

2007 No. 1315

VETERINARY SURGEONS

The Veterinary Surgery (Artificial Insemination) Order 2007

Made - - - - *24th April 2007*

Laid before Parliament *27th April 2007*

Coming into force - - *22nd May 2007*

The Secretary of State for Environment, Food and Rural Affairs, the Secretary of State for Scotland, the Secretary of State for Wales and the Department of Agriculture and Rural Development, acting jointly, in exercise of the 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:

PART 1

Introduction

Title, application, commencement and interpretation

1.—(1) This Order—

- (a) may be cited as the Veterinary Surgery (Artificial Insemination) Order 2007;
- (b) applies in the United Kingdom save for Part 2 which applies in England only; and
- (c) comes into force on 22nd May 2007.

(2) In this Order—

“the Act” means the Veterinary Surgeons Act 1966;

“cow” means a cow of the bovine species, including bison and buffalo;

(a) 1966 c. 36. “The Ministers” referred to in section 19(4)(e) are defined in section 27(1) of the Act. The definition of “the Ministers” was amended to “the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales and the Minister of Agriculture for Northern Ireland acting jointly” by paragraph 1 of Schedule 5 to the Transfer of Functions (Wales) (No 1) Order 1978 (S.I. 1978/272).

(b) The functions of the Minister of Agriculture, Fisheries and Food in section 19 were transferred to the Secretary of State for Environment, Food and Rural Affairs by article 3(1) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). By virtue of section 95(5) of, and paragraph 10 of Schedule 12 to, the Northern Ireland Act 1998 (c. 47), the reference in the 1966 Act to the Minister of Agriculture for Northern Ireland is to be construed as a reference to the Northern Ireland department which exercises that function or to the Northern Ireland Minister in charge of that department. The Department of Agriculture for Northern Ireland was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)). Devolved government in Northern Ireland is currently suspended by virtue of the Northern Ireland Act 2000 (Suspension of Devolved Government) Order 2002 (S.I. 2002/2574). Paragraph 4(1)(b) of the Schedule to the Northern Ireland Act 2000 (c. 1) provides that during suspension the functions of a Northern Ireland Minister who was in charge of a Northern Ireland department immediately before the coming into force of section 1 of that Act may be discharged by that department, subject, according to paragraph 4(1)(f) of the Schedule, to the direction and control of the Secretary of State.

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

PART 2

Artificial insemination of cows

Specification of artificial insemination of cows as a minor treatment etc.

2. The artificial insemination of cows is specified as a minor treatment, test or operation for the purposes of section 19(4)(e) of the Act.

Exemption from section 19(1): artificial insemination of cows

3.—(1) Section 19(1) of the Act does not prohibit any person who is not a veterinary surgeon from carrying out the artificial insemination of a cow, provided that he —

- (a) is 16 years or over;
- (b) has never been convicted of an offence related to the welfare of animals; and
- (c) carries out that artificial insemination as part of an approved course or is a qualified inseminator.

(2) In this article—

“approved course” means a training course in the artificial insemination of cows that has been approved—

- (a) before the coming into force of this Order by—
 - (i) the Secretary of State, the Department of Agriculture and Rural Development, the Scottish Ministers or the National Assembly for Wales; or
 - (ii) prior to its winding up, by the Agricultural Training Board(a); or
- (b) after the coming into force of this Order by the Secretary of State, the Department of Agriculture and Rural Development, the Scottish Ministers or the National Assembly for Wales, after consultation with the Royal College of Veterinary Surgeons;

“qualified inseminator” means any person who has—

- (a) successfully completed an approved course and has been granted a certificate to that effect by the course provider; or
- (b) before the coming into force of this Order, carried out the artificial insemination of a cow—
 - (i) in England or Wales in accordance with regulation 24(b)(iii) to (v) of the Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985(b);
 - (ii) in Scotland in accordance with regulation 24(b)(iii) to (vi) of the Artificial Insemination of Cattle (Animal Health) (Scotland) Regulations 1985(c); or
 - (iii) in Northern Ireland in accordance with regulation 3(1) to (4) of the Artificial Insemination of Cattle Regulations (Northern Ireland) 1988(d).

(a) The Agricultural Training Board (“the Board”) was established by the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966 (S.I. 1966/969). The Agricultural Training Board Act (1982 c. 9) listed the approval of courses provided by other persons as a function of the Board. The Agricultural Training Board was wound up by the Agricultural Training Board (Revocation) Order 1994 (S.I. 1994/555), which lapsed on the repeal of the 1982 Act by the Statute Law (Repeals) Act 2004.

