Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Bovine Semen (Wales) Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2008 No. 1040 (W.110)

AGRICULTURE, WALES
LIVESTOCK INDUSTRIES

The Bovine Semen (Wales) Regulations 2008

Made - - - -	*7 April 2008*
Laid before the National Assembly for Wales - -	*8 April 2008*
Coming into force - -	*30 April 2008*

The Welsh Ministers, in exercise of the powers conferred by section 10 of the Animal Health and Welfare Act 1984 [F1] and now vested in them [F2], and with the approval of the Treasury; and in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 [F3], makes the following Regulations.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for references to European Community (EC) instruments referred to in regulation 2(1) to be construed as references to those instruments as amended from time to time.

F1 1984 c. 40; section 10 was amended by the Statute Law (Repeals) Act 1993 (c. 50) and the Criminal Justice Act 2003 (c. 44).

F2 The functions of the "appropriate Minister" insofar as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of S.I. 1999/672. Functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006.

F3 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

PART 1

General Provisions

Title, application and commencement

1. The title of these Regulations is the Bovine Semen (Wales) Regulations 2008; they apply in relation to Wales and come into force on 30 April 2008.

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Interpretation

2.—(1) In these Regulations—

"bovine" ("*buchol*") includes the species *Bubalus bubalis and Bison bison*;

"bovine semen centre" ("*canolfan semen buchol*") means premises licensed under regulation 4;

"cattle identification regulations" ("*rheoliadau adnabod gwartheg*") means—

(a) the Cattle Identification (Wales) Regulations 2007 [F4]; or

(b) Council Regulation 1760/2000, as amended from time to time (in the case of bovine animals born outside Wales);

"the centre veterinarian" ("*milfeddyg y ganolfan*") has the meaning given in regulation 5(b);

"Council Regulation 1760/2000" ("*Rheoliad y Cyngor*") means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products [F5] and repealing Council Regulation (EC) No. 820/97[F6], as amended from time to time;

"dam" ("*mam*"), in the case of bovine animals derived from embryo transfer, means the recipient of the embryo;

"the Directive" ("*y Gyfarwyddeb*") means 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 [F7], as amended from time to time;

"Directive 64/432/EEC" ("*Cyfarwyddeb 64/432/EEC*") means Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine [F8], as amended from time to time;

"domestic collection centre" ("*canolfan gasglu ddomestig*") has the meaning given in regulation 4(b)(ii);

"domestic storage centre" ("*canolfan storio ddomestig*") has the meaning given in regulation 4(c)(ii);

"EC collection centre" ("*canolfan gasglu CE*") has the meaning given in regulation 4(b)(i);

"EC quarantine centre" ("*canolfan gwarantîn CE*") has the meaning given in regulation 4(a);

"EC storage centre" ("*canolfan storio CE*") has the meaning given in regulation 4(c)(i);

"fresh semen" ("*semen ffres*") means semen which has not been frozen;

"inspector" ("*arolygydd*") means a person authorised in writing by the Welsh Ministers in accordance with section 10(4) of the Animal Health and Welfare Act 1984;

"processing" ("*prosesu*") means one or more of—

(c) diluting (except in the course of or immediately after semen collection),

(d) adding any substance with the intention of prolonging the natural life of the semen (except in the course of or immediately after semen collection),

(e) adding any antibiotic,

(f) packing into straws or other appropriate receptacles, and

(g) freezing;

"straw" ("*corsen*") means a receptacle used to contain a single dose of semen;

"teaser animal" ("*anifail ymlid*") means a bovine animal which is used as an aid in the collection of semen;

"unlicensed premises" ("*mangre sydd heb ei thrwyddedu*") are premises that do not have a licence under regulation 4;

[[F9]"unlicensed processing premises" ("*mangre brosesu sydd heb ei thrwyddedu*") means unlicensed premises—

(a) for the processing of semen—

(i) collected at unlicensed premises or at a domestic collection centre, and

(ii) not intended for intra-Community trade, and

(b) supervised by the centre veterinarian of an EC collection centre;**]**

"veterinary surgeon" ("*milfeddyg*") means a veterinary surgeon or veterinary practitioner registered under the Veterinary Surgeons Act 1966 [F10].

(2) Expressions that are not defined in these Regulations and are used in the Directive have the same meaning in these Regulations as they have for the purposes of the Directive.

F4 S.I. 2007/842 (W.74), as amended by S.I. 2007/3004 (W.260).
F5 OJ No. L 204, 11.8.2000, p. 1.
F6 OJ No L 117, 7.5.1997, p. 1.
F7 OJ No. L 194, 22.7.1988, p. 10. As of the date of these Regulations, this Directive was last amended by Commission Decision 2006/16/EC (OJ No. L 11, 17.1.2006, p. 21).
F8 OJ No. P 121, 29.7.1964, p. 1977. As of the date of these Regulations, this Directive was last amended by Commission Regulation (EC) No. 599/2004 (OJ No. L 94, 31.3.2004, p. 44.)
F9 Words in reg. 2(1) inserted (18.3.2013) by The Bovine Semen (Wales) (Amendment) Regulations 2013 (S.I. 2013/398), regs. 1(2), **3**
F10 1966 c. 36.

