SCOTTISH STATUTORY INSTRUMENTS

2025 No. 176

ANIMALS

ANIMAL HEALTH

The Bovine Viral Diarrhoea (Scotland) Amendment Order 2025

Made - - - -	*10th June 2025*
Laid before the Scottish Parliament	*12th June 2025*
Coming into force in accordance with article 1(2) and (3)	

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1 and 8(1) of the Animal Health Act 1981(**a**) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Bovine Viral Diarrhoea (Scotland) Amendment Order 2025.

(2) This article and article 2 come into force on 1 July 2025.

(3) Article 3 comes into force on 1 February 2026.

(4) In this Order "the principal Order" means the Bovine Viral Diarrhoea (Scotland) Order 2019(**b**).

Amendment of the principal Order from 1 July 2025

2. The principal Order is amended as follows—

(a) in article 14 (ear tag samples of tissue)—

(i) in paragraph (1) for "paragraphs (3) and (4)" substitute "paragraph (3)",

(ii) omit paragraph (4),

(b) for article 31 (restrictions on the movement of animals where sampling obligations are missed) substitute—

(**a**) 1981 c. 22. Section 8 was amended by paragraph 1(a) and (b) of schedule 2 of the Animal Health and Welfare (Scotland) Act 2006 (asp 11) and section 34(2)(a) and (b) of the Agriculture Act 2020 (c. 21). Powers to make Orders under these sections were originally conferred on "the Ministers" as defined in section 86(1) of the Animal Health Act 1981. The functions of the Ministers were, in so far as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of Scotland Act 1998 (c. 46).

(**b**) S.S.I. 2019/310. Article 35A was inserted by S.S.I. 2020/86.

"Restrictions on the movement of breeding bovine animals where sampling obligations are missed

31.—(1) This article applies to the keeper of a breeding bovine animal which has no individual BVD status if, by the date of the first compliance deadline (set in accordance with article 11(1)), the keeper has failed to comply with the obligation in article 10(1).

(2) The keeper must not, during the relevant period, move (or arrange to move) the breeding bovine animal from the holding on which it is kept unless—

(a) the animal is being moved to slaughter,

(b) the movement is under a licence granted by a veterinary inspector or the Scottish Ministers, or

(c) an approved veterinary surgeon reasonably considers that further action or investigation has been carried out which confirms that BVDV is not present in the animal and has by notice under article 30 informed the keeper and the Scottish Ministers of that fact.

(3) In paragraph (2), "the relevant period" is the period—

(a) beginning with the date of the first compliance deadline, and

(b) ending on the date on which—

(i) the keeper has complied with the obligation in article 10(1), and

(ii) has received a notification under article 22(2) in respect of the sample taken.",

(c) for article 34 (restrictions on the movement of bovine animals onto a holding with a not negative herd) substitute—

"Restrictions on the movement of bovine animals onto a holding with a BVD positive animal

34.—(1) The keeper must not move (or arrange to move) any bovine animal onto a holding where a bovine animal with an individual BVD status of positive is present and has been kept on the holding for a period of more than 40 days, unless the movement is under a licence granted by a veterinary inspector or the Scottish Ministers.

(2) In calculating the period a bovine animal has been kept on the holding for the purposes of paragraph (1), any period during which the keeper does not know (and could not reasonably be expected to know) that the bovine animal has an individual BVD status of positive, or that the bovine animal is present on the holding, is to be disregarded.",

(d) in article 35A (separation of bovine animals with an individual BVD status of positive)—

(i) in paragraph (1) omit "breeding", and

(ii) after paragraph (6) insert—

"(7) In this article "herd" means any group of two or more bovine animals.".

