

EXPLANATORY MEMORANDUM TO
THE VETERINARY SURGERY (ARTIFICIAL INSEMINATION) (AMENDMENT)
ORDER 2007

2007 No. 1767

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. **Description**
 - 2.1 This instrument amends the *Veterinary Surgery (Artificial Insemination) Order 2007* which came into force on 22 May. The amendments give effect to the widening of the territorial extent of Part 2 of that Order so that it will apply to Scotland as well as England. It amends article 3(2)(b) of that Order so that after the coming into force of this Order Scottish Ministers will no longer be able to approve training courses. It also amends Part 3 of that Order to correct a minor drafting error in relation to article 8(1)(a)(i).

3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None

4. **Legislative Background**
 - 4.1 *The Artificial Insemination of Cattle (Animal Health) (Scotland) Regulations 1985* which included provisions as to the carrying out of the artificial insemination of cattle and the approval of training courses are being revoked as they apply in Scotland by the *Bovine Semen (Scotland) Regulations 2007*.

5. **Territorial Extent and Application**
 - 5.1 The *Veterinary Surgeons Act 1966* extends to the whole of the UK. However, Part 2 of the *Veterinary Surgery (Artificial Insemination) Order 2007* will apply to England and Scotland only in relation to the artificial insemination of cows but the whole of the UK in relation to the artificial insemination of mares.

 - 5.2 The Order will be amended again to widen the territorial extent as to the carrying out of the artificial insemination of cows when Wales, and Northern Ireland have replaced regulations relating the collection and processing of bovine semen in line with those that have been made for England and Scotland which as currently set out would otherwise conflict with the provisions of this instrument.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Provisions as to who may carry out the artificial insemination of cows were included in the *Artificial Insemination of Cattle (Animal Health) (Scotland) Regulations 1985* and another two similar instruments covering England and Wales and Northern Ireland. Following a review of those regulations and after consultation with the Royal College of Veterinary Surgeons (RCVS), it was concluded that the artificial insemination of cattle due to its invasive nature, constitutes an ‘act of veterinary surgery’ and that provisions relating to the carrying out of that procedure would be more appropriately placed under the legal framework of the *Veterinary Surgeons Act 1966*. Consequently provisions relating to the carrying out of the artificial insemination of cattle and the approval of training courses are not reproduced in the *Bovine Semen (Scotland) Regulations 2007*.

8. Impact

It has not been necessary to produce a Regulatory Impact Assessment as this Order does not introduce any new burdens for the industries concerned.

9. Contact

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