

**2009 No. 1217**

**VETERINARY SURGEONS**

**The Veterinary Surgery (Wing and Web Tagging) Order 2009**

*Made* - - - - *1st May 2009*

*Laid before Parliament* *13th May 2009*

*Coming into force* - - *4th June 2009*

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 and commencement**

1. This Order may be cited as the Veterinary Surgery (Wing and Web Tagging) Order 2009 and comes into force on 4 June 2009.

**Exemption from prohibition of practice of veterinary surgery**

2.—(1) Section 19(1) of the Veterinary Surgeons Act 1966 does not prohibit the carrying out of—

- (a) wing tagging; or
- (b) web tagging,

provided the conditions in paragraph (2) are complied with.

(2) The conditions are that the operations specified in paragraph (1) be carried out—

- (a) on birds other than farmed birds; and
- (b) for the purpose of conservation or research.

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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)).

25th April 2009 *Jane Kennedy*  
Minister of State  
Department for Environment, Food and Rural Affairs

29th April 2009 *Ann McKechin*  
Parliamentary Under Secretary of State  
Scotland Office

26th April 2009 *Wayne David*  
Parliamentary Under Secretary of State  
Wales Office

1st May 2009 *Michelle Gildernew*  
Minister of Agriculture and Rural Development

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides that wing and web tagging of birds other than farmed birds for conservation or research purposes are not subject to the prohibition on the practice of veterinary surgery by anyone who is not a qualified veterinary surgeon. Other instruments, The Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2008 (S.I. 2008/1426) and The Mutilations (Permitted Procedures) (Wales) (Amendment) Regulations 2008 (S.I. 2008/3094), provide that wing and web tagging do not contravene the Animal Welfare Act 2006 (2006 c. 45), the relevant parts of which only apply in England and Wales. In Scotland the Prohibited Procedures on Protected Animals (Exemptions)(Scotland) Amendment Regulations 2009 (S.S.I. 2009/47) provide that wing and web tagging do not contravene section 20(1) and (2) of the Animal Health and Welfare (Scotland) Act 2006 (2006 asp 11).

No impact assessment has been carried out for this instrument as it has no significant impact on the costs of business, charities, voluntary bodies or the public sector.

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