Amendment of the principal Order from 1 February 2026

3.—(1) The principal Order is amended as follows—

(a) in article 2(1) (interpretation) for the definition of "qualifying calf" substitute—

""qualifying calf" means a calf of a bovine animal which is born—

(a) into a breeding herd to a dam which became part of the herd while the dam was pregnant with the calf,

(b) to a dam which—

(i) is a breeding bovine animal, and

(ii) moved onto the holding where the calf was born while the dam was pregnant with the calf, or

(c) otherwise than into a breeding herd or to a breeding bovine animal.",

(b) after article 33 (restrictions on the movement of animals off a holding with a not negative herd or a BVD positive animal) insert—

"Restrictions on the movement of animals onto a holding with a not negative herd where sampling obligations are missed

33A.—(1) This article applies to the keeper of a breeding herd to which article 12 applies, where the keeper has failed to comply with the obligation in article 12(3).

(2) The keeper must not, during the relevant period, move (or arrange to move) any bovine animal onto the holding where the breeding herd to which article 12 applies is kept, unless the movement is under a licence granted by a veterinary inspector or the Scottish Ministers.

(3) In paragraph (2), "the relevant period" is the period—

(a) beginning with the day after the expiry of the period of 13 months starting on the date on which article 12 first applied to the breeding herd, and

(b) ending on the date on which article 12 ceases to apply to the breeding herd in accordance with article 12(2).".

(2) The amendment made by paragraph (1)(a) does not apply in relation to a calf of a bovine animal born before 1 February 2026 into a breeding herd or to a breeding bovine animal.

JIM FAIRLIE
Authorised to sign by the Scottish Ministers

St Andrew's House
Edinburgh
10th June 2025

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Bovine Viral Diarrhoea (Scotland) Order 2019 ("the principal Order") which makes provision for the control and eradication of bovine viral diarrhoea ("BVD") in Scotland. The amendments made by article 2 of the Order come into force on 1 July 2025, and the amendments made by article 3 of the Order come into force on 1 February 2026.

Article 2(a) amends article 14 of the principal Order to remove the restrictions on taking samples from the official ear tag or management tag of a calf under 20 days of age.

Article 2(b) substitutes article 31 of the principal Order. Currently article 31 restricts a keeper from moving animals off a holding where sampling obligations are missed. Under the substituted article 31 the restriction will only apply in relation to keepers of a breeding bovine animal without an individual BVD status where the first compliance deadline for sampling is missed. Other provisions of the principal Order already place restrictions on the movements of animals off a holding where other sampling obligations are missed.

Article 2(c) substitutes a new article 34 in the principal Order. Currently article 34 restricts a keeper from moving bovine animals onto a holding where a bovine animal with an individual BVD status of positive is present on the holding unless the movement is under a licence granted by a veterinary inspector or the Scottish Ministers. Under the substituted article 34 the restriction will apply where a bovine animal with an individual status of positive is present, and has been kept, on the holding for more than 40 days.

Article 2(d) amends article 35A of the principal Order which currently requires the keeper of a breeding herd which contains bovine animals with an individual BVD status of positive to separate those animals from the rest of the herd. Article 35A is amended to place this obligation on the keeper of any herd which contains animals with an individual BVD status of positive.

Article 3(1)(a) amends article 2(1) of the principal Order and replaces the definition of a "qualifying calf". Keepers of qualifying calves must take a sample and submit it for testing before the calf is 40 days old, and are restricted from moving the animal off the holding until the animal has an individual BVD status of negative. Currently only calves not born into a breeding herd or to a breeding bovine animal are qualifying calves. Article 3(1)(a) substitutes a new definition which also includes any calves born to a dam which became part of a breeding herd, or is a breeding bovine animal, moved onto the holding of the calf's birth while the dam was pregnant with the calf. Article 3(2) provides that the new definition only applies to calves born on or after 1 February 2026.

Article 3(1)(b) inserts a new article 33A into the principal Order. Article 33A restricts the keeper of a breeding herd with a collective BVD status of not negative, and who has not complied with the additional sampling obligations in article 12 of the principal Order, from moving bovine animals onto the holding until the breeding herd has a collective BVD status of negative.

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

ISBN 978-0-11-106322-4

£5.78

http://www.legislation.gov.uk/id/ssi/2025/176

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