

2024 No. 753 (W. 105)

ANIMALS, WALES

ANIMAL HEALTH

**The Bovine Viral Diarrhoea (Wales)
Order 2024**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the control and eradication of Bovine Viral Diarrhoea (“BVD”) in Wales.

Part 1 of this Order contains general provisions. Article 3 extends the definition of disease under section 88(1) of the Animal Health Act 1981 (c. 22) to BVD.

Part 2 of this Order provides for the approval of veterinary surgeons and laboratories to carry out functions under the Order.

Part 3 of this Order provides for the sampling and notification procedures to be followed. The types of samples listed in article 11 may only be taken by, or under the supervision of, an approved veterinary surgeon. Samples must be submitted for testing under the conditions in article 12. Article 13 provides for the conditions applicable where an ear tag sample of tissue is taken from a bovine animal. Articles 14 and 15 apply where a management tag has been applied to an animal. Article 16 specifies the notification requirements of test results by operators of approved laboratories. Article 17 requires keepers to notify others of the BVD status of a bovine animal in certain circumstances.

Part 4 of this Order provides for the BVD status of individual bovine animals (article 19) and herds (article 20). An approved veterinary surgeon may change the individual status of an animal (article 21) or the collective status of a herd (article 22), and must notify such a change to the keeper and the Welsh Ministers (article 23).

Part 5 of this Order provides for the screening of bovine herds and individual animals to determine the

presence of BVD. A keeper must arrange for the sampling of a herd for BVD in accordance with articles 25 and 26. Subject to the test results of this sample (articles 27 and 28), further testing of individual animals, including calves, must be carried out (articles 29 to 37).

Part 6 of this Order provides for movement restrictions for bovine herds with a collective BVD status of not negative (article 38), for animals with an individual BVD status of positive (article 39), or where sampling and testing obligations have not been met (article 42). Article 40 specifies the pre-movement testing procedure for animals in a herd which has a collective BVD status of not negative, and article 41 provides for post-movement testing of animals from outside of Wales which are moved onto a holding in Wales. Article 43 provides for the separation of animals with an individual BVD status of persistently infected from the rest of the herd.

Part 7 of this Order contains enforcement provisions. Articles 45, 46 and 47 provide for enforcement, powers of entry and powers of inspectors. Article 48 provides for offences by bodies corporate.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

2024 No. 753 (W. 105)

ANIMALS, WALES

ANIMAL HEALTH

**The Bovine Viral Diarrhoea (Wales)
Order 2024**

Made

11 June 2024

*Coming into force in accordance with article
1(3) and (4)*

CONTENTS

PART 1

Preliminary

1. Title, application and coming into force
2. Interpretation
3. Extension of the definition of “disease”
4. Notices and other instruments
5. Compliance with this Order
6. Costs of compliance

PART 2

Approval of veterinary surgeons and laboratories

7. Approval of veterinary surgeons
8. Approval of laboratories
9. Record keeping and disclosure by approved laboratories
10. Suspension and revocation of approval of laboratories

PART 3

Sampling and notification requirements

11. Sampling restricted to approved veterinary surgeons
12. Submission of samples for testing

13. Ear tag samples of tissue
14. Removal of management tags
15. Replacement of management tags
16. Notification requirements by the operator of an approved laboratory
17. Notification of BVD on a holding to other keepers
18. Reporting of tests for presence of BVDV other than under this Order

PART 4 BVD Status

19. Individual BVD status of animals
20. Collective BVD status of herds
21. Change of individual BVD status by an approved veterinary surgeon
22. Change of collective BVD status by an approved veterinary surgeon
23. Notification of a change of status by an approved veterinary surgeon
24. Publication of status

PART 5 BVD Screening

25. Sampling of bovine herds in accordance with compliance deadlines
26. Determining compliance deadlines
27. Testing for exposure to BVDV
28. Notification of test results
29. Additional sampling of individual bovine animals
30. Submission and testing of samples from individual bovine animals
31. Notification of test results
32. Additional sampling to determine persistent infection with BVD
33. Submission and testing of samples to determine persistent infection with BVD
34. Notification of test results
35. Sampling of calves born into herds with a collective BVD status of not negative
36. Submission and testing of samples from calves born into herds with a collective BVD status of not negative
37. Notification of test results

PART 6

Movement restrictions and isolation of persistently infected animals

38. Restrictions on movement where a herd has a collective BVD status of not negative
39. Restrictions on movement where an animal has an individual BVD status of positive
40. Pre-movement testing
41. Post-movement testing of animals without a known individual BVD status from herds outside of Wales
42. Restrictions on the movement of animals where sampling obligations are not met
43. Isolation of bovine animals which are persistently infected
44. Meaning of “moved to slaughter”

PART 7

Enforcement

45. Enforcement
46. Powers of entry
47. Powers of inspectors
48. Offences by bodies corporate

The Welsh Ministers, in exercise of the powers conferred by sections 1, 8(1), 15(4), 25, 83(2) and 88(2) of the Animal Health Act 1981⁽¹⁾, make the following Order.

