
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 363

**The Bovine Viral Diarrhoea (Scotland)
Amendment (No. 3) Order 2013**

Amendment of the principal Order

6. For Part 4 (BVD findings and status) substitute—

“PART 4

BVD Status

BVD status of a breeding herd or breeding bovine animal

21.—(1) For the purposes of this Order, the BVD status of a breeding herd or a breeding bovine animal is either—

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

as determined in accordance with this article.

(2) Subject to paragraphs (3) to (6), the BVD status of a breeding herd or a breeding bovine animal is the same as the most recent BVD finding as determined by the operator of an approved laboratory under article 17(2)(b)(i).

(3) The BVD status of a breeding herd or a breeding bovine animal is “not negative” where, under article 20(2), the keeper and the Scottish Ministers have been informed of the result of a laboratory test which clearly indicates that the result is not negative for evidence of exposure to BVDV or, as the case may be, the presence of BVDV in relation to a bovine animal forming part of the herd or a breeding bovine animal.

(4) The BVD status of a breeding herd or a breeding bovine animal is “not negative” during any period when—

- (a) in relation to the breeding herd, the keeper is subject to a movement restriction under article 23B; or
- (b) in relation to the breeding bovine animal, the keeper is subject to a movement restriction under article 23B or 23D.

(5) The BVD status of a breeding herd or a breeding bovine animal is “not negative” during any period when that herd or bovine animal is kept on the same holding as another breeding herd or breeding bovine animal which has a “not negative” BVD status.

(6) The BVD status of a breeding herd or a breeding bovine animal may be changed by an approved veterinary surgeon from “not negative” to “negative” where—

- (a) in relation to a breeding herd, that surgeon reasonably considers that—

- (i) follow-up action or investigation has been carried out to confirm the presence of BVDV in any animal forming part of the herd; and
 - (ii) as a result of such action or investigation, either the presence of BVDV has not been confirmed in any such animal or, in the case where the presence of BVDV has been confirmed in any such animal, that animal has been removed from the herd; or
- (b) in relation to a breeding bovine animal, that surgeon reasonably considers that appropriate further testing has been carried out which confirms that BVDV is not or is no longer present in that animal.
- (7) The approved veterinary surgeon must by notice inform the keeper and the Scottish Ministers of any change of BVD status under paragraph (6).
- (8) A notice under paragraph (7) must be given within 40 days of the approved veterinary surgeon's determination of the change of BVD status and must include the ear tag numbers from ear tags applied under the 2007 Regulations to the animal or animals in respect of which the follow-up action or investigation or, as the case may be, further testing, has been carried out.

Notification where BVD status is “not negative”

- 22.**—(1) This article applies where the keeper of a breeding herd or breeding bovine animal has been informed—
- (a) under article 17(2)(b)(ii), that the BVD finding for the herd or animal is “not negative”;
 - (b) under article 17(2)(b)(ii), where the case mentioned in article 17(2)(b)(ia) is applicable, of the result of the test where it confirms the presence of BVDV in the calf or bovine animal; or
 - (c) under article 20(2), of the result of a laboratory test which clearly indicates that the result is not negative for evidence of exposure to BVDV or, as the case may be, the presence of BVDV in relation to a bovine animal forming part of the herd or a breeding bovine animal.
- (2) The keeper must give the keeper of any other breeding herd or breeding bovine animal which is kept on the same holding (in this article “the other keeper”) notice of—
- (a) where paragraph (1)(a) applies, that finding; or
 - (b) where paragraph (1)(b) or (c) applies, the result of that test.
- (3) A notice under paragraph (2) must be given within 7 days of the later of—
- (a) the keeper being informed of the finding or, as the case may be, the result of the test; and
 - (b) the other herd or animal being first kept on the holding after the finding or, as the case may be, the result of the test.
- (4) Where the keeper has been informed of a change of BVD status under article 21(7), the keeper must within 7 days of being so informed give the other keeper notice of that change.

Notification of BVD status prior to movement of a breeding herd or breeding bovine animal

- 23.**—(1) This article applies where the keeper of a breeding herd or breeding bovine animal—

- (a) is proposing to move (or arrange to move) any animal forming part of the herd or the breeding bovine animal off the holding on which the animal is kept other than for the purpose of slaughter; and
 - (b) has not been informed by a person mentioned in paragraph (2)(a) to (c) that the person is aware of the BVD status of the breeding herd or the breeding bovine animal.
- (2) Where this article applies, the keeper must give, prior to the movement of any animal forming part of the herd or the breeding bovine animal, notice of the BVD status of the breeding herd or the breeding bovine animal to—
- (a) the operator of a market to which the animal is to be moved;
 - (b) the prospective keeper of the animal; or
 - (c) any person with whom the animal is to be temporarily placed.”.