

Explanatory Memorandum to The Bovine Semen (Wales) Regulations 2008

This Explanatory Memorandum has been prepared by the Department for Rural Affairs and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

(i) **Description**

This instrument provides for the collection, processing and distribution of bovine semen within the United Kingdom and for intra-Community trade

(ii) **Matters of special interest to the Subordinate Legislation Committee**

None

(iii) **Legislative Background**

The power to make the Regulations is contained in section 10 of the Animal Health and Welfare Act 1984 and section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972. The powers under the 1984 Act are vested in the Welsh Ministers by virtue of the Transfer of Functions Orders 1999 (SI 1999/672) and 2004 (SI 2004/3044) and by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. The powers under the 1972 Act are designated to the Welsh Ministers by virtue of the European Communities (Designation) (No 3) Order 2005 (SI 2005/2766).

This SI follows the negative resolution procedure.

(iv) **Purpose and intended effect of the legislation.**

The Objective

The Bovine Semen (Wales) Regulations 2008 (hereinafter referred to as the “control regulations”) seek to minimise the animal health risks that are potentially associated with the collection, processing and storage of bovine semen. In doing so, the control regulations aim to be proportionate to the disease risks involved, to be guided by the best scientific information available and to avoid the imposition of unnecessary burdens (whether these be financial costs or other restrictions) upon the industry. The control regulations endeavour to clearly set out what is required of those to whom they apply whilst being both fair and enforceable.

The control regulations also introduce transparency into the monitoring and enforcement mechanisms for EU controls on bovine semen production etc. intended for intra-Community trade.

The new control regulations now contain fees that have been constructed to be equitable and transparent on how industry would be charged for any official services provided as a result of requirements coming from the control regulations. The aim of the fees and charges is to achieve full economic cost recovery, subject to cost sharing principles laid out in the Animal Health and Welfare Strategy for Great Britain published on 24 June 2004.

The Background

a. Current Legislation

This Explanatory Memorandum is associated with the revision of two pieces of legislation:

1. The Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985 (as amended).
2. The Artificial Insemination (Cattle and Pigs) (Fees) Regulations 1987 (as amended).

Despite their respective amendments both of these pieces of legislation are now outdated. There have been marked changes in both the structure of the bovine semen industry and the environment in which it operates since the 1985 Regulations were introduced (and amended). There have been parallel advances in both scientific knowledge and the techniques employed by the industry. Therefore there is an urgent need for the revision of the 1985 Regulations (as amended) to bring them back into alignment with the environment within which they must function.

The details for approval and content of AI training courses has also been reviewed and a new Exemption Order will be introduced at the same time as the new Bovine Regulations under the Veterinary Surgeons Act (VSA). This will regularise and put on a legal footing the status of non-veterinarians performing AI in terms of the VSA and will mean that all controls on the carrying out of AI are in one place rather than being split between the two pieces of legislation.

Controls on the advertisement in Wales of semen from bulls of dairy breeds and the specific information to be included in such advertisements are detailed in the new regulations and will revoke the Artificial Insemination of Cattle (Advertising Controls etc.) (Great Britain) Regulations 1987. These Regulations are out of date and have not been enforced for some time. Instead, action on misleading or inaccurate advertising can be taken under trading standards legislation.

The 1987 Fees Regulations have not been updated or amended since 1992. As such, they do not provide for the full recovery of the financial costs to Government of regulating the bovine semen industry. With the new control regulations being proposed it would seem sensible to review those costs. Following Cabinet Office guidelines on better regulation, separate legislation detailing the fees has been deemed to be no longer necessary and this information will now be contained within the main body of the control regulations.

(v) **Implementation**

The Bovine Semen (England) regulations came into force in May 2007. The Bovine Semen (Scotland) Regulations came into force in July 2007. The implementation of the Welsh Regulations has been delayed due to the Foot and Mouth outbreak in August / September 2007. It is important that these Regulations are made to ensure consistency with the rest of GB.

(vi) **Consultation**

Defra carried out a UK wide consultation exercise between 16 July and 8 October 2004. Wales did not carry out a separate consultation exercise.

(vii) **Regulatory Impact Assessment**

It is anticipated that the deregulation aspects arising from these regulations will remove burdens from the industry. Revision of the fee scale will result in fees for some activities increasing, and others decreasing. Reduction in the cost of processing an application for the approval of a bull for on farm collection will be of particular benefit for Welsh farmers. In view of these factors, a formal Regulatory Impact Appraisal has not been prepared.