(b) S.I. 1985/1861, as amended by S.I. 1992/671 and 1995/2549 and, in relation to England, by S.I. 2001/380, 2002/824, 2004/3231 and, in relation to Wales, by S.I. 2002/1131 (W.118).

(c) S.I. 1985/1857 (S. 138), as amended by S.I. 1992/1192 (S. 114), S.I. 1995/2556 (S. 185) and S.S.I. 2002/191.

(d) S.R. (N.I.) 1988 No 339, as amended by S.R. (N.I.) 1990 No 418, S.R. (N.I.) 1997 No 35 and S.R. (N.I.) 2005/264.

PART 3

Artificial insemination of mares

Meaning of approved course

4. In this Part—

“approved course” means a training course in the artificial insemination of mares that has been approved, whether before or after the coming into force of this Order, by the Secretary of State after consultation with the Royal College of Veterinary Surgeons;

“certificate of exemption” has the meaning given by article 7.

Specification of artificial insemination of mares as a minor treatment etc.

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

Exemption from section 19(1): artificial insemination of mares

6. Section 19(1) of the Act does not prohibit a person who is not a veterinary surgeon from carrying out the artificial insemination of a mare, provided that he is aged 18 years or over and—

- (a) is carrying out that artificial insemination under the direct and continuous supervision of a veterinary surgeon as part of an approved course; or
- (b) has been granted, and is acting in accordance with, a certificate of exemption.

Certificate of exemption: artificial insemination of mares

7.—(1) A person who is not a veterinary surgeon may apply to the Secretary of State for a certificate of exemption in respect of the carrying out of the artificial insemination of a mare.

(2) The application must be—

- (a) in writing; and
- (b) accompanied by a certificate from an approved course provider showing that the applicant has successfully completed an approved course.

(3) The Secretary of State must issue the applicant with a certificate of exemption if he is satisfied that the applicant has—

- (a) successfully completed an approved course; and
- (b) is a fit and proper person to carry out the artificial insemination of mares.

Suspension or revocation of a certificate of exemption

8.—(1) A certificate of exemption may be—

- (a) subject to such conditions as the Secretary of State thinks fit, including that the holder must, in every two year period starting with the date on which the certificate is granted—
 - (i) carry out at least five artificial insemination of mares; and
 - (ii) be 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;
- (b) amended, suspended or revoked in writing at any time, including where the holder—
 - (i) breaches any condition of the certificate;
 - (ii) is convicted of any offence related to his artificial insemination of a mare; or
 - (iii) is no longer, in the opinion of the Secretary of State, a fit and proper person to carry out the artificial insemination of mares.

(2) The Secretary of State may require any person seeking reinstatement of a certificate of exemption—

- (a) successfully to complete an approved course; and
- (b) to produce a certificate to that effect, granted by the course provider.

Revocation and saving

9.—(1) The Veterinary Surgery (Artificial Insemination of Mares) Order 2004(a) is revoked.

(2) Any certificate of exemption issued under the Veterinary Surgery (Artificial Insemination of Mares) Order 2004 is to be treated as a certificate of exemption for the purposes of this Order.

18th April 2007 *Ben Bradshaw*
Minister of State
Department for Environment, Food and Rural Affairs

18th April 2007 *David Cairns*
Parliamentary Under Secretary of State
Scotland Office

24th April 2007 *Nick Ainger*
Parliamentary Under Secretary of State
Wales Office

Sealed with the Official Seal of the Department of Agriculture and Rural Development on

17th April 2007 *Gerald Lavery*
A senior officer of the
Department of Agriculture and Rural Development

(a) S.I. 2004/1504.

EXPLANATORY NOTE

(This note is not part of the Order)

Articles 2 and 3 of this Order, which apply in England only—

- (a) specify the artificial insemination of cows as a minor treatment, test or operation for the purposes of section 19(4)(e) of the Veterinary Surgeons Act 1966 (c. 36); and
- (b) specify the conditions that apply in relation to the carrying out of artificial insemination of cows by a person who is not a veterinary surgeon.

Articles 5 to 8, which apply in the United Kingdom—

- (a) specify the artificial insemination of mares as a minor treatment, test or operation for the purposes of section 19(4)(e) of the Veterinary Surgeons Act 1966; and
- (b) specify the conditions that apply in relation to the carrying out of artificial insemination of mares by a person who is not a veterinary surgeon.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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The Veterinary Surgery (Artificial Insemination) Order 2007

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