

POLICY NOTE

THE BOVINE SEMEN (SCOTLAND) AMENDMENT REGULATIONS 2023

SSI 2023/370

The above instrument was made in exercise of the powers conferred by section 10(1) and (2) of the Animal Health and Welfare Act 1984. The instrument is subject to negative procedure.

Summary Box

The instrument amends the Bovine Semen Regulations 2007 (“the 2007 Regulations”) which make provision for the collection, processing and storage of bovine semen. The main objectives of the instrument are as follows:

- **to remove the requirement for teaser animals to be approved by the Scottish Ministers when used to assist in the collection of bovine semen at unlicensed premises,**
- **to allow for bovine semen collected at unlicensed premises, domestic collection centres or equivalent places in other parts of the United Kingdom to be processed at unlicensed processing premises in specified circumstances.**

The instrument makes other changes to the 2007 Regulations to provide clarification or correct terminology in relation to existing requirements.

Policy Objectives

Overview

The 2007 Regulations established two regimes for the collection, processing and storage of bovine semen: one by which semen could be collected and processed for trade with member states of the European Union; and one by which semen could be collected and processed for use in the UK. The 2007 Regulations were amended by S.S.I. 2019/71 to reflect that the UK is no longer a member of the European Union. As amended, the 2007 Regulations continue to distinguish between bovine semen for trade with member states of the European Union and bovine semen for use in the UK.

The main objectives of the instrument are largely achieved by amendment of rules in the 2007 Regulations regarding bovine semen collected or processed for domestic trade and do not involve substantive amendment of the regime regarding semen collected and processed for trade with member states of the European Union. Only minor amendments, for the purpose of providing clarification or correcting terminology, are made to provisions relevant to the regime for bovine semen intended for trade with member states of the European Union.

Under the 2007 Regulations, bovine semen may be collected at unlicensed premises (e.g. on a farm), licensed collected centres or domestic collection centres. A licensed collection centre is a place licensed for the collection, processing and quarantine of bovine semen intended for trade with a member state of the European Union. A domestic collection centre is a place

licensed for the collection, processing and quarantine of bovine semen not intended for trade with a member state of the European Union.

Use of teaser animals

Regulation 21 of the 2007 Regulations currently provides that no person may use a teaser animal to assist in the collection of bovine semen unless it is approved for that purpose by the Scottish Ministers. The instrument amends that requirement to remove the need for approval of a teaser animal insofar as it is used to assist in the collection of bovine semen at unlicensed premises. This change also means that the testing regime under the 2007 Regulations for teaser and donor animals will no longer apply to teaser animals used on unlicensed premises. Such approval and testing of teaser animals is considered to be an unnecessary burden, given that the teaser animal is likely to be part of the herd on the farm at which collection takes place. This change was requested by a stakeholder.

Unlicensed processing premises

“Processing” means any of the following: diluting, adding a substance with the intention of prolonging the life of the semen, adding an antibiotic, packing into straws or other receptacles, and freezing. Regulation 24 of the 2007 Regulations currently provides that bovine semen may only be processed at a licensed collection centre or a domestic collection centre.

The instrument amends regulation 24 of the 2007 Regulations to allow for processing of bovine semen at unlicensed processing premises but only when certain conditions are satisfied. The semen must not be intended for trade with a member state of the European Union. The semen must have been collected at unlicensed premises, a domestic collection centre or equivalent premises in another part of the UK. The semen must be processed under supervision of the centre veterinarian of a licensed collection centre or a veterinary surgeon approved by the Scottish Ministers.

The instrument makes various other amendments in connection with the amendment to regulation 24 to allow processing of bovine semen at unlicensed processing premises. “Unlicensed premises” and “unlicensed processing premises” are different places, meaning that semen collected at unlicensed premises must be moved to unlicensed processing premises for processing if it is not moved to a collection centre (or equivalent premises in another part of the UK).

Processing of bovine semen at unlicensed processing premises is considered appropriate when supervision is undertaken by a suitably experienced veterinarian. Bovine semen cannot currently be processed in Scotland because there are no licensed collection centres or domestic collection centres in Scotland. The amendments will enable processing of bovine semen in Scotland in the absence of any licensed collection centres or domestic collection centres. As processing of bovine semen at unlicensed processing premises will only be possible in relation to semen which is not intended for trade with a member state of the European Union, and the rules about the origin of semen processed at licensed collection centres remain unchanged, there will be no implications for trade with European Union. A stakeholder requested that processing at unlicensed processing premises be allowed.

Other amendments

Regulation 28 of the 2007 Regulations provides that no person may supply frozen semen or use it in artificial insemination unless it has been stored at a licensed storage centre, a domestic storage centre or equivalent premises in another part of the UK. The instrument amends

regulation 28 to clarify that the frozen semen need not be stored in such a place immediately before it is supplied as frozen semen or used in artificial insemination; it must have been *previously* stored at such a place. This amendment has been requested by a stakeholder.

