

**2004 No. 1504**

**VETERINARY SURGEONS**

**The Veterinary Surgery (Artificial Insemination of Mares) Order  
2004**

<i>Made</i> - - - -	<i>9th June 2004</i>
<i>Laid before Parliament</i>	<i>10th June 2004</i>
<i>Coming into force</i> - -	<i>6th July 2004</i>

The Secretary of State and the Department of Agriculture and Rural Development, acting jointly, in exercise of powers conferred by section 19(4)(e) of the Veterinary Surgeons Act 1966(a) and now vested in them(b) and after consultation with the Council of the Royal College of Veterinary Surgeons, make the following Order:

**Title and commencement**

1. This Order maybe cited as the Veterinary Surgery (Artificial Insemination of Mares) Order 2004 and shall come into force on 6 July 2004.

**Interpretation**

2. In this Order—

“the Act” means the Veterinary Surgeons Act 1966;

“approved course” means a course of instruction in the artificial insemination of mares which has been approved by the Secretary of State, after consultation with the Royal College of Veterinary Surgeons;

“lay person” means a person who is —

- (a) not a veterinary surgeon;
- (b) aged 18 years or over; and
- (c) either—
  - (i) a student inseminator, carrying out artificial insemination as part of an approved course under the direct and continuous supervision of a veterinary surgeon, or
  - (ii) a qualified inseminator, acting in accordance with a certificate of exemption;

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(a) 1966 c.36: “the Ministers” referred to in section 19(4)(e) are defined in section 27(1) as amended by paragraph 1 of Schedule 5 to S.I. 1978/272. The functions of the Minister of Agriculture, Fisheries and Food under the Act were transferred to the Secretary of State for Environment, Food and Rural Affairs by virtue of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002, S.I. 2002/794.

(b) In the case of the Department of Agriculture and Rural Development, by virtue of the powers vested in the Northern Ireland Minister in charge of that department by virtue of section 95(5) of, and paragraph 10 of Schedule 12 to, the Northern Ireland Act 1998 (c.47) and which may now be exercised by that department by virtue of section 1(8) of, and paragraph 4(1)(b) of the Schedule to, the Northern Ireland Act 2000 (c.1).

“the Secretary of State” means the Secretary of State for Environment, Food and Rural Affairs; and

“veterinary surgeon” means a person who is registered in the register of veterinary surgeons or in the supplementary register.

### **Exemption from prohibition of practice of veterinary surgery**

3. The artificial insemination of mares by a lay person is specified as a minor treatment, test or operation for the purposes of section 19(4)(e) of the Act.

### **Qualified inseminators**

4.—(1) A qualified inseminator shall—

- (a) have successfully completed an approved course in the insemination of mares, including passing any necessary tests, and been granted a certificate to that effect by the course provider; and
- (b) be in possession of a certificate of exemption issued by the Secretary of State.

### **Certificates of exemption**

5.—(1) An application for a certificate of exemption shall be made in writing to the Secretary of State and shall be accompanied by the certificate provided by the course provider under article 4(1)(a).

(2) The Secretary of State shall grant a certificate of exemption if she is satisfied that the applicant has successfully completed an approved course and is a fit and proper person to carry out artificial insemination of mares.

(3) Certificates of exemption shall be made subject to such conditions as appear to the Secretary of State to be necessary and which may be varied at any time.

### **Suspension and revocation of certificates of exemption**

6.—(1) The Secretary of State may suspend or revoke a certificate of exemption if its holder—

- (a) breaches any condition of the certificate;
- (b) has held the certificate for two years or more but has not, during every two year period following the grant of the certificate, either
  - (i) carried out at least five artificial inseminations of mares, or
  - (ii) been declared in writing by a veterinary surgeon who has personally supervised his artificial insemination of a mare competent to carry out artificial insemination of mares;
- (c) is convicted of any offence linked to the artificial insemination of mares by him; or
- (d) is for any other reason no longer, in the opinion of the Secretary of State, a fit and proper person to carry out artificial insemination of mares.

(2) The Secretary of State may require a lay person seeking reinstatement of a certificate of exemption successfully to complete an approved course, including passing any necessary tests, and to produce to the Secretary of State a certificate to that effect granted by the course provider.

6th June 2004

*Ben Bradshaw*  
Parliamentary Under Secretary of State  
Department of Environment Food and Rural Affairs



*Pat Toal*  
Permanent Secretary

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order specifies the artificial insemination of mares as a minor treatment, test or operation to which the prohibition of the practice of veterinary surgery by persons other than veterinary surgeons in section 19(1) of the Veterinary Surgeons Act 1966 does not apply.

The effect of this Order is to allow such persons who are aged 18 years or more to carry out the artificial insemination of mares if they (i) are undergoing supervised training on an approved course in the artificial insemination of mares, or (ii) hold a certificate of exemption.

Articles 1 and 2 contain introductory provisions. Article 3 specifies the exemption that is to apply. Article 4 sets out the criteria for qualification as a qualified inseminator. Article 5 relates to the issue of certificates of exemption by the Secretary of State. Article 6 relates to the suspension and revocation of certificates of exemption.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Department for Environment, Food and Rural Affairs (Animal Welfare Division, Branch D), 6th Floor, 1A Page Street, London SW1P 4PQ.

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