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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 78**

**The Bovine Viral Diarrhoea (Scotland) Order 2012**

**PART 1**

**GENERAL PROVISIONS**

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Bovine Viral Diarrhoea (Scotland) Order 2012 and comes into force on 1st April 2012.

(2) This Order extends to Scotland only.

**Interpretation**

2.—(1) In this Order, unless the context otherwise requires—

“the 2007 Regulations” means the Cattle Identification (Scotland) Regulations 2007(1);

“the Act” means the Animal Health Act 1981;

“approved laboratory” means a laboratory approved by the Scottish Ministers under article 4;

“approved veterinary surgeon” means a veterinary surgeon approved by the Scottish Ministers under article 6;

“bovine animal” means domestic cattle of the genus *Bos*, *Bubalus* or *Bison*;

“breeding bovine animal” means a bovine animal not forming part of a herd of bovine animals which, whether by natural, assisted or artificial means, is intended by its keeper to breed and no steps are taken to prevent or minimise the chances of its breeding;

“breeding herd” means a group of two or more bovine animals in which breeding, whether by natural, assisted or artificial means, is intended by its keeper to take place and no steps are taken to prevent or minimise the chances of such breeding;

“bulk milk sample” means a sample taken from a container of milk comprising milk from more than one bovine animal;

“BVD” means bovine viral diarrhoea;

“BVD finding” means, in relation to a breeding herd or breeding bovine animal in respect of which samples have been tested by the operator of an approved laboratory under article 13, the finding of—

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

as determined by the operator under paragraph (1)(b)(i) of that article; and “negative” and “not negative”, in relation to BVD finding, are to be construed accordingly;

“BVDV” means BVD virus;

“CPH number” means the county parish holding number assigned to a holding or part of a holding by the Scottish Ministers;

“coming into force day” means the day on which this Order comes into force;

“Holding” means a holding or part of a holding to which a CPH number has been assigned;

“keeper” means, in relation to a breeding herd, a breeding bovine animal or a qualifying calf, the person who is in day-to-day charge of the herd, animal or calf; and that person remains the keeper where the herd, animal or calf is placed temporarily in the control of another person (including where it is placed in the control of a transporter);

“milk collector” means a person employed by, or contracted to, a dairy or other facility for the purpose of collecting milk for human consumption from the farm on which it is produced;

“milk recorder” means a person employed by, or contracted to—

- (a) a milk recording organisation which is a member of the International Committee of Animal Recording; or
- (b) the operator of an approved laboratory,

for the purpose of taking representative samples from individual bovine animals and bulk milk tanks;

“qualifying calf” means a calf of a bovine animal that is born otherwise than into a breeding herd or to a breeding bovine animal;

“separately managed group” means, within a breeding herd, any bovine animals that, for a period of two months or more graze or are housed together—

- (a) separately from any other animals in the herd; and
- (b) in sufficient proximity to each other to allow BVDV to circulate amongst them.

(2) Where anything under this Order is to be done in writing that includes an electronic communication, as defined in section 15(1) of the Electronic Communications Act 2000(2), which has been recorded and is consequently capable of being reproduced.

### **Extension of definition of “disease”**

3. For all the purposes of the Act, the definition of “disease” in section 88(1) of the Act is extended to include BVD.

### **Approval of laboratories**

4.—(1) The Scottish Ministers may approve any laboratory that they consider to be suitable for the purpose of testing samples submitted under article 7(2)(b) or 15(2)(b).

(2) Approval must be in writing and may be granted subject to such conditions as the Scottish Ministers may impose in respect of the laboratory on its operator.

(3) For the purpose of deciding whether to grant an approval under this article, the Scottish Ministers may require a laboratory to undergo such inspections and quality assurance testing as they consider necessary.

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(2) 2000 c.7. Section 15 was amended by the Communications Act 2003 (c.21), section 406 and Schedule 17, paragraph 158.

### **Suspension and termination of approval of laboratories**

5.—(1) The Scottish Ministers may by notice given to the operator of an approved laboratory suspend or revoke an approval granted under article 4 if—

- (a) they consider that the approved laboratory is no longer suitable for the purpose of carrying out testing of samples submitted to it under article 7(2)(b) or 15(2)(b); or
- (b) they have reason to believe that the conditions of its approval have not been, or are not being, complied with.

(2) For the purpose of deciding whether to suspend or revoke an approval under this article, the Scottish Ministers may require the laboratory to undergo such inspections and quality assurance testing as they consider necessary.

(3) Suspension of an approval under this article lasts for such period, or until such state of affairs exists, as the Scottish Ministers specify when suspending the approval.

(4) The operator of an approved laboratory may by notice given to the Scottish Ministers indicate that it no longer wishes approval, in which case the approval ceases to have effect.

### **Approval of veterinary surgeons**

6.—(1) The Scottish Ministers may approve any veterinary surgeon whom they consider to be suitable for the purposes of carrying out the functions in article 12.

(2) Approval must be in writing and may be subject to such conditions as the Scottish Ministers may impose.

(3) For the purpose of deciding whether to grant an approval under this article, the Scottish Ministers may require a veterinary surgeon to complete such training as they consider necessary.

(4) The Scottish Ministers may by notice given to the veterinary surgeon suspend or revoke an approval granted under this article.

(5) Suspension of an approval under this article lasts for such period, or until such a state of affairs exists, as the Scottish Ministers specify when suspending the approval.

(6) An approved veterinary surgeon may by notice given to the Scottish Ministers indicate that the veterinary surgeon no longer wishes approval, in which case the approval ceases to have effect.