Schedules 3 and 5 of the 2007 Regulations respectively set out the duties of centre veterinarians at licensed collection centres and domestic collection centres. Paragraph 2 of Part 1 of both of those schedules requires centre veterinarians to mark “each individual dose” of bovine semen collected at the centre with specified information. Part 3 (concerned with processing of bovine semen) of both of those schedules contains a duty to mark “each individual dose” of bovine semen processed in the centre with the same specified information as required under Part 1. The reference to “each individual dose” in Part 1 of both of schedules 3 and 5 is considered to be problematic because packing of semen into individual doses of semen would amount to processing of semen.

The instrument amends paragraph 2 of Part 1 of both schedules 3 and 5 to provide that each individual “collection” of semen collected at the centre is marked with the specified information. This will clarify that semen must be marked with the specified information upon collection and achieve alignment with current EU law, which expressly requires that all packages of semen, regardless of whether split into doses, are stored in such a way that the required information can be readily established.

EU Alignment Consideration

The instrument is primarily concerned with changes to the regime under the 2007 Regulations regarding bovine semen collected and processed for domestic trade, which is not regulated by EU law. The current law of the European Union regarding the collection, processing and storage of bovine semen, found in Commission Delegated Regulation (EU) 2020/686, sets out rules regarding trade between member states of the European Union.

Where the instrument makes changes to rules relevant to bovine semen collected and processed for trade with member states of the European Union, they are minor in nature and are consistent with Regulation (EU) 2020/686. Otherwise, the instrument is not relevant to the Scottish Government’s policy to maintain alignment with the law of the European Union.

Statement required by the European Union (Withdrawal) Act 2018 - why the Scottish Ministers consider that there are good reasons for the amendment of regulations made under section 2(2) of the European Communities Act 1972

The Cabinet Secretary for Rural Affairs, Land Reform and Islands has made the following statement under paragraph 16(2) of schedule 8 of the European Union (Withdrawal) Act 2018:

“Regulation 14 of the Bovine Semen (Scotland) Amendment Regulations 2023 (“the instrument”) amends Part 1 and Part 3 of schedule 3 of the Bovine Semen (Scotland) Regulations 2007 (“the 2007 Regulations”). In my view there are good reasons for the amendments made by the instrument to Part 1 and Part 3 of schedule 3 of the 2007 Regulations.

Part 1 of schedule 3 of the 2007 Regulations sets out the duties of centre veterinarians in licensed collection centres regarding marking of bovine semen. Paragraph 2 of Part 1 of schedule 3 of the 2007 Regulations currently provides that the centre veterinarian must ensure that each individual *dose* of semen collected at the centre is clearly marked in such a way that certain specified information can be readily established. Regulation 14 of the instrument amends paragraph 2 of Part 1 of schedule 3 of the 2007 Regulations so that the centre

veterinarian is required to mark each individual *collection* of semen collected at the centre. A “collection” means a quantity of semen taken from a donor at any time. Regulation 14 of the instrument also amends the heading of Part 1 of schedule 3 of the 2007 Regulations.

I consider the amendments to Part 1 of schedule 3 of the 2007 Regulations to be appropriate in order to clarify that semen must be marked with the specified information upon collection and thereby ensure alignment with EU law regarding the marking of semen in licensed collection centres. Regulation 14 amends paragraph 2(b) of Part 3 of schedule 3 of the 2007 Regulations in consequence of an amendment to paragraph 1 of schedule 7 of the 2007 Regulations by regulation 16(a) of the instrument, which I also consider to be appropriate.”

Consultation

The Scottish Government consulted with the following bodies:

- Scottish Dairy Cattle Association,
- Scottish Dairy,
- British Cattle Veterinary Association,
- NFU Scotland,
- Redpath Farms,
- AB Europe,
- Scottish Beef Association.

The initial consultation took place for three weeks from 14 July 2023 to 4 August 2023, seeking views from the above stakeholders on the two main objectives of the instrument and the amendments to regulation 28 of the 2007 Regulations. Consultation in relation to the amendments to Part 1 of schedule 3 and Part 1 of schedule 5 of the 2007 Regulations was not considered necessary.

As a result of that consultation, there were two responses, one of which referred to a proposal for amendment with which the Scottish Government has since chosen not to proceed. The other response was positive about the proposals and agreed that the regulations should be updated.

Impact Assessments

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached.

Financial Effects

A BRIA has been completed and is attached. The main impacts on business are to allow bovine semen to be processed at unlicensed processing premises, thereby avoiding the need for semen to be sent for processing in other parts of the UK, and to allow use of teaser animals at unlicensed processing premises, thereby avoiding the need for the testing of such animals that is associated with the approval process. These changes have the potential to reduce costs for farmers and other operators.

Scottish Government
Agriculture and Rural Economy Directorate
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