

**2023 No. 370**

**AGRICULTURE**

**The Bovine Semen (Scotland) Amendment Regulations 2023**

*Made* - - - - *6th December 2023*

*Laid before the Scottish Parliament* *8th December 2023*

*Coming into force* - - *2nd February 2024*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 10(1) and (2) of the Animal Health and Welfare Act 1984(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Bovine Semen (Scotland) Amendment Regulations 2023 and come into force on 2 February 2024.

**Amendment of the Bovine Semen (Scotland) Regulations 2007**

2. The Bovine Semen (Scotland) Regulations 2007(b) are amended in accordance with regulations 3 to 16.

**Amendment of regulation 2 (interpretation)**

3. In regulation 2(1)—

- (a) after the definition of “processing” insert—  
““relevant approval” means an approval under these Regulations except regulation 24(3);”;
- (b) in the definition of “unlicensed premises”, after “under regulation 4” insert “other than unlicensed processing premises”;
- (c) at the end of the definition of “unlicensed premises” omit “and”;
- (d) after the definition of “unlicensed premises” insert—  
““unlicensed processing premises” means premises used for the processing of semen other than a licensed collection centre or domestic collection centre; and”.

**Amendment of regulation 10 (approval of bovine animals for use at unlicensed premises)**

4. In regulation 10—

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(a) 1984 c. 40. See section 10(8) for the definition of appropriate Ministers. The functions, in so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1988 (c. 46).  
(b) S.S.I. 2007/330.

- (a) in paragraph (1) omit “or for use as a teaser animal”,
- (b) in paragraph (4) omit “or teaser animal used to collect such semen”.

**Amendment of regulation 14 (requirement to keep records of semen)**

5. In regulation 14(3)(a), for “to a licensed collection centre or domestic collection centre for processing” substitute “from the premises for processing”.

**Amendment of regulation 16 (specific duties of centre veterinarians and operators of unlicensed premises)**

6. In regulation 16—

- (a) in the heading, after “centre veterinarians” insert “, veterinarians supervising unlicensed processing premises”,
- (b) after paragraph (1) insert—

“(1A) A veterinarian responsible for supervising processing of semen at unlicensed processing premises in accordance with regulation 24(2)(c) must perform the duties of a centre veterinarian of a licensed collection centre to the extent listed in Part 3 of Schedule 3, paragraphs 1(d), (e) and (f) and 2(b).”.

**Amendment of regulation 21 (use of teaser animals)**

7. In regulation 21—

- (a) renumber the existing paragraph as paragraph (1),
- (b) at the start of paragraph (1), as renumbered, insert “Subject to paragraph (2),”,
- (c) after paragraph (1), as renumbered, insert—

“(2) No such approval is required in respect of use of a teaser animal to assist in the collection of semen at unlicensed premises.”.

**Amendment of regulation 24 (processing of semen)**

8. In regulation 24(b)—

- (a) renumber the existing paragraph as paragraph (1),
- (b) in paragraph (1), as renumbered—
  - (i) at the end of sub-paragraph (a), omit “or”,
  - (ii) after sub-paragraph (b) insert—

“; or
  - (c) unlicensed processing premises.
- (2) Semen may only be processed at unlicensed processing premises if it—
  - (a) is not intended for trade with a member State;
  - (b) has been collected at—
    - (i) unlicensed premises in Scotland;
    - (ii) a domestic collection centre; or
    - (iii) any premises in another part of the United Kingdom if the collection of semen is in accordance with applicable legislation equivalent to these Regulations and the premises are not approved under such legislation for the collection of semen intended for trade with a member State;

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(a) Regulation 14(3) was amended by S.S.I. 2019/71.

(b) Regulation 24 was amended by S.S.I. 2019/71.

- (c) is processed under supervision of—
  - (i) the centre veterinarian of a licensed collection centre; or
  - (ii) a veterinary surgeon approved by the Scottish Ministers under paragraph (3) to supervise the processing of semen at unlicensed processing premises.

(3) The Scottish Ministers may approve any veterinary surgeon to supervise the processing of semen at unlicensed processing premises whom they consider competent for that role.

(4) For the purpose of deciding whether to grant an approval under paragraph (3) the Scottish Ministers may require—

- (a) an applicant for such an approval to provide such information as the Scottish Ministers consider necessary;
- (b) the veterinary surgeon to complete such training as they consider necessary.

(5) The Scottish Ministers may by notice given to the veterinary surgeon revoke an approval under paragraph (3), giving reasons for the revocation.”.

#### **Amendment of regulation 28 (supply of frozen semen)**

9. In regulation 28(2), after “it has been” insert “previously”.

#### **Amendment of regulation 32 (refusal of an approval or licence)**

10. In regulation 32, for “an approval or licence, or grant an approval or” in both places it occurs substitute “a relevant approval or a licence, or grant a relevant approval or a”.

#### **Amendment of regulation 34 (suspension and amendment)**

11. In regulation 34(1)—

- (a) for “an” substitute “a relevant”,
- (b) after “approval or” insert “a”.

