

Final Business and Regulatory Impact Assessment

Title of Proposal

Amendment of the Bovine Semen (Scotland) Regulations 2007 (“the 2007 Regulations”)

Purpose and intended effect

• Background

Following engagement with stakeholders and the Animal and Plant Health Agency (APHA) it has become apparent that there is a need to address some practical issues that have come to light since the 2007 Regulations were enacted.

The 2007 Regulations govern the collection, processing, storage, and supply of bovine semen.

Under the 2007 Regulations, bovine semen may be collected at licensed collection centres, domestic collection centres or at unlicensed premises (including farms). Once collected, the semen may only be processed at licensed collection centres or domestic collection centres. It is not permitted to process semen at unlicensed premises. Processing means one or more of the following: diluting, adding any substance with the intention of prolonging the natural life of the semen, adding any antibiotic, packing into straws or other appropriate receptacles, and freezing.

There are currently no licensed collection centres or domestic collection centres in Scotland. Current industry practice is to move bovine semen collected in Scotland to a collection centre in another part of the UK for processing.

The equivalent regulations in England (the Bovine Semen (England) Regulations 2007) and Wales (the Bovine Semen (Wales) Regulations 2008), have been amended to allow bovine semen to be processed at unlicensed processing premises. Stakeholders argue that they are disadvantaged by the inability to process bovine semen at equivalent premises in Scotland. Accordingly, stakeholders have asked for amendment of the 2007 Regulations to allow processing of bovine semen in Scotland at unlicensed processing premises and to make other changes to the rules regarding collection and processing of bovine semen.

• Objective

The Scottish Government’s main policy objective is to amend the 2007 Regulations to allow processing of bovine semen at unlicensed processing premises. Such processing at unlicensed processing premises will only be permitted if the semen is not intended for trade with a member state of the European Union. Accordingly, the proposal will not alter the current legal regime for collection, processing and storage of semen intended for trade with member

states of the European Union. To ensure appropriate oversight, processing of semen at unlicensed premises will require supervision of an appropriate veterinarian.

Other changes to the 2007 Regulations will be made at the same time as the change described above. These are intended to reduce administrative burden by removing the need for approval by the Scottish Ministers and testing of certain animals used to assist with the collection of bovine semen at unlicensed premises, to provide clarification to operators regarding the requirement for frozen bovine semen to be stored at certain facilities before its supply or use in artificial insemination, and to amend the terminology used in an existing requirement for marking of bovine semen in collection centres. None of these other changes will have any significant effect on operators other than to reduce administrative burden for operators and provide greater clarity regarding legislative requirements.

- **Rationale for Government intervention**

Amending the 2007 Regulations to allow processing of bovine semen at unlicensed processing premises will enable bovine semen to be processed in Scotland in the absence of any licensed collection centres or domestic collection centres. The other changes will remove administrative burden or provide clarity as to legal requirements. The proposed changes are consistent with amendments made to equivalent legislation in England and Wales. The proposed changes will therefore put operators in Scotland on a level playing field with operators in England and Wales.

Consultation

- **Within Government**

Colleagues within the Scottish Government have been and will continue to be involved with the implementation of this Regulation.

- **Public Consultation**

A targeted consultation took place for 3 weeks from 14 July 2023 to 4 August 2023, seeking views from the relevant stakeholders on the proposals except for the proposed change regarding marking of semen in collection centres (a correction of terminology that did not warrant consultation). There were two responses to the consultation, one of which was in relation to a proposal that the Scottish Ministers have decided not to proceed with at this time. The other response was positive about the proposals and agreed that the regulations should be updated.

Options

The proposed options were considered:

Option 1 – Do nothing and continue current approach using existing 2007 Regulations.

Option 2 - Update the 2007 Regulations to make the requested changes to legislation and thereby allow processing of bovine semen at unlicensed processing premises, remove the need for approval of certain animals used to assist in the collection of semen at unlicensed premises, and make other changes to modify existing requirements to correct terminology and achieve clarity regarding legal requirements.

EU Alignment

The proposals do not generally engage the policy of EU alignment. Where EU law is relevant to the proposals, the proposals are consistent with the alignment policy.

Sectors and groups affected

The 2023 Regulations are expected to affect those who collect and process bovine semen.

Benefits

Option 1

No benefit and Scottish stakeholders would continue to be at a disadvantage compared to their English and Welsh counterparts.

Option 2

Significant benefits are expected to arise from allowing bovine semen to be processed at unlicensed processing premises. As there are currently no licensed collection centres or domestic collection centres in Scotland, these changes will enable processing of bovine semen in Scotland. The establishment of unlicensed processing premises in Scotland will result in commercial activity taking place within Scotland and will require veterinary supervision in Scotland. This will avoid the need for bovine semen collected in Scotland to be transported to facilities in other parts of the UK for processing. This may result in savings for farmers and operators. The change may result in fewer consignments of bovine semen being sent to collection centres in other parts of the UK and therefore less business for the operators of those collection centres. However, the need for consignments to be sent to such collection centres only arises because of the divergence of regulation that we are proposing to remove.

Removal of the requirement for teaser animals to be approved by the Scottish Ministers when used to assist with collection of semen at unlicensed premises will remove administrative burden for operators and officials. As such animals will not require approval in order to be used to assist with collection of semen, there will be no requirement for them to be subjected to the tests that must be carried out in relation to approvals, and renewal of approvals, of animals by the Scottish Ministers. This will accordingly avoid costs for farmers and other operators in relation to use of teaser animals at unlicensed premises.

Costs

Option 1

Operators may continue to bear the costs of sending bovine semen for processing to collection centres in other part of the UK and testing animals used to assist in the collection of bovine semen at unlicensed premises.

Option 2

No additional costs identified.

Competition Assessment

There will not be any direct or indirect limits to the number or range of farms in the industry caused by the proposed changes to the Regulations. The amended Regulations will not change farmers' incentives or abilities to compete with each other in Scotland. The proposed changes will allow businesses in Scotland to operate in the same way as businesses in England.

Test run of business forms

No business forms will be involved with the implementation of the legislation.

Legal Aid Impact Test

No new criminal sanctions or civil penalties are created and it is not expected to have any implications on an individual's right to access legal aid.

Enforcement, sanctions and monitoring

No enforcement, sanctions or monitoring will be required with the implementation of the legislation.

Implementation and delivery plan

The instrument making the proposed changes is planned for laying on 8 December 2023 and for coming into force on 2 February 2024.

Summary and recommendation

With the exception of the minor change regarding marking of semen in collection centres, the changes to legislation were requested by a business which processes bovine semen in England and which highlighted the disadvantages faced by operators in Scotland compared to those in England. We recognised those disadvantages and option 2 is recommended. No significant adverse effects on the private, voluntary or public sector of the proposed changes have been identified with that option.

Declaration and publication

- **Sign-off for Final BRIAs:**

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed: Mairi Gougeon

Date: 6th December 2023

**Mairi Gougeon MSP
Cabinet Secretary for Rural Affairs, Land Reform and Islands**

Scottish Government Contact point:

**Ian Hastie
Animal Health and Welfare Division
0300 244 9833
ian.hastie@gov.scot**