
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 3

The Bovine Viral Diarrhoea (Scotland) Order 2013

PART 2

BVD screening

CHAPTER 3

Testing requirements

Duties of operators of approved laboratories – breeding herds or breeding bovine animals

17.—(1) This article applies where—

- (a) the keeper of a breeding herd or a breeding bovine animal has in accordance with article 14 arranged for the testing of a sample or samples by an approved laboratory; and
- (b) the sample has, or those samples have, been submitted to the laboratory.

(2) The operator of the laboratory must—

- (a) test the sample or samples in accordance with paragraph (3); and
- (b) subject to paragraph (4)—
 - (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 (5).

(3) The sample or samples are tested in accordance with this paragraph if—

- (a) in the case of a sample or samples described in article 11(2)(a), (b), (c) or (d), it is or they are tested for evidence of exposure to BVDV; and
- (b) in the case of any other sample, it is tested for the presence of BVDV.

(4) In relation to the samples described in article 11(2)(a), the operator of the laboratory—

- (a) may make a finding of “negative” under paragraph (2)(b)(i)—
 - (i) only after the operator has tested under paragraph (2)(a) each of the 4 samples which the keeper is required to submit; and
 - (ii) in the opinion of the operator, the results indicate that the herd or animal is negative for evidence of exposure to BVDV; and
- (b) in such a case, must give notice under paragraph (2)(b)(iii) within 40 days of the testing of the last of the 4 samples.

(5) The matters mentioned in this paragraph are—

- (a) the keeper’s name and address;

- (b) by reference to the relevant provision of article 11, 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) the results of the tests of the sample or samples;
 - (f) the CPH number for the holding on which the herd or animal was kept at the time the sample was or the samples were taken;
 - (g) in the case of a sample or samples described in article 11(2)(e) 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; and
 - (h) the finding under paragraph (2)(b)(i).
- (6) 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.

Duties of operators of approved laboratories – qualifying calves

18.—(1) This article applies where—

- (a) the keeper of a qualifying calf has in accordance with article 15 arranged for the testing of a sample by an approved laboratory; and
 - (b) the sample has been submitted to the laboratory.
- (2) The operator of the laboratory must—
- (a) test the sample submitted for the presence of BVDV;
 - (b) by notice inform the keeper of the result of the test, clearly indicating to the keeper whether the result is negative or not negative for the presence of BVDV; and
 - (c) by notice inform the Scottish Ministers, within 40 days of testing the sample under subparagraph (a), of—
 - (i) the keeper’s name and address;
 - (ii) the date the sample was taken;
 - (iii) the date the sample was tested;
 - (iv) the result of the test;
 - (v) the CPH number for the holding on which the calf was kept at the time the sample was taken; and
 - (vi) the ear tag numbers from ear tags applied to the calf under the 2007 Regulations.

Approved laboratories - record keeping and disclosure

19.—(1) The operator of an approved laboratory must maintain a record of any test carried out under this Part for 3 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 the Scottish Ministers with such records.