

POLICY NOTE

THE BOVINE VIRAL DIARRHOEA (SCOTLAND) AMENDMENT (No. 2) ORDER 2013

SSI 2013/337

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 amendment 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. This Order implements the third stage of the Scottish Government’s BVD Eradication Scheme in relation to control measures to prevent/minimise the risk of BVD virus. The principal amendments made by this Order therefore place obligations on keepers as a result of the BVD status/finding given by:-
 - requiring the keeper to notify the current BVD finding prior to movement of any breeding herd/animal (article 15, which inserts a new article 23A into the 2013 Order). Herd declarations prior to sale will help Industry make informed decisions about animals they are buying by influencing market patterns;
 - applying movement restrictions/prohibitions during any period where there has been a failure to comply with annual sampling and testing obligations (article 16, which inserts a new article 23B into the 2013 Order). This will place restrictions on animals where the keeper has failed to comply with the mandatory testing requirements. Once testing has been carried out the restriction will be removed;
 - applying movement restrictions/prohibitions to qualifying calves during any period where there has been a failure to comply with the sampling and testing obligations (article 16, which inserts a new article 23C into the 2013 Order). This will place restrictions on animals where the keeper has failed to comply with the mandatory testing requirements. Once testing has been carried out the restriction will be removed; and
 - applying movement restrictions/prohibitions to any animals confirmed as infected with BVD virus (article 16, which inserts a new article 23D into the 2013 Order). This will place a ban on knowingly moving BVDV positive animals, other than straight to slaughter. From discussions with the Industry, there is an overwhelming consensus that this should happen and this will be the main control measure in the efforts to eradicate BVD from the Scottish herd.

5. In addition this Order also takes the opportunity to refine certain provisions and, as explained more fully below, introduces a minor testing derogation to the Shetland Islands given their BVD free status. These include:-
- amendment of the provisions for the issuing of notices, licenses or approvals issued under the order in consequence of the revocation of article 16 of the 2013 Order by article 8 (article 4);
 - amendment to blood sampling options contained within article 11(2)(d) of the 2013 Order as a result of discussions with the BVD national advisory group to better reflect the practical arrangements of blood testing whilst remaining an effective tool to achieve the objective of determining a herd status through this method of testing (article 5);
 - introducing a screening test derogation in relation to blood sampling of breeding herds in the Shetland Islands given their recognised BVD free status (article 5);
 - requiring BVD approved laboratories to determine the presence of BVDV in any calf or bovine animal that have been sampled, an additional requirement to determine the status of the herd from which the animal has been tested, and to send this information to Scottish Ministers (article 9 and 11); and
 - extending the powers and duties of Scottish Ministers in respect of providing information about current BVD findings and BVDV test results (article 17).

Policy Background

BVD – The Disease

6. BVD is an infectious disease of cattle which is widespread in Scotland.
7. 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 is often fatal.
8. 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

9. 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.
10. 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 (if required)

Consultation

11. 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.
12. The vast majority of responses showed strong support for phase three 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.
13. As a result of the 2012 consultation, the 2013 Order was made earlier this year 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 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 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.
14. We are still in discussion with the Industry as regards the scope of further measures and refinements to the 2013 Order, as part of the implementation of Stage 4 of the Scottish BVD Eradication Scheme, and anticipate the need for a further BVD Order in the course of 2014.

Impact Assessments

15. 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

16. 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.

17. 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.
18. This Order creates no new additional costs associated with BVD testing as all keepers should already be carrying this out, with movement restrictions being removed once testing has been carried out. 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
Directorate for Agriculture, Food & Rural Communities
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