

SCHEDULE

Article 30(2)

TRANSITIONAL AND SAVINGS PROVISIONS

Testing and sampling requirements – first compliance deadline

- 1.—(1) This paragraph applies where a person—
- (a) is, immediately before the coming into force day, keeping a herd or bovine animal in Scotland, as a breeding herd or breeding bovine animal;
 - (b) has done so for a total of not less than 30 days in the period starting on 1st January 2013 and ending immediately before the coming into force day; and
 - (c) has not before the coming into force day—
 - (i) taken (or arranged to have taken) a sample or samples in accordance with article 7(2) (a) of the 2012 Order; and
 - (ii) submitted (or arranged to have submitted) a sample or samples to an approved laboratory (within the meaning of the 2012 Order) in accordance with article 7(2) (b) of the 2012 Order.

- (2) Where this paragraph applies—
- (a) subject to the modification mentioned in sub-paragraph (2)(c), the keeper of the herd or animal is to be treated as if—
 - (i) on the coming into force day; and
 - (ii) in relation to that herd or animal,the keeper is subject to the duties imposed by Chapter 2 of Part 2 of this Order in relation to that herd or animal;
 - (b) subject to sub-paragraph (2)(c), Parts 1 to 6 of this Order apply on and after the coming into force day in relation to the keeper of that herd or animal; and
 - (c) article 10(1) of this Order applies subject to the modification that the reference to “the date falling 13 calendar months after this article first applies to the breeding herd or breeding bovine animal” is to be construed as a reference to the date falling 13 calendar months after the day on which the herd or animal is kept in Scotland, as a breeding herd or breeding bovine animal, for a total of not less than 30 days in the period of 1 year beginning on 1st January 2013.

2.—(1) This paragraph applies where a person is, immediately before the coming into force day, keeping a herd or bovine animal in Scotland, as a breeding herd or breeding bovine animal, and has done so for a total of less than 30 days in the period starting on 1st January 2013 and ending immediately before the coming into force day.

- (2) Where this paragraph applies—
- (a) subject to the modification mentioned in sub-paragraph (2)(c), the keeper of the herd or animal is to be treated as subject to the duties imposed by Chapter 2 of Part 2 of this Order in relation to that herd or animal as soon as the herd or animal has been kept for a total of not less than 30 days;
 - (b) subject to sub-paragraph (2)(c), Parts 1 to 6 of this Order apply on and after the coming into force day in relation to the keeper of that herd or animal; and
 - (c) article 10(1) of this Order applies subject to the modification that the reference to “the date falling 13 calendar months after this article first applies to the breeding herd or breeding bovine animal” is to be construed as a reference to the date falling 13 calendar months after the day on which the herd or animal is kept in Scotland, as a breeding herd or breeding

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bovine animal, for a total of not less than 30 days in the period of 1 year beginning on 1st January 2013.

Testing and sampling requirements – second and subsequent compliance deadlines

3.—(1) This paragraph applies where, immediately before the coming into force day, the keeper of a breeding herd or breeding bovine animal is, in relation to that herd or animal, subject to a requirement under article 7(2) of the 2012 Order—

- (a) to take (or arrange to have taken) a sample or samples in accordance with article 7(2)(a) of the 2012 Order; and
- (b) submit (or arrange to have submitted) a sample or samples to an approved laboratory (within the meaning of the 2012 Order), in accordance with article 7(2)(b) of the 2012 Order,

in order to comply with a second compliance deadline or subsequent compliance deadline set in accordance with article 9 of the 2012 Order.

(2) Where this paragraph applies, the keeper of the breeding herd or breeding bovine animal is to be treated as if, on the coming into force day—

- (a) the keeper is, in relation that herd or animal, subject to the duties imposed by Chapter 2 of Part 2 of this Order;
- (b) subject to sub-paragraph (2)(c) and (d), Parts 1 to 6 of this Order apply in relation to the herd or animal;
- (c) article 10(3)(a) applies subject to the modification that the reference to “the first compliance deadline” is to be construed as a reference to the date on which the keeper complied with article 7(2) of the 2012 Order in relation to the first compliance deadline set in accordance with article 8 of the 2012 Order; and
- (d) article 10(3)(b) applies subject to the modification that the reference to “the immediately preceding compliance deadline” is to be construed as a reference to the date on which the keeper complied with article 7(2) of the 2012 Order in relation to the second or subsequent compliance deadline set in accordance with article 9 of the 2012 Order.

Qualifying calves

4.—(1) This paragraph applies where—

- (a) a qualifying calf (within the meaning of the 2012 Order) is born at any time in the period starting on 8th January 2013 and ending immediately before the coming into force day; and
- (b) the keeper of the qualifying calf has not before the coming into force day taken (or arranged to have taken) a sample in accordance with article 15(2)(a) of the 2012 Order.

(2) Where this paragraph applies, the keeper of the qualifying calf is to be treated as if, on the coming into force day, the keeper is, in relation to that calf, subject to the duties imposed by Chapter 2 of Part 2 of this Order.

Approvals of laboratories

5. Any approval of a laboratory granted by the Scottish Ministers under article 4 of the 2012 Order, which is in force immediately before the coming into force day, continues to have effect for the purposes of this Order as if it had been granted under article 6 of this Order.

Approvals of veterinary surgeons

6. Any approval of a veterinary surgeon granted by the Scottish Ministers under article 6 of the 2012 Order, which is in force immediately before the coming into force day, continues to have effect for the purposes of Parts 2 and 4 of this Order as if it had been granted under article 5 of this Order.

Operators of approved laboratories

7.—(1) This paragraph applies where—

- (a) before the coming into force day a sample or samples have in accordance with article 7(2)(b) or 15(2)(b) of the 2012 Order, been submitted for testing under the 2012 Order to an approved laboratory for the purposes of that Order; and
- (b) as at the coming into force day the operator of the laboratory has not fulfilled the duties imposed by article 13 or 16 of the 2012 Order in relation to the sample or samples.

(2) Where this paragraph applies, the operator of the approved laboratory must comply with—

- (a) article 17 of this Order, in relation to a sample or samples taken from a breeding herd or a breeding bovine animal; and
- (b) article 18 of this Order, in relation to a sample taken from a qualifying calf,

as if the sample or samples had been submitted under Part 2 of this Order.

Approved laboratories – record keeping and disclosure

8. Article 14 of the 2012 Order continues to apply to an operator of an approved laboratory (within the meaning of that Order) in relation to a record of any test carried out under that Order before the coming into force day.

BVD status

9. Where a breeding herd or a breeding bovine animal has, immediately before the coming into force day, a BVD status in accordance with article 17 of the 2012 Order, that herd or animal is to be treated at the coming into force day as having that status for the purposes of the application of this Order in relation to the herd or animal.

Change of BVD finding by approved veterinary surgeon

10.—(1) This paragraph applies where before the coming into force day—

- (a) an approved veterinary surgeon (within the meaning of the 2012 Order) has, in accordance with article 12 of the 2012 Order, considered a change in BVD finding to “negative” (within the meaning of that Order) in relation to a breeding herd or a breeding bovine animal; but
- (b) no notice of a change to “negative” has been given in relation to the herd or animal in accordance with article 12(1) or (3) of the 2012 Order.

(2) Where this paragraph applies, the veterinary surgeon may give notice under article 23 of this Order as if the BVD finding of “not negative” and any follow-up testing had been made or carried out under Part 2 of this Order.