

EXPLANATORY MEMORANDUM TO
THE BOVINE SEMEN (ENGLAND) (AMENDMENT) REGULATIONS 2011

2011 No. 454

1. This explanatory memorandum has been prepared by Department for Environment, Food and Rural Affairs and is laid before by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Bovine Semen (England) (Amendment) Regulations 2011 amend the Bovine Semen (England) Regulations 2007 (“the 2007 Regulations”) in so far as they apply in England. It also implements Council 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 L 194, 22/07/1988 p. 0010 - 0023) as amended.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The instrument is made under powers conferred by section 10 of the Animal Health and Welfare Act 1984 and paragraph 1A of Schedule 2 to the European Communities Act 1972. It is expedient for references to provisions of Directive 88/407/EEC and Directive 64/432/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of domestic animals of the bovine species, to be construed as references to those provisions of those instruments as amended from time to time.

5. Territorial Extent and Application

5.1 This instrument applies to England only. Parallel legislation will be introduced in Wales, Scotland and Northern Ireland.

6. European Convention on Human Rights

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

7. Policy background

• *What is being done and why*

7.1 The 2007 Bovine Semen (England) Regulations are being amended to reflect some concerns raised by industry stakeholders and Animal Health. The 2007 Regulations were drawn up with the participation of industry stakeholders to replace the anachronistic Artificial Insemination of Cattle Regulations 1985, which did not reflect the EU Directive 88/407/EEC, and to bring the Regulations covering the collection, processing and storage of bovine semen for the domestic market up to date with modern industry practices; and at the same time based on the assessment of disease risk to deregulate the industry where possible. Following discussions between

Industry and Animal Health agency it has become apparent that there was a need to address a few unforeseen practical issues that have come to light since the 2007 Regulations were enacted.

The 2007 Regulations catered for the collection of semen on a farm, which had to be processed at a domestic or EU approved processing centre. As collection and processing centres need not be on the same site, we have amended the Regulations to license 'stand alone' processing centres under the supervision of an EU approved centre veterinarian.

The 2007 Regulations could be interpreted as requiring donor bulls whose semen is not intended for EU trade to undergo a period of quarantine at an approved quarantine centre as well as the required tests on the donor animals. We have amended the relevant schedule of the 2007 Regulations to make clear that donor bulls at unlicensed premises (farms) need only undergo the relevant tests with negative results. Such donor bulls do not require to be kept for a period of quarantine at an approved quarantine centre.

With regard to the movement of frozen bovine semen from approved EC collection or storage centres, the intention in drafting the 2007 Regulation was only to allow movement either horizontally between premises of equal health status or down the supply chain to premises of lesser status. We have amended the 2007 Regulations to clarify that frozen bovine semen must at some point be stored in an approved collection or storage centre. Once it leaves that approved collection or storage centre it can move from unlicensed premises to other unlicensed premises i.e. from farm to farm as necessary but may not re-enter an approved premises.

We have amended the 2007 Regulations to remove the requirement for teaser animals used for on farm collection of bovine semen to be approved by the Secretary of State and for them to be subject to the same testing regime as donor bulls. Such testing is an unwarranted burden as the teaser animal will be part of the herd on the farm at which collection is taking place.

- ***Consolidation***

7.2 As this is the first amendment to the Bovine Semen (England) Regulations 2007 and changes are minor, consolidation is not considered appropriate at this time.

8. Consultation outcome

8.1 An informal consultation of industry stakeholders and Devolved Administrations was carried out from 29 October 2010 to 10 December 2010. Four replies were received, two of which approved of the proposed amendments and two approved in principle of the thrust of the amendments but made specific comments on particular amendments. As a result of considering these responses we have altered the amending instrument to clarify the testing requirements for bovine animals for entry to an approved Domestic Collection Centre. We have decided to retain the provisions for 'stand alone' processing centres. The EU Directive 88/407/EEC provides that processing facilities for bovine semen need not necessarily be on the same site as the EU collection centre. Supervision of such a facility by a Centre Veterinarian of an EU approved collection centre ensures that biosecurity requirements of the Directive are maintained. We have also retained the provision for frozen bovine semen to move onwards from an unlicensed premises to another unlicensed premises as long as it originated from an approved collection or storage centre.

9. Guidance

9.1 Information on Artificial Breeding controls can be found on the Defra website at:

<http://www.defra.gov.uk/foodfarm/animaltrade/abc/index.htm>

10. Impact

10.1 The impact on business, charities or voluntary bodies is minimal as the amendments make minor clarification to the 2007 Regulations.

10.2 The impact on the public sector is nil for the same reason as 10.1.

10.3 As the amendments to the 2007 Regulations were minor clarifications to address practical issues Ministers agreed that there was no need for an Impact Assessment.

11. Regulating small business

11.1 The legislation applies to small business in so far as farmers use Artificial insemination within their cattle herds.

12. Monitoring & review

12.1 As these are minor amendments to the 2007 Regulations, they will fall under the review period for those Regulations.

13. Contact

Colin Pow at the Department for the Environment, Food and Rural Affairs (Defra) Tel: 020 7238 6629 or email: colin.pow@defra.gsi.gov.uk can answer any queries regarding the instrument.