PART 1

Preliminary

Title, application and coming into force

1.—(1) The title of this Order is the Bovine Viral Diarrhoea (Wales) Order 2024.

(2) This Order applies in relation to Wales.

(3) This article and articles 2 to 34 and articles 42 to 48 come into force on 1 July 2024.

(1) 1981 c. 22. Functions of “the Ministers” under the Animal Health Act 1981 (as defined in section 86(1) of that Act) are exercisable by the Welsh Ministers (in relation to Wales) by virtue of the National Assembly (Transfer of Functions) Orders 1999 and 2004 (S.I. 1999/672 and S.I. 2004/3044) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(4) Articles 35 to 41 come into force on 1 July 2025.

Interpretation

2. In this Order—

“the Act” (“*y Ddeddf*”) means the Animal Health Act 1981;

“approved laboratory” (“*labordy cymeradwy*”) means a laboratory approved by the Welsh Ministers in accordance with article 8;

“approved veterinary surgeon” (“*milfeddyg cymeradwy*”) means a veterinary surgeon approved by the Welsh Ministers in accordance with article 7;

“bovine animal” (“*anifail buchol*”) means a domestic animal of the genus *Bos* or the species *Bubalus bubalis* or *Bison bison*;

“bovine herd” (“*buches*”) means a group of two or more bovine animals;

“BVD” (“*BVD*”) means bovine viral diarrhoea;

“BVDV” (“*feirws BVD*”) means BVD virus;

“calf” (“*llo*”) means a bovine animal aged 18 months or less;

“collective BVD status” (“*statws BVD ar y cyd*”) means the BVD status of a bovine herd as determined in accordance with article 20;

“CPH number” (“*rhif CPH*”) means the county parish holding number assigned to a holding or part of a holding by the Welsh Ministers;

“holding” (“*daliad*”) means a holding or part of a holding to which a CPH number has been assigned;

“individual BVD status” (“*statws BVD unigol*”) means the BVD status of an individual bovine animal as determined in accordance with article 19;

“inspector” (“*arolydd*”) has the same meaning as in section 89 of the Act;

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

“management tag” (“*tag rheoli*”) means an ear tag, other than an official ear tag, which is suitable to be applied to a bovine animal for the purpose of taking a sample of tissue;

“official ear tag” (“*tag clust swyddogol*”) means an ear tag applied under the Cattle Identification (Wales) Regulations 2007⁽¹⁾;

“official ear tag number” (“*rhif tag clust swyddogol*”) means the number which is printed on an official ear tag;

“premises” (“*mangre*”) means any land, building or vehicle, of any description;

“veterinary inspector” (“*arolgydd milfeddygol*”) has the same meaning as in section 89 of the Act;

“working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, Sunday or a day specified as a bank holiday in paragraph 1 of Schedule 1 of the Banking and Financial Dealings Act 1971⁽²⁾.

Extension of the definition of “disease”

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

Notices and other instruments

4.—(1) Any notice, licence or approval given by the Welsh Ministers or an inspector under this Order—

- (a) must be given in writing,
- (b) may be made subject to conditions, and
- (c) unless otherwise specified, may be amended, suspended or revoked in writing at any time.

(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⁽³⁾, which has been recorded and is consequently capable of being reproduced.

(3) Any person moving a bovine animal under the authority of a licence granted under this Order must—

- (a) keep the licence or a copy on their person at all times during the movement,
- (b) produce the licence or a copy when requested by a veterinary inspector, an inspector or an officer of the Welsh Government, and allow a copy to be taken, and
- (c) keep the licence or a copy for the period of 6 months after the movement is completed.

Compliance with this Order

5.—(1) Any sampling by a previous keeper for the purposes of compliance with the obligations of a

(1) S.I. 2007/842 (W. 74), as amended by S.I. 2019/92 (W. 24).

