

2005 No. 2015

VETERINARY SURGEONS

**The Veterinary Surgery (Testing for Tuberculosis in Bovines)
Order 2005**

<i>Made</i> - - - -	<i>20th July 2005</i>
<i>Laid before Parliament</i>	<i>25th July 2005</i>
<i>Coming into force</i> - -	<i>15th August 2005</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, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Veterinary Surgery (Testing for Tuberculosis in Bovines) Order 2005 and comes into force on 15th August 2005.

Interpretation

2. In this Order—

“approved course” means a course relating to the application to a bovine animal of a tuberculin test, successful completion of which shall include passing an examination, approved for the time being by the Secretary of State, or in the case of Northern Ireland by the Department, after consultation with the Royal College of Veterinary Surgeons;

“approved tuberculosis tester” has the meaning given in article 5;

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

(b) Under article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) the functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State. Under article 2(3) of S.I. 2002/794 functions exercised by the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly were transferred to the Secretary of State. Under article 1(4) of S.I. 2002/794 any reference in S.I. 1978/272 to a named Secretary of State or Secretaries of State becomes a reference to the Secretary of State. 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). In the case of the Department of Agriculture and Rural Development, paragraph 4(1)(b) of the Schedule to the Northern Ireland Act 2000 (c. 1), has effect during suspension pursuant to section 1(8) of that Act. This paragraph provides that 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 the 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. 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)).

“authorised veterinary surgeon” means a person who is –

- (a) registered in the register of veterinary surgeons or the supplementary veterinary register,
- (b) an officer of the Secretary of State or the Department, and
- (c) authorised by the Secretary of State or the Department to supervise trainee tuberculosis testers and approved tuberculosis testers;

“re-qualification assessment” means an assessment of competence in carrying out tuberculin testing, carried-out in the case of Great Britain by the Secretary of State, and in the case of Northern Ireland, by the Department;

“the Department” means the Department of Agriculture and Rural Development;

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

“tuberculin testing” means administering a comparative intradermal test, including preparation of the site for injection, injection of tuberculin, and measurement and recording of results, but excludes interpretation of those results and “tuberculin test” shall be construed accordingly; and

“trainee tuberculosis tester” means a person who is carrying out tuberculin testing of bovines as part of an approved course.

Exemption from the prohibition on the practice of veterinary surgery

3. Tuberculin testing of bovines is specified as a test for the purposes of section 19(4)(e) of the Veterinary Surgeons Act 1966 if the person carrying out the tuberculin test complies with article 4.

Conditions for exemption

4. A person carrying out tuberculin testing must be—
- (a) 18 years of age or over,
 - (b) either—
 - (i) a trainee tuberculosis tester acting under the direct and continuous supervision of an authorised veterinary surgeon; or
 - (ii) an approved tuberculosis tester acting under the direction of an authorised veterinary surgeon, and
 - (c) in the case of a test carried out in –
 - (i) Great Britain, an officer of the Secretary of State; or
 - (ii) Northern Ireland, an officer of the Department.

Approved tuberculosis tester

5. An approved tuberculosis tester means a person -
- (a) who has successfully completed an approved course and is granted a certificate of competence by the course provider to that effect; and
 - (b) whose name appears on a register of approved tuberculin testers maintained, in the case of Great Britain, by the Secretary of State and, in the case of Northern Ireland, by the Department.

Registration as an approved tuberculosis tester

6.—(1) The Secretary of State or the Department shall register a person if satisfied that that person has been granted a certificate of competence under article 5(a) and is a fit and proper person to carry out tuberculin testing.

(2) Registration shall be made subject to such conditions as appear to the Secretary of State or to the Department to be necessary and which may be varied at any time.

Suspension and revocation of registration

7.—(1) The Secretary of State, in the case of Great Britain, or the Department, in the case of Northern Ireland, may suspend or revoke the registration of any approved tuberculosis tester who—

- (a) is convicted of an offence relating to the welfare of animals,
- (b) has been registered for two years or more but who has not, during every two year period following first registration administered a tuberculin test to a bovine animal,
- (c) breaches any condition of the registration; or
- (d) is, in the opinion of the Secretary of State in the case of Great Britain or the Department in the case of Northern Ireland, for any other reason no longer a fit and proper person to administer a tuberculin test to bovine animals.

(2) The Secretary of State or the Department may, before reinstating a registration suspended or revoked under paragraph (1), require a person whose registration has been suspended or revoked to undergo and pass a re-qualification assessment.

20th July 2005

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

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

20th July 2005

Gerald Lavery
A Senior Officer in the Department of Agriculture and Rural Development



EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies tuberculin testing of bovine animals as a test 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, in the case of Great Britain, an officer of the Secretary of State and in the case of Northern Ireland, an officer of the Department to carry-out testing. They must be aged 18 years or over and be either a trainee tuberculosis tester acting under the direct and continuous supervision of an authorised veterinary surgeon or an approved tuberculosis tester acting under the direction of an authorised veterinary surgeon. Approved testers must also have passed an approved course, been granted a certificate of competence by the course provider, and have their name entered on the register of approved tuberculin testers.

Articles 1 and 2 contain introductory provisions. Article 3 specifies the exemption that is to apply. Article 4 sets out the conditions for eligibility for exemption. Article 5 sets out the requirements for becoming an approved tuberculosis tester. Article 6 describes the circumstances and manner in which the Secretary of State can register a person for exemption. Article 7 sets out the powers of the Secretary of State to suspend or revoke registration.

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 (veterinary Services Team), 7th Floor, 1A Page Street, London SW1P 4PQ.

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