

ADVICE NOTE 1

ARTIFICIAL INSEMINATION IN MARES AND COWS

- 1) Under the Veterinary Surgeons Act 1966 only a veterinary surgeon, qualified and registered with the Royal College of Veterinary Surgeons (RCVS), can practise veterinary surgery in the United Kingdom. The reason for this is to protect animals and their owners from people who might through ignorance or incompetence endanger an animal's health or welfare.
- 2) The Act defines "veterinary surgery" as "the art and science of veterinary surgery and medicine...and says that this is to be taken to include –
 - a) the diagnosis of diseases in, and injuries to, animals including tests performed on animals for diagnostic purposes;
 - b) the giving of advice based upon such diagnosis;
 - c) the medical or surgical treatment of animals; and
 - d) the performance of surgical operations on animals"
- 3) The Act allows Ministers to make orders, known as exemption orders, specifying minor treatments, tests or operations which can be carried out by non-veterinary surgeons even though they amount to the practice of veterinary surgery. These orders usually require approved training.
- 4) The legislation governing equine and bovine artificial insemination has been updated recently with the introduction of a combined exemption order namely the Veterinary Surgery (Artificial Insemination) Order 2007, SI 2007/1315 which came into force on the 22nd May 2007.
- 5) This legislation has now revoked and replaced the Veterinary Surgery (Artificial Insemination of Mares) Order 2004, SI 2004/1504.
- 6) Whilst the new exemption order represents a consolidation of preceding separate and distinct legislation relating to bovine and equine artificial insemination, there has been no significant change to the substantive procedures governing the artificial insemination of cows and mares.

ARTIFICIAL INSEMINATION IN MARES

- 7) The Veterinary Surgery (Artificial Insemination) Order 2007, SI 2007/1315, specifies that the artificial insemination of mares as a minor treatment, test or operation to which

the prohibition of the practise of veterinary surgery by persons other than veterinary surgeons pursuant to Section 19 (1) of the Veterinary Surgeons Act 1966 does not apply.

- 8) The effect of this exemption order is to allow such persons who are aged 18 years or more to carry out artificial insemination procedures in mares provided that:
 - a) they are carrying out the artificial insemination under the direct and continuous supervision of a veterinary surgeon as part of an approved course; or
 - b) they have been granted, and are acting in accordance with, a certificate of exemption.
- 9) A certificate of exemption may be suspended or revoked if the inseminator breaches any condition on the certificate, fails to carry out at least five inseminations every two years or is convicted of a relevant offence. A certificate of exemption may also be revoked on the grounds that the inseminator is for any other reason no longer, in the opinion of the Secretary of State, a fit and proper person to carry out the artificial insemination of mares.

ARTIFICIAL INSEMINATION IN COWS

- 10) Prior to the introduction of the Veterinary Surgery (Artificial Insemination) Order 2007, SI 2007/1315, the legislation governing bovine artificial insemination was contained within the provisions of the Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985, SI 1985/1861.
- 11) The Veterinary Surgery (Artificial Insemination) Order 2007, SI 2007/1315, specifies that the artificial insemination of cattle as a minor treatment, test or operation to which the prohibition of the practise of veterinary surgery by persons other than veterinary surgeons pursuant to Section 19 (1) of the Veterinary Surgeons Act 1966 does not apply
- 12) The effect of this exemption order is to allow such persons who are aged 16 years or more to carry out artificial insemination procedures in cattle provided that:
 - a) they have never been convicted of an offence related to the welfare of animals; and
 - b) they are carrying out that artificial insemination as part of an approved course or that they are a qualified inseminator

TERRITORIAL EXTENT AND APPLICATION

- 13) Whilst the Veterinary Surgeons Act 1966 applies to the whole of the United Kingdom, at the present time, Part 2 of the Veterinary Surgery (Artificial Insemination) Order 2007, SI 2007/1315, is limited in that it only applies to England and Scotland. This part governs the artificial insemination of cattle. The remaining parts of the order including

Part 3 which governs the artificial insemination of mares apply to the whole of the United Kingdom.

- 14) The Order will be amended again to widen the territorial extent as to the carrying out of the artificial insemination of cattle when Wales and Northern Ireland have replaced regulations relating to the collection and processing of bovine semen in line with those that have been made for England and Scotland which as currently set out would otherwise conflict with the provisions of this instrument.

JANUARY 2009