(2) 1971 c. 80.

(3) 2000 c. 7. Amended by the Communications Act 2003 (c. 21).

keeper under this Order may, if the current keeper so elects, be relied upon by the current keeper for the purposes of determining compliance by the current keeper with the obligations in this Order.

(2) Any obligation under this Order on a keeper to take or submit a sample may, if the keeper so elects, be fulfilled by the keeper arranging for another person to take or submit the sample on the keeper's behalf.

Costs of compliance

6. Unless the Welsh Ministers direct otherwise in writing, the costs incurred by any person taking any action required, or in refraining from taking action that is prohibited, by or under this Order must be met by that person.

PART 2

Approval of veterinary surgeons and laboratories

Approval of veterinary surgeons

7.—(1) The Welsh Ministers may approve any veterinary surgeon whom they consider to be suitable for the purposes of carrying out the functions conferred on an approved veterinary surgeon by this Order.

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

(3) An approved veterinary surgeon must comply with any condition of the approval.

(4) The Welsh 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 steps are taken, as the Welsh Ministers specify in the notice.

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

Approval of laboratories

8.—(1) The Welsh Ministers may approve any laboratory that they consider to be suitable for the purpose of testing samples submitted under this Order.

(2) For the purpose of deciding whether to grant an approval under this article, the Welsh Ministers may

require the operator of a laboratory to arrange or permit such inspections and quality assurance testing as the Welsh Ministers consider necessary.

(3) The operator of an approved laboratory must comply with any conditions of the approval.

Record keeping and disclosure by approved laboratories

9.—(1) The operator of an approved laboratory must maintain a record of any test carried out under this Order for 3 years from the date of each test.

(2) The operator of the approved laboratory must provide the Welsh Ministers with a copy of any test records on request.

Suspension and revocation of approval of laboratories

10.—(1) The Welsh Ministers may by notice given to the operator of an approved laboratory suspend or revoke an approval granted under article 8 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 this Order, or
- (b) they have reason to believe that any conditions of approval have not been, or are not being, complied with.

(2) For the purpose of deciding whether to suspend or revoke an approval, the Welsh Ministers may require the operator of the laboratory to arrange or permit such inspections and quality assurance testing as the Welsh Ministers consider necessary.

(3) Suspension of an approval lasts for such period as the Welsh Ministers specify when suspending the approval.

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

PART 3

Sampling and notification requirements

Sampling restricted to approved veterinary surgeons

11.—(1) A keeper may not take (or arrange to have taken) a sample referred to in paragraph (2) unless the

sample is taken by, or under the supervision of, an approved veterinary surgeon.

- (2) The samples referred to in this paragraph are—
- (a) a sample of blood from any bovine animal, or
 - (b) any sample from a bovine animal where that animal has an individual BVD status of positive.

Submission of samples for testing

12. Samples taken from a bovine animal for testing under this Order must be—

- (a) submitted to an approved laboratory,
- (b) submitted in accordance with such requirements as to storage, handling and timing as are indicated to be necessary for the effective testing of the sample by the operator of the laboratory to which the sample is to be submitted or, as the case may be, the instructions accompanying the equipment used to take the sample, and
- (c) accompanied by a notice containing the following information—
 - (i) the keeper's name and address,
 - (ii) a description of the sample,
 - (iii) the date the sample was taken,
 - (iv) the CPH number for the holding on which the herd or animal was kept at the time the sample was taken,
 - (v) the contact details of the veterinary surgeon, and
 - (vi) any other information reasonably requested by the operator of the laboratory.

Ear tag samples of tissue

13.—(1) Subject to paragraphs (3) and (4), an ear tag sample of tissue is taken in accordance with this article if it is extracted from the bovine animal from an official ear tag or a management tag and the conditions in paragraph (2) are met.

- (2) The conditions are—
- (a) the vessel used to collect the sample must have a pre-printed identification number which is identical to the official ear tag number or the number on the management tag (as the case may be), and
 - (b) the identification number is notified along with the animal's ear tag number when the sample is submitted.

(3) The keeper must not take, or arrange to have taken, an ear tag sample of tissue from any bovine animal from which a sample has previously been collected from a management tag for the purpose of submitting for sampling under this Order.

(4) Where a sample of tissue is taken from a calf, the sample must be taken from an official ear tag unless—

- (a) a sample of tissue has previously been taken from the calf from an official ear tag, in which case the sample must be taken from a management tag, or
- (b) the calf has died before the sample is taken, in which case the sample may be taken from an official ear tag or management tag.

