

2010 No. 580

VETERINARY SURGEONS, ENGLAND AND WALES

VETERINARY SURGEONS, SCOTLAND

The Veterinary Surgery (Vaccination of Badgers Against Tuberculosis) Order 2010

<i>Made</i>	- - - -	<i>1st March 2010</i>
<i>Laid before Parliament</i>		<i>5th March 2010</i>
<i>Coming into force</i>	- -	<i>6th April 2010</i>

The Secretary of State for Environment, Food and Rural Affairs, the Secretary of State for Scotland, the Secretary of State for Wales and the Minister of Agriculture and Rural Development for Northern Ireland 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:

Title, commencement and extent

1. This Order—

- (a) may be cited as the Veterinary Surgery (Vaccination of Badgers Against Tuberculosis) Order 2010 and comes into force on 6 April 2010; and
- (b) extends to Great Britain.

Exemption from prohibition on the practice of veterinary surgery

2.—(1) Section 19(1) of the Veterinary Surgeons Act 1966 does not prohibit the vaccination by injection of badgers against tuberculosis if the conditions in paragraph (2) are complied with.

(2) The conditions are that the person administering the vaccine—

- (a) is 18 years old or over and—
 - (i) has successfully completed an approved course;

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- (a) 1966 c. 36. “The Ministers” is defined in section 27(1) of the Act (as amended by paragraph 1 of Schedule 5 to the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272)) as “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”.
- (b) The functions of the Minister of Agriculture, Fisheries and Food in section 19 of the Veterinary Surgeons Act 1966 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 Veterinary Surgeons Act 1966 to the Minister of Agriculture for Northern Ireland is to be construed as a reference 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)).

(ii) holds a valid certificate of competence in the vaccination of badgers by injection, granted by the course provider; and

(iii) acts under the direction of a veterinary surgeon; or

(b) is 18 years old or over and carries out the vaccination as part of an approved course.

(3) In this article “approved course” means a course relating to the vaccination of badgers by injection, approved for the time being by the Secretary of State after consultation with the Royal College of Veterinary Surgeons.

Jim Fitzpatrick

Minister of State

11th February 2010

Department for Environment, Food and Rural Affairs

Ann McKechin

Parliamentary Under Secretary of State

Scotland Office

1st March 2010

Wayne David

Parliamentary Under Secretary of State

Wales Office

25th February 2010

Michelle Gildernew

Minister of Agriculture and Rural Development

18th February 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order permits people who are not veterinary surgeons to vaccinate badgers by injection against tuberculosis, subject to the conditions set out in the Order.

An Impact Assessment has been prepared and placed in the library of each House of Parliament. It is available on the Defra website at www.defra.gov.uk.

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