
WELSH STATUTORY INSTRUMENTS

2008 No. 1040

The Bovine Semen (Wales) Regulations 2008

PART 5

Administration and enforcement

Refusal of an approval or licence

32. If the Welsh Ministers refuse to grant an approval or licence, or grant one subject to conditions, they must—

- (a) give their reasons in writing; and
- (b) explain the right of the applicant to make written representations under regulation 36(1) to a person appointed by the Welsh Ministers.

Provision of information to the Welsh Ministers

33.—(1) The Welsh Ministers may require an applicant for approval of a bovine animal, the holder of such an approval or the owner of a bovine animal to provide such information and to permit the bovine animal to be subjected to such tests and examinations as the Welsh Ministers consider necessary to enable them to decide whether the approval should be granted or maintained.

(2) The previous owner of an approved bovine animal must notify the Welsh Ministers of the name and address of the new owner within 21 days of transferring ownership to him or her.

(3) The owner of an approved bovine animal must, within 21 days of its death, notify the Welsh Ministers of the death, the circumstances in which it occurred and the results of any post mortem examination.

(4) The Welsh Ministers may require an applicant for a bovine semen centre licence, or the holder of such a licence, to provide such information and to permit such tests and examinations as the Welsh Ministers consider necessary to enable them to decide whether the licence should be granted or maintained.

Suspension and amendment

34.—(1) The Welsh Ministers may suspend or amend an approval or licence granted under these Regulations in whole or in part if—

- (a) any of the conditions under which it was granted are not fulfilled; or
 - (b) they are satisfied that the provisions of these Regulations are not being complied with.
- (2) A suspension or amendment—
- (a) may have immediate effect if the Welsh Ministers consider it necessary for the protection of public or animal health; and
 - (b) otherwise may not have effect for at least 21 days.
- (3) Notification of the suspension or amendment must—

- (a) be in writing;
- (b) state what it applies to;
- (c) state when it comes into effect;
- (d) give the reasons; and
- (e) explain the right of the person who has been notified to make written representations under regulation 36(1) to a person appointed by the Welsh Ministers.

(4) If the suspension or amendment does not have immediate effect and representations are made under regulation 36, it must not have effect until the final determination by the Welsh Ministers of the appeal unless they consider that it is necessary for the protection of public or animal health for the amendment or suspension to have effect before then.

Revocation of an approval or licence

35.—(1) The Welsh Ministers may revoke an approval or licence granted under these Regulations in whole or in part if—

- (a) they have notified their decision to suspend the approval or licence and the period for appeal under regulation 36 has expired;
- (b) they have upheld their decision to suspend following an appeal under regulation 36;
- (c) they have previously suspended the approval or licence and there is further non-compliance with these Regulations; or
- (d) they are satisfied that the occupier no longer uses the premises for the purpose for which a licence was granted.

(2) Notification of a revocation must—

- (a) be in writing;
- (b) state what it applies to;
- (c) state when it comes into effect;
- (d) give the reasons; and
- (e) in the case of a revocation under paragraph (1)(c) or (1)(d), explain the right of the person who has been notified to make written representations under regulation 36(1) to a person appointed by the Welsh Ministers.

(3) If a person does make written representations under regulation 36(1), the revocation remains in force pending the outcome of the appeal.

Appeals

36.—(1) A person may make written representations to a person appointed for the purpose by the Welsh Ministers concerning any decision of the Welsh Ministers concerning—

- (a) the grant, suspension or revocation of an approval or licence under these Regulations,
- (b) the conditions to which an approval or licence is subject, or
- (c) any fees charged under these Regulations,

within 21 days of notification of the decision to him or her.

(2) The Welsh Ministers may also make written submissions to the appointed person concerning their decision.

(3) The appointed person must report in writing to the Welsh Ministers.

(4) The Welsh Ministers must give to the appellant written notification of their final determination and the reasons for it.

Notice prohibiting the use of semen

37.—(1) If he or she thinks it necessary to prevent the spread of disease, an inspector may serve a notice on the owner of a bovine animal or on anyone he or she believes to be the owner of the bovine animal or in possession of semen from that bovine animal.