#### **Amendment of regulation 35 (revocation of an approval or licence)**

12. In regulation 35—

- (a) in paragraph (1)—
  - (i) for “an”, in the first place it occurs, substitute “a relevant”,
  - (ii) after “approval or”, in the first place it occurs, insert “a”,
- (b) in paragraph (2), after “notification of a revocation” insert “under paragraph (1)”.

#### **Amendment of regulation 36 (review)**

13. In regulation 36(1)—

- (a) for “an”, in both places it occurs, substitute “a relevant”,
- (b) after “approval or”, in both places it occurs, insert “a”.

#### **Amendment of schedule 3 (duties of the centre veterinarian in licensed collection centres)**

14. In schedule 3—

- (a) in the heading to Part 1, omit “doses”,
- (b) in paragraph 2 of Part 1, for “dose” substitute “collection”,
- (c) in paragraph 2(b) of Part 3, for “1(c)” substitute “1(d)”.

**Amendment of schedule 5 (duties of the centre veterinarian in domestic collection centre)**

15. In schedule 5—

- (a) in the heading to Part 1, omit “doses”,
- (b) in paragraph 2 of Part 1, for “dose” substitute “collection”,
- (c) in paragraph 2(b) of Part 3, for “1(c)” substitute “1(d)”.

**Amendment of schedule 7 (duties of operators unlicensed premises)**

16. In schedule 7(a)—

- (a) for paragraph 1(c), substitute—
  - “(c) semen collected is moved for processing to—
    - (i) a licensed collection centre;
    - (ii) a domestic collection centre;
    - (iii) unlicensed processing premises in Scotland; or
    - (iv) any premises in another part of the United Kingdom where semen collected at unlicensed premises in Scotland may be lawfully processed under legislation equivalent to these Regulations;
  - (d) when semen is moved for processing under sub-paragraph (c), it is accompanied by documents certifying that—
    - (i) the bovine animal satisfies the requirements of regulations 19(c), 19(d) and 19(e) on the day of collection;
    - (ii) the bovine animal satisfies the requirements of Parts 1 or 2 of Schedule 8;
    - (iii) the unlicensed premises satisfy the requirements in regulation 20(2); and
    - (iv) the premises from which the bovine animal came satisfy the requirements in regulation 22(6).”.
- (b) in paragraph 2(2), for “ the centre veterinarian of the centre” to the end of the sub-paragraph substitute—
  - “—
    - (a) the centre veterinarian of the centre if the bovine animal’s semen is moved for processing to a licensed collection centre or a domestic collection centre; or
    - (b) the veterinarian responsible for supervision of processing if the bovine animal’s semen is moved for processing to any other premises;not later than the date of such move.”.

*MAIRI GOUGEON*  
A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
6th December 2023

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(a) Schedule 7 was amended by S.S.I. 2019/71.

## EXPLANATORY NOTE

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

These Regulations amend the Bovine Semen (Scotland) Regulations 2007 (“the Principal Regulations”), which control the collection, processing and storage of bovine semen.

Regulations 4 and 7 (which respectively amend regulations 10 and 21 of the Principal Regulations) remove the requirement for teaser animals to be approved for use at unlicensed premises.

Regulations 5, 6, 8, 14(c), 15(c) and 16 (which respectively amend regulations 14, 16, 24, paragraph 2 of Part 3 of schedule 3, paragraph 2 of Part 3 of schedule 5 and schedule 7 of the Principal Regulations) allow the processing of bovine semen at unlicensed processing premises, make related provision controlling the movement and processing of bovine semen (including a requirement that processing at unlicensed processing premises be supervised by a centre veterinarian of a licensed collection centre or a veterinarian approved by the Scottish Ministers) and make amendments resulting from such provision. Regulation 3 (which amends regulation 2 of the Principal Regulations) makes related provision by modifying the definition of “unlicensed premises” and inserting definitions of “relevant approval” and “unlicensed processing premises”.

Regulation 9 (which amends regulation 28 of the Principal Regulations) modifies a condition regarding storage of semen, which must be satisfied in relation to the supply of frozen semen.

Regulations 10, 11, 12 and 13 (which respectively amend regulations 32, 34, 35 and 36) prevent application of provisions about the refusal, suspension and revocation of approvals of bovine animals, and provisions about review of decisions concerning such approvals, in relation to approvals of veterinary surgeons to supervise processing of bovine semen at unlicensed processing premises.

Regulations 14(b) and 15(b) respectively amend paragraph 2 of Part 1 of schedule 3 and paragraph 2 of Part 1 of schedule 5 of the Principal Regulations to modify the duties of centre veterinarians under those provisions so that centre veterinarians must ensure marking in the prescribed manner of each individual collection, rather than of each individual dose, of bovine semen collected at licensed collection centres and domestic collection centres. Regulations 14(a) and 15(a) make amendments associated with those amendments to schedules 3 and 5.

A business and regulatory impact assessment has been undertaken.

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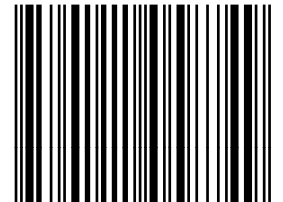




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