(5) For the purposes of this article, “collected” includes any attempt to collect a sample.

Removal of management tags

14.—(1) The keeper must remove a management tag which has been applied to a bovine animal where the information on the tag has become illegible.

(2) The keeper must not remove a management tag for any other purpose except—

- (a) with the approval of the Welsh Ministers, or
- (b) where the removal is necessary to safeguard the welfare of the animal.

Replacement of management tags

15.—(1) This article applies where a management tag—

- (a) has been removed in accordance with article 14, or
- (b) has otherwise become detached from the animal.

(2) Where this article applies, the keeper must apply to the animal a replacement tag that complies with the conditions in paragraph (3).

(3) The conditions are that the replacement tag—

- (a) must bear the same identification number as the management tag, and
- (b) must not be a management tag.

(4) The replacement tag must be applied within 28 days (or such longer period as the Welsh Ministers approve in the circumstances) of the keeper becoming aware—

- (a) that the tag is required to be removed under article 14(1) or 14(2)(b),
- (b) that the Welsh Ministers have approved the removal of the tag in accordance with article 14(2)(a), or

- (c) that the tag has been otherwise detached from the animal.

(5) This article applies in the same way to the removal and replacement of any replacement tag applied in accordance with this article.

Notification requirements by the operator of an approved laboratory

16. Notification of a test result by the operator of an approved laboratory to the keeper, the Welsh Ministers and the veterinary surgeon under articles 28, 31, 34, 37, 40 and 41 must be made within 5 working days of the date of the test and include details of—

- (a) the keeper's name and address,
- (b) the description of the sample,
- (c) the date the sample was taken,
- (d) the date the sample was tested,
- (e) the CPH number of the holding on which the herd or animal was kept at the time the sample was, or the samples were, taken, and
- (f) where applied, the official ear tag number from the official ear tag.

Notification of BVD on a holding to other keepers

17.—(1) This article applies where—

- (a) there is a bovine animal with an individual BVD status of positive present on a holding, and
- (b) there is a bovine animal belonging to another keeper (in this article "the other keeper") kept on the same holding.

(2) The keeper must give notice to the other keeper that there is a bovine animal with an individual BVD status of positive on the holding.

(3) A notice under paragraph (2) must be given within 5 days of the later of—

- (a) the date that the keeper knows (or ought reasonably to have known) that the animal has an individual BVD status of positive, or
- (b) the date that the other keeper moves a bovine animal onto the holding.

(4) Where the individual BVD status of the animal is changed, the keeper must, within 5 days of receiving notice from an approved laboratory of the change of individual status (or of otherwise becoming aware of the change), give the other keeper notice of the change.

Reporting of tests for presence of BVDV other than under this Order

18.—(1) This article applies where, other than for the purposes of this Order, a laboratory (including an approved laboratory) tests for evidence of exposure to BVDV, or for the presence of BVDV, in a sample (of any description) taken from a bovine animal.

(2) The operator of the laboratory must by notice inform the Welsh Ministers and the keeper, within 5 working days of testing the sample, of—

- (a) a description of the sample,
- (b) the date the sample was tested,
- (c) the result of the test, clearly indicating—
 - (i) whether or not the sample shows evidence of exposure to BVDV, or,
 - (ii) whether or not BVDV is present in the sample, and
- (d) in so far as known by the operator—
 - (i) the official ear tag number,
 - (ii) the keeper's name and address,
 - (iii) the CPH number for the holding on which the animal was kept at the time the sample was taken, and
 - (iv) the date the sample was taken.

PART 4

BVD Status

Individual BVD status of animals

19.—(1) For the purposes of this Order, a bovine animal or calf has either—

- (a) an individual BVD status of positive,
- (b) an individual BVD status of persistently infected,
- (c) an individual BVD status of negative, or
- (d) no individual BVD status.

(2) Subject to article 21, a bovine animal has an individual BVD status of positive if the operator of an approved laboratory has by notice informed the Welsh Ministers that the animal has an individual BVD status of positive under articles 31(1)(b)(i), 40(5)(b), 41(4)(b) or, in the case of a calf, article 37(b).

(3) A bovine animal has an individual BVD status of persistently infected if the operator of an approved laboratory has by notice informed the Welsh Ministers that the animal has an individual BVD status of persistently infected under article 34(b)(i).

