

2010 No. 2058

VETERINARY SURGEONS

**The Veterinary Surgery (Epidural Anaesthesia of Bovines) Order
2010**

Made - - - - *12th August 2010*

Laid before Parliament *18th August 2010*

Coming into force - - *14th September 2010*

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) and (6) 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 (Epidural Anaesthesia of Bovines) Order 2010 and comes into force on 14th September 2010.

Revocation of the Veterinary Surgery (Epidural Anaesthesia) Order 1992

2. The Veterinary Surgery (Epidural Anaesthesia) Order 1992(c) is revoked.

Interpretation

3. In this Order—

“approved course” means—

(a) a training course in the administration of epidural anaesthesia to bovines that is approved for the time being by the Secretary of State or the Department of Agriculture and Rural Development, after consultation with the Royal College of Veterinary Surgeons; or

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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 department which exercises that function or 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)).
- (c) S.I. 1992/696.

(b) a course of training in a relevant European State^(a) successful completion of which entitles a person to administer epidural anaesthesia to bovines in that State;

“embryo” means the initial stage of development of a domestic animal of the bovine species while it is capable of being transferred to a recipient dam;

“embryo collection” means the collection of embryos from donor animals;

“embryo collection or embryo transfer team” means a group of technicians approved, in the case of embryo collection teams, for the time being by the Secretary of State, by the Department of Agriculture and Rural Development or by the competent authority of a relevant European State and supervised by a team veterinarian competent to perform the collection, processing and storage, or the transfer of embryos;

“embryo transfer” means the transfer of embryos into recipients;

“team veterinarian” means a veterinary surgeon who is responsible for the supervision of an embryo collection or embryo transfer team; and

“veterinary surgeon” means a person who is registered in the register of veterinary surgeons or the supplemental veterinary register.

Exemption from prohibition on the practice of veterinary surgery for the administration of epidural anaesthesia to bovines

4.—(1) Section 19(1) of the Veterinary Surgeons Act 1966^(b) does not prohibit the administration of epidural anaesthesia for the purpose of embryo collection or embryo transfer if the conditions in paragraph (2) are complied with.

(2) The conditions are that the person administering the epidural anaesthesia is 18 years or older and—

(a) is undergoing an approved course and administers the epidural anaesthesia under the direct and continuous personal supervision of a veterinary surgeon; or

(b) has successfully completed an approved course and—

(i) administers the epidural anaesthesia on the instructions and under the authority of a team veterinarian (or other person nominated by that team veterinarian) as a member of an embryo collection or embryo transfer team; and

(ii) if that person has not practised the administration of epidural anaesthesia in the period of two years immediately preceding the administration of the epidural anaesthesia, has, within that period, successfully completed a course of training approved by—

(aa) the Secretary of State or the Department of Agriculture and Rural Development, after consultation with the Royal College of Veterinary Surgeons; or

(bb) the competent authority of a relevant European State,

as being suitable for renewing skills in the administration of epidural anaesthesia to bovines.

Jim Paice

Minister of State

9th August 2010

Department for Environment, Food and Rural Affairs

^(a) See section 27(1) of the Veterinary Surgeons Act 1966 for the meaning of “relevant European State”.

^(b) Section 19(1) of that Act was amended by the Magistrates’ Courts Act 1980 (c. 43), section 32(2).

9th August 2010

David Mundell
Parliamentary Under Secretary of State
Scotland Office

10th August 2010

David Jones
Parliamentary Under Secretary of State
Wales Office

12th August 2010

Norman Fulton
A senior officer of the
Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order permits people who are not veterinary surgeons to administer epidural anaesthesia to bovines for the purpose of embryo collection or transfer, subject to the conditions set out in the Order. It revokes the Veterinary Surgery (Epidural Anaesthesia) Order 1992 (S.I. 1992/696) and remakes the provisions of that Order with amendments to comply with the Provision of Services Regulations 2009 (S.I. 2009/2999) by which the United Kingdom transposed Directive 2006/123/EC of the European Parliament and of the Council (OJ No L 376, 27.12.2006) on services in the internal market.

Article 4(2) sets out the conditions with which a person who is not a registered veterinary surgeon must comply in order to administer epidural anaesthesia to a bovine.

In accordance with Directive 2006/123/EC and the Provision of Services Regulations 2009, the definition of “approved course” includes training courses in other EEA States, successful completion of which entitles a person to administer epidural anaesthesia to bovines.

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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STATUTORY INSTRUMENTS

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