

2004 No. 3231

AGRICULTURE, ENGLAND

LIVESTOCK INDUSTRIES

The Artificial Insemination of Cattle (Animal Health) (England and Wales) (Amendment) (England) Regulations 2004

<i>Made</i>	<i>8th December 2004</i>
<i>Laid before Parliament</i>	<i>9th December 2004</i>
<i>Coming into force</i>	<i>1st January 2005</i>

The Secretary of State, in exercise of her powers under sections 10(1) and (2)(a) of the Animal Health and Welfare Act 1984(a), makes the following Regulations:

Title, commencement and application

1.—(1) These Regulations may be cited as the Artificial Insemination of Cattle (Animal Health) (England and Wales) (Amendment) (England) Regulations 2004 and come into force on 1 January 2005.

(2) These Regulations apply to England only.

Amendments to the Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985

2.—(1) The Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985(b) (“the 1985 Regulations”) are amended in accordance with the following provisions of this regulation.

(2) Amend regulation 2(1) (interpretation) as follows—

(a) insert, in the definition of “the Directive”—

“(iv) Council Directive 2003/43/EC amending Council Directive 88/407/EEC(c)”;

(b) substitute, in paragraph (b) of the definition of “the Minister”, “the Secretary of State for Environment, Food and Rural Affairs” for “the Minister of Agriculture, Fisheries and Food”;

(c) omit, in the definition of “official veterinarian”, “by the Minister of Agriculture, Fisheries and Food”;

(a) 1984 c.40. The “appropriate Minister” empowered to make regulations under section 10(1) of the Act is defined in section 10(8) as the Minister of Agriculture, Fisheries and Food. Functions of the Minister insofar as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Functions of the Minister insofar as exercisable in relation to England were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(b) S.I. 1985/1861, as amended by S.I.s 1987/904, 1992/671, 1995/2549, 2001/380 and 2002/824.

(c) OJ No L143 11/6/03 p23.

- (3) Omit, in regulation 9A, “in the Economic Community”.
- (4) Amend regulation 17 as follows—
- (a) for regulation 17(1), substitute—
- “Subject to the provisions of paragraph (4) no person shall move semen not intended for intra-Community trade or cause or permit such semen to be moved from quarantine until the semen has been kept there for a minimum of 28 days.”;
- (b) for regulation 17(1A), substitute—
- “No person shall export frozen semen to another member State unless it has been kept in quarantine for a minimum of 30 days.”;
- (c) in regulation 17(3), for “paragraph (4)”, substitute “paragraphs (1A) and (4)”;
- (d) for regulation 17(4), substitute—
- “Nothing in this regulation shall prevent the export of semen from quarantine direct to a place other than a member State before it has been kept in quarantine for 28 days.”.
- (5) For regulation 18(b), substitute—
- “the semen is imported in accordance with the provisions of the Animals and Animal Products (Import and Export) (No 2) Regulations 2004(a) (or with any Regulations which they supercede), or of the Products of Animal Origin (Third Country Imports) (England) (No 3) Regulations 2004(b) (or with any Regulations which they supercede);”.
- (6) For regulation 21(c)(ii), substitute—
- “it is imported in accordance with the provisions of the Animals and Animal Products (Import and Export) (No 2) Regulations 2004 (or with any Regulations which they supercede), or of the Products of Animal Origin (Third Country Imports) (England) (No 3) Regulations 2004 (or with any Regulations which they supercede);”.
- (7) For “Great Britain”, substitute “England” in regulations 14(1)(d), 14(2)(b), 17(2)(b), 17(3)(b), 20(a)(ii), 20(b)(v), 20(c)(iv), 22(d) and 23(b).

8th December 2004

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment Food and Rural Affairs

(a) S.I. 2004/853.
(b) S.I. 2004/2640.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985 (S.I. 1985/1861, as amended by S.I.s 1987/904, 1992/671, 1995/2549, 2001/380 and 2002/824) (“the 1985 Regulations”).

They implement for England Council Directive 2003/43/EC (amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species) (OJ L143 11.6.2003, p.23 and OJ L194 22.7.1988, p. 10). Council Directive 2003/43/EC imposes additional testing requirements for donor bulls and for semen intended for intra-Community trade. These additional testing requirements are set out in the amended Annexes to Directive 88/407. The requirements of both Directives are implemented principally by regulation 9A of the 1985 Regulations (which requires compliance with article 3 of “the Directive”). Regulation 2(3)(a) of these Regulations amends the definition of “the Directive” in regulation 2(1) of the 1985 Regulations so that it means Directive 88/407 as amended by Directive 2003/43/EC.

These Regulations also make amendments to reflect the transfer of functions to the Secretary of State for Environment, Food and Rural Affairs following the dissolution of the Ministry of Agriculture, Fisheries and Food (see the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794)).

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from Stephen Hall, Department for Environment, Food and Rural Affairs, 1A Page Street, London, SW1P 4PQ.

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