(4) A bovine animal has an individual BVD status of negative if the operator of an approved laboratory has by notice informed the Welsh Ministers that the animal has an individual BVD status of negative under articles 31(1)(a)(i), 34(a)(i), 40(5)(a), 41(4)(a) or, in the case of a calf, article 37(a).

(5) A bovine animal has no individual BVD status in all other cases.

Collective BVD status of herds

20.—(1) For the purposes of this Order, a bovine herd has either—

- (a) a collective BVD status of not negative,
- (b) a collective BVD status of negative, or
- (c) no collective BVD status.

(2) Subject to article 22, a bovine herd has a collective BVD status of not negative—

- (a) at any time that paragraph (4) applies to the herd, or
- (b) where the operator of an approved laboratory has by notice under articles 28(b), 31(1)(b)(ii) or 34(b)(ii) informed the Welsh Ministers that the herd has a collective BVD status of not negative.

(3) A bovine herd has a collective BVD status of negative—

- (a) at any time paragraph (4) does not apply to the herd, and
- (b) where the operator of an approved laboratory has by notice under articles 28(a), 31(1)(a)(ii) or 34(a)(ii) informed the Welsh Ministers that the herd has a collective BVD status of negative.

(4) This article applies where—

- (a) the herd contains a bovine animal which has an individual BVD status of positive,
- (b) the herd contains a bovine animal which has an individual BVD status of persistently infected, or
- (c) the keeper of the bovine herd has not complied with any obligations applicable to the herd in article 25 (Sampling of bovine herds in accordance with compliance deadlines).

(5) The bovine herd has no collective BVD status in all other cases.

(6) In this article, any reference to a “notice” means the most recent notice submitted by the operator of an approved laboratory to the Welsh Ministers under articles 28, 31 or 34.

Change of individual BVD status by an approved veterinary surgeon

21. An approved veterinary surgeon may change the individual BVD status of a bovine animal from positive to negative where that surgeon reasonably considers that further action or investigation has been carried out which confirms that BVDV is not or is no longer present in that animal.

Change of collective BVD status by an approved veterinary surgeon

22. An approved veterinary surgeon may change the collective BVD status of a bovine herd from not negative to negative where that surgeon reasonably considers that—

- (a) further action or investigation has been carried out to confirm the presence of BVDV in any animal forming part of the herd, and
- (b) as a result of such action or investigation, either the presence of BVDV has not been confirmed in any such animal or, in the case where the presence of BVDV has been confirmed in any such animal, that animal has been removed from the herd and, prior to its removal, the animal was isolated or other appropriate steps were taken so as to minimise the risk of spread of BVDV to any other animal in the herd.

Notification of a change of status by an approved veterinary surgeon

23.—(1) The approved veterinary surgeon must by notice inform the keeper and the Welsh Ministers of any change of BVD status under articles 21 or 22.

(2) A notice under paragraph (1) must be given within 5 days of the approved veterinary surgeon's determination of the change of BVD status and must include the official ear tag number of the animal or animals in respect of which the further action or investigation or, as the case may be, further testing, has been carried out.

Publication of status

24. The Welsh Ministers may publish any information regarding the status, or change of status, of a bovine herd or bovine animal, in any form, that the Welsh Ministers see fit for the purpose of helping other persons to protect against the spread of BVD.

PART 5

BVD Screening

Sampling of bovine herds in accordance with compliance deadlines

25.—(1) The keeper of a bovine herd must, by each compliance deadline, arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take samples of blood to test for exposure to BVDV—

- (a) from 5 individual calves between the age of 9 and 18 months in the relevant group, or
- (b) from 10 individual calves between the age of 0 and 9 months in the relevant group, or
- (c) if the sample sizes in (a) or (b) cannot be met, the veterinary surgeon should advise on an appropriate sampling size from the available age ranges within the bovine herd.

(2) For the purposes of this article “relevant group” means separately located or managed groups within a herd but which are assigned the same CPH number by the Welsh Ministers.

(3) The veterinary surgeon must submit any samples taken under paragraph (1) to an approved laboratory for testing.

Determining compliance deadlines

26.—(1) The first compliance deadline falls on—

- (a) 30 June 2025 for a bovine herd kept on a holding in Wales at the date of the coming into force of this Order, or
- (b) the expiry of the period of 30 consecutive days that a bovine herd is first kept on a holding in Wales.

