specify in the notice.

(6) An approved veterinary surgeon may by notice given to the Scottish Ministers indicate that the veterinary surgeon no longer wishes approval, in which case the approval ceases to have effect on the date on which Ministers receive that notice.

(4) The definition was so extended by [S.S.I. 2012/78](#), which is revoked by article 30 of this Order.