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EXPLANATORY MEMORANDUM TO

THE VETERINARY SURGERY (ARTIFICIAL INSEMINATION)(AMENDMENT) ORDER 2009

2009 No. 2769

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1.   This explanatory memorandum has been prepared by the Wales Office is laid before Parliament by Command of Her Majesty

2.   Purpose of the instrument

2.1   Artificial insemination of cattle in Wales can be carried out by people other than veterinary surgeons provided they have been on approved courses. Approval of such courses was originally dealt with in regulations dealing with the health of cattle. The National Assembly for Wales has replaced these regulations with The Bovine Semen (Wales) Regulations 2008 and it is now necessary to amend The Veterinary Surgery (Artificial Insemination) Order 2007 to enable the Secretary of State to approve such courses for Wales as the regulation of veterinary surgeons is not a devolved matter.

3.   Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1   None

4.   Legislative Context

4.1   The regulation of artificial insemination of cattle by persons other than veterinary surgeons was originally effected through regulations relating to animal health, a matter which has been transferred to the devolved administrations in Scotland, Wales and Northern Ireland. Such regulation is now achieved through the regulation of veterinary surgery, which is not devolved. This order is one of a series, commencing with The Veterinary Surgery (Artificial Insemination) Order 2007, which effects the transition of regulation from the devolved administrations to the Secretary of State on behalf of all parts of the United Kingdom. As each devolved legislature revokes the relevant animal health regulations, it is necessary to amend the original 2007 Order to remove the reference to the devolved executive as a person or body which can approve courses and to expand the extent of the Order to include the relevant country. The original Order was amended for Scotland in 2007; this Order makes the appropriate amendments for Wales and a further Order will, in the future, make such amendments for Northern Ireland.

5.   Territorial Extent and Application

5.1   This instrument applies to the United Kingdom

6.   European Convention on Human Rights

6.1   As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

7.1   The devolved administrations have agreed with the UK Government that the regulation of persons carrying out artificial insemination in cattle is a matter that falls within the scope of the registration of veterinary surgery, which is not devolved, rather than animal health, which is, and thus the Secretary of State (in consultation with the Royal College of Veterinary Surgeons) is the only person in the UK who can approve the courses which all lay people must take in order to carry out this process. To achieve the transition from the old system to a UK-wide system of approvals, each devolved legislation had to revoke it's existing cattle health regulations which dealt with artificial insemination. The Bovine Semen (Wales) Regulations passed by the National Assembly for Wales in 2008 revoked the regulations dealing with who may carry out the artificial insemination of cattle in Wales and this Order will now widen the territorial application of the 2007 Order to Wales.

8. **Consultation outcome**

8.1   No public consultation was carried out in relation to this Order.

9. **Guidance**

9.1   The Welsh Assembly Government will be issuing a Customer Information Note to industry stakeholders which will include information and guidance on the Order.

10. **Impact**

10.1   An Impact Assessment has not been prepared for this instrument.

11. **Regulating small business**

11.1   The Order does not apply to small business.

12. **Monitoring & review**

12.1   It is not intended to review the application of this Order.

13. **Contact**

Susan Olley, legal adviser to the Wales Office may be contacted in relation to this Order on 02920898568 or susan.olley@walesoffice.gsi.gov.uk
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