(2) Each subsequent compliance deadline falls on the final day of the period of 12 months after the results of the tests of samples taken under article 25 are notified to the Welsh Ministers.

Testing for exposure to BVDV

27. Upon receipt of a blood sample taken under article 25, the operator of the approved laboratory must—

- (a) test each of the samples for evidence of exposure to BVDV, and
- (b) determine whether or not any of the samples show evidence of exposure to BVDV.

Notification of test results

28. Following completion of a test under article 27, the operator of the approved laboratory must by notice inform the keeper, the Welsh Ministers and the veterinary surgeon of each test result and—

- (a) where none of the samples show evidence of exposure to BVDV, that the herd has a collective BVD status of negative, or
- (b) where any of the samples show evidence of exposure to BVDV, that the herd has a collective BVD status of not negative.

Additional sampling of individual bovine animals

29.—(1) This article applies where a bovine herd has a collective BVD status of not negative in accordance with article 28(b).

(2) The keeper must—

- (a) take an ear tag sample of tissue in accordance with article 13, or
- (b) arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take a sample of blood,

from each animal in the herd for testing by an approved laboratory.

(3) Paragraph (2) does not apply to any animal that has an individual BVD status of negative.

Submission and testing of samples from individual bovine animals

30. On receipt of a sample taken under article 29(2), the operator of the approved laboratory must—

- (a) test the sample for the presence of BVDV, and
- (b) determine whether or not BVDV is present in the sample.

Notification of test results

31.—(1) Following completion of a test under article 30, the operator of the approved laboratory must by notice inform the keeper, the Welsh Ministers and the veterinary surgeon of each test result and—

- (a) where BVDV is not present in the sample,
 - (i) that the animal has an individual BVD status of negative, and
 - (ii) if each animal forming part of the herd returns an individual BVD status of negative, that the collective status of the herd will change to negative, or
- (b) where BVDV is present in the sample—

- (i) that the animal has an individual BVD status of positive, and
- (ii) that the herd to which it belongs has a collective BVD status of not negative.

(2) In all other cases, the bovine animal has no individual BVD status.

Additional sampling to determine persistent infection with BVD

32.—(1) This article applies to—

- (a) a bovine animal with an individual BVD status of positive pursuant to article 31(1)(b)(i) or article 40(5)(b), and
- (b) a calf with an individual BVD status of positive pursuant to article 37(b).

(2) At least 21 days after a sample has been taken under articles 29(2), 35(2) or 40(2), the keeper must arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take from the animal—

- (a) an ear tag sample of tissue, or
- (b) a sample of blood,

for testing by an approved laboratory.

Submission and testing of samples to determine persistent infection with BVD

33. On receipt of a sample taken under article 32(2), the operator of the approved laboratory must—

- (a) test the sample for the presence of BVDV, and
- (b) determine whether or not BVDV is present in the sample.

Notification of test results

34. Following completion of the test under article 33, the operator of the approved laboratory must by notice inform the keeper, the Welsh Ministers and the veterinary surgeon of each test result and—

- (a) where BVDV is not present in the sample—
 - (i) that the animal has an individual BVD status of negative, and
 - (ii) if each animal forming part of the herd returns an individual BVD status of negative, that the collective status of the herd will change to negative, or
- (b) where BVDV is present in the sample—
 - (i) the animal has an individual BVD status of persistently infected, and

- (ii) the herd to which it belongs has a collective BVD status of not negative.

Sampling of calves born into herds with a collective BVD status of not negative

35.—(1) This article applies to any calf, including those still-born or aborted, born into a bovine herd which has, or in the last 12 months has had, a collective status of not negative, in accordance with article 28(b).

(2) Before the calf is 20 days old, or as far as reasonably practicable within 7 days where the calf is still-born or aborted, the keeper must take an ear tag sample of tissue in accordance with article 13 for testing by an approved laboratory.

Submission and testing of samples from calves born into herds with a collective BVD status of not negative

36. On receipt of a sample taken under article 35(2), the operator of the approved laboratory must—

- (a) test the sample for the presence of BVDV, and
- (b) determine whether or not BVDV is present in the sample.

Notification of test results

37. Following completion of the test under article 36, the operator of the approved laboratory must by notice inform the keeper, the Welsh Ministers and the veterinary surgeon (where relevant) of each test result and—

- (a) where BVDV is not present in the sample, the calf has an individual BVD status of negative, or
- (b) where BVDV is present in the sample, the calf has an individual BVD status of positive.

