

2010 No. 2059

VETERINARY SURGEONS

The Veterinary Surgery (Artificial Insemination) 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, application, commencement and interpretation

1.—(1) This Order—

- (a) may be cited as the Veterinary Surgery (Artificial Insemination) Order 2010;
- (b) applies in the United Kingdom save for article 3 which applies in Great Britain only; and
- (c) comes into force on 14th September 2010.

(2) In this Order—

“the Act” means the Veterinary Surgeons Act 1966;

“cow” means a cow of the bovine species, including bison and buffalo; and

“veterinary surgeon” means a person who is registered in the register of veterinary surgeons or the supplemental veterinary register or who holds a qualification listed in Table A of Schedule 1A(c) to the Act.

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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) Schedule 1A was inserted by S.I. 1980/1951 and substituted by S.I. 2008/1824.

Revocations

2. The Veterinary Surgery (Artificial Insemination) Order 2007(a), the Veterinary Surgery (Artificial Insemination) (Amendment) Order 2007(b) and the Veterinary Surgery (Artificial Insemination) (Amendment) Order 2009(c) are revoked.

Exemption from prohibition on the practice of veterinary surgery for artificial insemination of cows

3.—(1) Section 19(1) of the Act(d) does not prohibit the artificial insemination of a cow if the conditions in paragraph (2) are complied with.

(2) The conditions are that the person carrying out the artificial insemination—

- (a) is 16 years or older;
- (b) has never been convicted of an offence relating to the welfare of animals; and
- (c) either—
 - (i) carries out that artificial insemination as part of an approved course;
 - (ii) has successfully completed an approved course;
 - (iii) was, immediately before the coming into force of this Order, a qualified inseminator by virtue of paragraph (b) of the definition of “qualified inseminator” in article 3(2) of the Veterinary Surgery (Artificial Insemination) Order 2007; or
 - (iv) is authorised by the competent authority of a relevant European State(e) to carry out the artificial insemination of cows.

(3) In this article “approved course” means—

- (a) a training course in the artificial insemination of cows that—
 - (i) has been approved before 22nd May 2007 by the Secretary of State, the Department of Agriculture and Rural Development, the Scottish Ministers or the National Assembly for Wales or, before its winding up, by the Agricultural Training Board(f); or
 - (ii) 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
- (b) a course of training in a relevant European State successful completion of which entitles a person to perform artificial insemination of a cow in that State.

Exemption from prohibition on the practice of veterinary surgery for artificial insemination of mares

4.—(1) Section 19(1) of the Act does not prohibit the artificial insemination of a mare if the conditions in paragraph (2) are complied with.

(2) The conditions are that the person carrying out the artificial insemination is 18 years or older, and either—

(a) S.I. 2007/1315.

(b) S.I. 2007/1767.

(c) S.I. 2009/2769.

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

(e) See section 27(1) of the Act for the meaning of “relevant European State”.

(f) The Agricultural Training Board (“the Board”) was established by the Industrial Training (Agricultural, Horticultural and Forestry Board) Order 1966 (S.I. 1966/969). The Agricultural Training Board Act 1982 (c. 9) (“the 1982 Act”) listed the approval of courses provided by other persons as a function of the Board. The Board was wound up by the Agricultural Training Board (Revocation) Order 1994 (S.I. 1994/555), which lapsed on the repeal of the 1982 Act by the Statute Law (Repeals) Act 2004 (c. 14).

- (a) carries out that artificial insemination under the direct and continuous supervision of a veterinary surgeon as part of an approved course; or
 - (b) has successfully completed an approved course and in each two-year period starting on the date on which that person successfully completed that approved course—
 - (i) has carried out at least five artificial inseminations of mares; or
 - (ii) is declared in writing by a veterinary surgeon, who has personally supervised that person's artificial insemination of a mare, competent to carry out artificial insemination of mares.
- (3) In this article “approved course” means—
- (a) a training course in the artificial insemination of mares that is approved for the time being by the Secretary of State after consultation with the Royal College of Veterinary Surgeons; or
 - (b) a course of training in a relevant European State successful completion of which entitles a person to perform artificial insemination of a mare in that State.

	<i>Jim Paice</i> Minister of State
9th August 2010	Department for Environment, Food and Rural Affairs

	<i>David Mundell</i> Parliamentary Under Secretary of State Scotland Office
9th August 2010	

	<i>David Jones</i> Parliamentary Under Secretary of State Wales Office
10th August 2010	

	<i>Norman Fulton</i> A senior officer of the
12th August 2010	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 carry out artificial insemination of cows and mares, subject to the conditions set out in the Order. It revokes the Veterinary Surgery (Artificial Insemination) Order 2007 (S.I. 2007/1315) 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 3 of this Order, which applies in England, Scotland and Wales only, specifies the conditions with which a person who is not a registered veterinary surgeon must comply in order to carry out artificial insemination of cows.

Article 4, which applies in the whole of the United Kingdom, specifies the conditions with which a person who is not a registered veterinary surgeon must comply in order to carry out artificial insemination of mares.

In accordance with Directive 2006/123/EC and the Provision of Services Regulations 2009, the definitions of “approved course” include training courses in other EEA States, successful completion of which entitles a person to perform artificial insemination of cows and mares in those States.

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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