

POLICY NOTE

THE BOVINE VIRAL DIARRHOEA (SCOTLAND) AMENDMENT ORDER 2015

SSI 2015/186

1. The above instrument was made in exercise of the powers conferred by sections 1, 8(1) and 83(2) of the Animal Health Act 1981.

Policy Objectives

2. The purpose of the instrument is to amend the Bovine Viral Diarrhoea (Scotland) Order 2013 (“the 2013 Order”) which restated with amendments the Bovine Viral Diarrhoea (Scotland) Order 2012.
3. The 2013 Order requires keepers of breeding bovine animals/herds to take samples (at their own expense) from their herds/animals on an annual basis for the purpose of determining whether BVD virus is present, and to test (qualifying) calves not born to breeding herds/bovine animals within 40 days of birth. This process generates a BVD status/finding for a herd/animal.
4. The instrument amends the 2013 Order to implement the fourth stage of the Scottish Government’s BVD Eradication Scheme in relation to enhanced control measures to prevent/minimise the risk of the BVD virus to the cattle industry. The principal amendments made by this Order therefore place obligations on keepers by:-
 - Applying movement restrictions/prohibitions during any period where a ‘not negative’ status has been allocated to the herd (article 14, which inserts a new article 23E into the 2013 Order). This will place restrictions on animals where the keeper has a ‘not negative’ herd status. Individually tested animals or those assumed to be negative for the BVD virus will be allowed to move. Any animal will also be allowed to move directly to slaughter or under licence in a limited range of circumstances. Once a negative status has been achieved through increased testing and the removal of infected animals the restriction will be removed.
 - Applying a reduction in the number of testing options available (article 5, which replaces article 11 in the 2013 Order). All bulk milk tank tests have been removed as these have been shown to be overly sensitive and can be affected by historic antibodies and vaccine. A new test has been added for dairy breeding herds (new article 11(2C)).
 - Applying a new requirement to test animals that enter herds from untested herds, which will affect animals that are brought in from non-breeding herds and also any that are imported (article 10, which inserts a new article 21(5A) into the 2013 Order). The status of any holding which receives an animal from an untested holding will be ‘not negative’ until the animal added has been tested and found to be negative for the BVD virus at which point the herd status will revert to ‘negative’.
 - For the purposes of the movement restriction in Article 23D of the 2013 Order, a keeper will also be presumed to know that BVD virus is present in any calf of an

animal that has tested positive for the virus (Article 13, which inserts a new 23D(4) into the 2013 Order). This is in line with other provisions of the 2013 Order (see, for example, Article 11(5) of the 2013 Order as restated by Article 5 of this instrument) and reflects the fact that an animal infected with BVD virus will always give birth to a calf which is also so infected. Likewise, the mother of a calf with a negative result for BVD virus will also be assumed to be negative, since otherwise it could not have given birth to a calf with a negative result.

Policy Background

BVD – The Disease

5. BVD is an infectious disease of cattle which is widespread in Scotland.
6. BVD has welfare implications for infected animals, especially as it suppresses the immune systems of infected animals, greatly increasing their risk of developing a wide range of conditions such as scouring, pneumonia and other respiratory diseases. It is a major cause of infertility, abortion, a failure to thrive and can be fatal.
7. Scottish Government economists have calculated that eradicating BVD could provide a net benefit to the Scottish economy of £50M to £80M over ten years, and would reduce the intensity of greenhouse gas emissions.

The Scottish BVD eradication scheme

8. The Scottish Government is committed to an ambitious industry-led scheme to eradicate BVD, one of the most important endemic diseases of cattle in Scotland.
9. The scheme has been developed in partnership between industry, markets, the veterinary profession, scientific bodies and the Scottish Government. The scheme that we have collectively developed is in four stages

Stage One: Subsidised Screening

Stage Two: Mandatory Annual Screening

Stage Three: Control Measures

Stage Four : Enhanced control measures

Consultation

10. A formal consultation on the control measures contained in this Order was launched on the 18th May 2012 and closed on the 18th August 2012. It was sent directly to over 400 interested bodies and we received 48 responses, predominantly from industry groups, but also from farmers, councils, individuals and laboratories with a significant proportion from vets and agricultural marts.
11. The vast majority of responses showed strong support for phase four proposals. Scottish Government officials and members of the national BVD advisory group also attended over 60 BVD events across Scotland to discuss and finalise the details of the control measures to be introduced. A summary of the formal consultation responses

can be found at <http://www.scotland.gov.uk/Topics/farmingrural/Agriculture/animal-welfare/Diseases/disease/bvd/eradication/consultation> along with a full list of those consulted and who agreed to the release of this information.

12. As a result of the 2012 consultation, the 2013 Order was made and provided an opportunity to consolidate and fine-tune the measures implemented in 2012, pending further development of the policy in relation to control measures for stage 3 and 4 of the Scottish BVD Eradication Scheme. Since that consultation, the policy has been developed in full consultation with the Industry and other stakeholders. Moreover, given that the enhanced control measures (as summarised in paragraph 4) give rise to a number of technical standards, a draft of those measures was notified to the European Commission as required by Directive 98/34/ EC (the Technical Standards Directive). There were no comments received from the Commission or other EU Member States in light of that notification.

Impact Assessments

13. There are no negative impacts on equality as created by this instrument. This Order only places control measures on the results/findings of existing mandatory BVD tests.

Financial Effects

14. A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached which details the impact of this policy on individual businesses which seeks to reduce the spread of BVD infection by stopping the movement of BVD positive animals, declaring BVD status at the point of movement and preventing animals moving from untested herds.
15. Overall the BVD eradication could save the Scottish Industry between £50-80 million over a 10 year period. The impact of this policy on individual business is primarily limited to those who do not comply with existing mandatory testing requirements and to those who currently move BVD infected animals.
16. This Order creates minor additional costs associated with BVD testing for some keepers with a 'not negative' status as only individually tested animals will be able to move. All keepers should already be carrying out mandatory annual screening, this requirement will introduce an enhanced level of testing for 'not negative' farms to ensure that persistently infected animals are identified. It will also prevent untested persistently infected animals moving, thereby averting the adverse financial effects to other holdings on receiving these animals. Phase 3 introduced a movement restriction on BVD virus positive animals, but there was no requirement to test to identify these animals and phase 4 addresses this. There is no requirement for keepers to cull BVD positive animals, and these animals are permitted to enter the food chain so will retain some market value. At the voluntary level the removal of infected animals from the herd is seen as an incentive to make long term savings in the herd compared to any short term costs to dispose of an animal. As well as taking away the main source of infection, removing these animals will dramatically reduce the spread of BVD, will

stop transient infections within herds, and could save £37 per animal per annum as detailed in the BRIA.

Scottish Government
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