PART 6

Movement restrictions and isolation of persistently infected animals

Restrictions on movement where a herd has a collective BVD status of not negative

38.—(1) Subject to paragraph (2), a keeper must not move a bovine animal off a holding if the animal is part of a bovine herd which has a collective BVD status of not negative.

(2) Paragraph (1) does not apply if—

- (a) the animal is being moved to slaughter,
- (b) the movement is to a place for veterinary treatment, provided the animal is returned direct to its premises of origin after the treatment, is killed or goes direct to slaughter, or
- (c) the movement is under licence granted by a veterinary inspector or the Welsh Ministers.

Restrictions on movement where an animal has an individual BVD status of positive

39.—(1) Subject to paragraph (2), a keeper must not move a bovine animal off a holding if the animal has an individual BVD status of positive.

(2) Paragraph (1) does not apply if—

- (a) the animal is being moved to slaughter,
- (b) the movement is to a place for veterinary treatment, provided the animal is returned direct to its premises of origin after the treatment, is killed or goes direct to slaughter,
- (c) the movement is under licence granted by a veterinary inspector or the Welsh Ministers, or
- (d) the animal has an individual BVD status of negative following a pre-movement test under article 40.

Pre-movement testing

40.—(1) This article applies to every bovine animal in a herd where that herd has a collective BVD status of not negative.

(2) Where the animal is to be moved off the holding, the keeper must, no more than 30 days prior to the movement—

- (a) arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take an ear tag sample of tissue in accordance with article 13, or
- (b) arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take a sample of blood,

from the animal for testing by an approved laboratory.

(3) Paragraph (2) does not apply if the animal is moved to slaughter or the movement is under licence granted by a veterinary inspector or the Welsh Ministers.

(4) On receipt of a sample taken under paragraph (2), the operator of the laboratory must—

- (a) test the sample for the presence of BVDV, and

- (b) determine whether or not BVDV is present in the sample.

(5) The operator of the approved laboratory must by notice inform the keeper, the Welsh Ministers and the veterinary surgeon of the result of the test and—

- (a) where BVDV is not present in the sample, the animal has an individual BVD status of negative, or
- (b) where BVDV is present in the sample, the animal has an individual BVD status of positive.

(6) Any bovine animal which has an individual BVD status of positive under paragraph (5)(b) may not be moved off the holding and is subject to the measures in articles 32 and 39 of this Order.

(7) Any bovine animal which has an individual BVD status of negative under paragraph (5)(a) may be moved off the holding.

(8) Where a bovine animal is to be moved from its current holding to another holding, the keeper of the animal must inform the keeper at the holding of destination of the result of the test under paragraph (5) no more than 3 days before moving the animal.

Post-movement testing of animals without a known individual BVD status from herds outside of Wales

41.—(1) This article applies to bovine animals from outside of Wales which are moved onto a holding in Wales and have no individual BVD status.

(2) Where this article applies, a keeper must, no more than 20 days post-movement onto the holding—

- (a) arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take an ear tag sample of tissue in accordance with article 13, or
- (b) arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take a sample of blood,

from the animal for testing by an approved laboratory.

(3) On receipt of a sample taken under paragraph (2), the operator of the laboratory must—

- (a) test the sample for the presence of BVDV, and
- (b) determine whether or not BVDV is present in the sample.

(4) The operator of the approved laboratory must by notice, inform the keeper, the Welsh Ministers and the veterinary surgeon of the result of the test and—

- (a) where BVDV is not present in the sample, the animal has an individual BVD status of negative, or

- (b) where BVDV is present in the sample, the animal has an individual BVD status of positive.

(5) Any bovine animal which has an individual BVD status of positive must not be moved off the holding and is subject to the measures in articles 32 and 39 of this Order.

(6) Where this article applies, any pregnant bovine animal moved onto a holding must be kept isolated from other bovine animals until it—

- (a) has calved, or
- (b) has an individual BVD status of negative under paragraph (4)(a).

Restrictions on the movement of animals where sampling obligations are not met

42.—(1) This article applies to the keeper of a bovine herd or bovine animal if, by the date of the most recent compliance deadline (set in accordance with article 26), the keeper has failed to comply with any of their obligations in articles 25, 29 or 32 (in this article “the applicable obligations”).

(2) Where paragraph (1) applies, the herd has a collective BVD status of not negative.