(2) A notice served under paragraph (1) must—

- (a) prohibit the use or trade of semen collected from the bovine animal;
- (b) require the destruction of such semen; and
- (c) require the identification of any other person who may be in possession of the bovine animal or its semen.

(3) If a notice served under this regulation is not complied with, an inspector may enter any premises on which he or she knows or suspects semen the subject of the notice to be kept and may seize the semen and arrange for the requirements of the notice to be met.

Notice concerning illegal consignments

38.—(1) If an inspector knows or suspects that semen has been imported from another member State in contravention of the Directive, he or she may serve a notice in accordance with paragraph (2) on the person appearing to him or her to be in charge of the semen.

(2) The notice may require that person—

- (a) to detain semen at such place as the notice may specify;
- (b) to destroy semen in accordance with the requirements of the notice; or
- (c) to take such other action as the inspector may specify.

(3) If a notice served under this regulation is not complied with, an inspector may enter any premises on which he or she knows or suspects semen the subject of the notice to be kept and may seize the semen and arrange for the requirements of the notice to be met.

Provision of false information

39. No person may provide any information or make any statement for the purpose of obtaining an approval or licence under these Regulations which he or she does not believe and have reasonable grounds to believe to be true.

Examination of bovine semen centres

40. The Welsh Ministers must examine all bovine semen centres at least twice a year.

Payment of fees

41.—(1) A fee is payable to the Welsh Ministers—

- (a) on application for an approval of a bovine animal under regulation 7 or 10;
- (b) on application for a bovine semen centre licence under regulation 4;
- (c) for testing of a bovine animal under Part 2 of Schedule 3 or Part 2 of Schedule 5, on invoice; or
- (d) for examination of a bovine semen centre under regulation 40, on invoice.

(2) The fee is the sum of—

- (a) the travel costs of the veterinary officer and any assistant in relation to the relevant application, test or examination;
 - (b) the costs of officials considering the relevant application, test or examination; and
 - (c) the costs of laboratory tests on bovine animals.
- (3) The Welsh Ministers must publish on their website the figures used to calculate the fee.

Refund of fees

42. If an application under these Regulations is withdrawn before its determination, the Welsh Ministers must refund to the applicant such proportion of any fee paid under regulation 41 in respect of that application as the Welsh Ministers think fit, having regard to any costs reasonably incurred by him or her in connection with the application.

Transitional provisions

43. Licences and approvals granted under the Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985⁽¹⁾ will continue to have effect as if they were approvals or licences granted under these Regulations in accordance with the following table, provided that, in the case of premises, the premises comply with, and are operated in accordance with, the provisions of these Regulations—

<i>Licence and approvals under the Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985</i>	<i>Equivalent approval under these Regulations</i>
Approval of a bovine animal (regulation 7)	Approval for use of a bull (regulation 5)
Processing licence (regulation 7(1)(a))	Processing of semen intended for intra-Community trade: licence of an EC collection centre (regulation 4(b)(i)); Processing of semen not intended for intra-Community trade: licence of a domestic collection centre (regulation 4(b)(ii)).
Storage licence (regulation 7(1)(b))	Licence of EC storage centre (regulation 4(c)(i)) or licence of domestic storage centre (regulation 4(c)(ii)).

Amendment of the Artificial Insemination (Cattle and Pigs) (Fees) Regulations 1987

- 44.** In the Artificial Insemination (Cattle and Pigs) (Fees) Regulations 1987⁽²⁾—
- (a) in regulation 2(1), omit the definition of “the principal cattle Regulations”;
 - (b) in regulation 3(1), for the words “Subject to paragraph (1A) below, there” substitute “There” and omit the words “the principal cattle Regulations and”;
 - (c) omit regulation 3(1)(a);
 - (d) omit regulation 3(1A);
 - (e) in regulation 4, omit the words “the principal cattle Regulations or”; and
 - (f) omit Schedule 1.

(1) S.I.1985/1861, amended by S.I. 1987/904, 1992/671, 1995/2549, 1996/3124, 2001/380, 2002/824, and 2004/3231.

(2) S.I. 1987/390, amended by S.I. 1992/2592.

Revocations

45.—(1) The Regulations in Part 1 of Schedule 10 are revoked insofar as they apply in relation to Wales.

(2) The Regulations in Part 2 of Schedule 10 are revoked.