(3) The keeper must not, during the relevant period, move (or arrange to move) any 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 Welsh Ministers, or
- (c) an approved veterinary surgeon reasonably considers that further action or investigation has been carried out which confirms that BVDV is not or is no longer present in the animal and has by notice informed the keeper and the Welsh Ministers of that fact.

(4) In paragraph (3), “the relevant period” is the period—

- (a) beginning with the date of the most recent compliance deadline, and
- (b) ending on the date on which the keeper has—
 - (i) complied with all of the applicable obligations, and
 - (ii) received a notification in respect of the samples tested in accordance with those obligations.

Isolation of bovine animals which are persistently infected

43.—(1) This article applies to a bovine herd which contains one or more bovine animals with an individual BVD status of persistently infected in accordance with article 34(b).

(2) Subject to paragraph (4), the keeper must separate all the bovine animals with an individual BVD status of persistently infected from the rest of the herd and house them in one or more groups (each a “BVD PI group”) in accordance with the conditions in paragraph (3).

(3) The conditions of this paragraph are—

- (a) that the keeper must not move the animals off the holding, and
- (b) that the animals are housed indoors and in a manner consistent with good practice which—
 - (i) prevents physical contact with, and
 - (ii) does not give rise to any appreciable risk of transferring BVDV to, any bovine animal that is not part of a BVD PI group.

(4) Paragraph (2) does not apply where the animal is being—

- (a) moved to slaughter,
- (b) moved to a place for veterinary treatment, provided that the animal is returned direct to its premises of origin after the treatment, is killed or goes direct to slaughter, or
- (c) moved under a licence granted by a veterinary inspector or the Welsh Ministers.

(5) A bovine animal does not cease to be part of a bovine herd by virtue of its separation under this article.

Meaning of “moved to slaughter”

44.—(1) In this Part, where any bovine animal is “moved to slaughter” this means that the animal is being moved under the conditions specified in paragraph (2).

(2) The conditions are that the animal is being moved—

- (a) directly to slaughter, and
- (b) under arrangements which do not give rise to any appreciable risk of infection with BVDV to any other bovine animal (except a bovine animal which is also being moved to slaughter).

PART 7

Enforcement

Enforcement

45.—(1) Subject to paragraph (2), this Order is enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to any particular case or class of case, that they will enforce this Order instead of the local authority.

Powers of entry

46.—(1) An inspector may, on producing a duly authenticated authorisation if requested, enter any premises (except premises used wholly as a private dwelling) at any reasonable hour for the purpose of enforcing this Order.

(2) A justice of the peace may issue a warrant to permit an inspector to enter any premises, including a private dwelling, by reasonable force if necessary, if satisfied on sworn information in writing, that—

- (a) there are reasonable grounds to enter those premises for the purposes of enforcing this Order, and
- (b) any of the conditions in paragraph (3) are met.

(3) The conditions are—

- (a) entry to the premises has been, or is likely to be, refused, and notice of intention to apply for a warrant has been given to the occupier,
- (b) asking for admission to the premises, or giving such notice, would defeat the object of entry,
- (c) entry is required urgently, or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(4) A warrant may be granted for a period of up to 3 months.

(5) An inspector entering premises which are unoccupied or from which the occupier is temporarily absent must leave the premises as effectively secured against unauthorised entry as they were before entry.

Powers of inspectors

47.—(1) An inspector entering premises may for the purposes of enforcing this Order—

- (a) inspect any animal or article there;
- (b) take samples;
- (c) carry out any inquiries, examinations or tests;

- (d) access, inspect and copy any relevant documents or records (in whatever form they are held), and remove them to enable them to be copied;
- (e) inspect and check the operation of, and data on, any computer and any associated apparatus or material that is or has been in use in connection with the records.

(2) Where an inspector has entered premises and it is not reasonably practicable to determine whether documents or records on those premises are relevant, the inspector may seize them to ascertain whether they are relevant or not.

(3) The inspector may—

- (a) take any necessary equipment or vehicle on to the premises;
- (b) be accompanied by such other persons as the inspector considers necessary.

Offences by bodies corporate

48.—(1) If an offence against the Act is committed by a body corporate, and is shown to have been committed with the consent or connivance of an officer, or to be attributable to the neglect of such officer, that officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with functions of management as if that person were a director of the body.

(3) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Huw Irranca-Davies
Cabinet Secretary for Climate Change and Rural
Affairs, one of the Welsh Ministers
11 June 2024