Exceptions

3.—(1) These Regulations do not apply where—

(a) semen is collected for the purpose of the artificial insemination of a bovine animal with fresh semen;

(b) the bovine animal from which the semen is collected—

(i) is not, at the time of collection, affected by an Order made under sections 6(c), 8, 17, 23, 25, 26 or 29 of the Animal Health Act 1981 [F11]; or,

(ii) is so affected, but the use of its semen is authorised by the Welsh Ministers; and

(c) when the bovine animal is inseminated—

(i) it is in the same ownership and the same herd as the bovine animal from which the semen was collected; and

(ii) it is kept on the same premises as that bovine animal.

(2) These Regulations do not apply where semen is collected for the purpose of—

(a) assessing the suitability of a bovine animal for use in breeding;

(b) diagnosing infection or disease in a bovine animal; or

(c) education or research,

provided the semen collected is not used for artificial insemination and is not the subject of intra-Community trade.

(3) These Regulations do not apply to research authorised under the Animals (Scientific Procedures) Act 1986 [F12].

(4) These Regulations, in so far as they apply to semen intended for intra-Community trade, do not apply to semen collected on or before 31 December 1989.

F11 1981 c. 22. Section 17(4) was repealed by the Animal Health and Welfare Act 1984, section 16(2) and Schedule 2.
F12 1986 c. 14.

PART 2

Licensing of bovine semen centres and approval of bovine animals

Licensing of bovine semen centres

4. The Welsh Ministers may license premises as follows—

(a) if they comply with Part 1 of Schedule 1, as premises for the quarantine of bovine animals (an "EC quarantine centre");

(b) if they comply with Part 2 of Schedule 1, either as—

(i) premises for the collection, processing and quarantine of semen intended for intra-Community trade (an "EC collection centre"); or

(ii) premises for the collection, processing and quarantine of semen not intended for intra-Community trade (a "domestic collection centre"); or

(c) if they comply with Part 3 of Schedule 1, either as—

(i) premises for the storage of semen intended for intra-Community trade (an "EC storage centre"); or

(ii) premises for the storage of semen not intended for intra-Community trade (a "domestic storage centre").

Application for a licence to operate a bovine semen centre

5. An application for a licence to operate a bovine semen centre must—

(a) be made in writing to the Welsh Ministers;

(b) be signed by the applicant for the licence and by the veterinary surgeon who will have responsibility for veterinary supervision of the centre ("the centre veterinarian");

(c) specify the premises for which an application is made; and

(d) specify the licence applied for.

Bovine semen centre licence

6.—(1) A bovine semen centre licence granted under regulation 4 must specify—

(a) the address of the centre;

(b) the licence number of the centre;

(c) the licence holder;

(d) the centre veterinarian;

(e) the type of licence granted; and

(f) any conditions to which the licence is subject.

(2) A licence must be in writing and may be made subject to such conditions as are necessary to—

(a) ensure that the provisions of these Regulations are complied with; or

(b) protect public or animal health.

Approval of a bovine animal

7.—(1) The Welsh Ministers may grant an approval for a bovine animal for use in an EC collection centre, a domestic collection centre, or at unlicensed premises if it has tested negative to—

(a) the tests set out in Schedule 2, paragraph 2(1)(a) to (e) prior to its entry to an EC quarantine centre; and

(b) the tests set out in Schedule 2, paragraph 3(1)(a) to (d) and paragraph 4(1)(a) after its entry to an EC quarantine centre.

(2) The Welsh Ministers may approve a bovine animal despite a positive result to the serological tests set out in Schedule 2, paragraph 2(1)(e)(ii) or in Schedule 2, paragraph 4(1)(b) or in both.

(3) The Welsh Ministers may also grant an approval for a bovine animal for use in a domestic collection centre or at unlicensed premises, if it has tested negative to the tests set out in Part 2 of Schedule 8, paragraphs 2(a) to (c).

Application for approval of a bovine animal

8. Any application for approval of a bovine animal for the purpose of collecting its semen, or for use as a teaser animal, must be made to the Welsh Ministers by or on behalf of its owner and must—

(a) specify the name and breed of the bovine animal;

(b) specify the number by which it is identifiable in accordance with the cattle identification regulations; and

(c) be made in writing and signed by or on behalf of the owner.

Form of approval for a bovine animal

9.—(1) An approval for a bovine animal must specify—

(a) the name and breed of the bovine animal;

(b) the number by which it is identifiable in accordance with the cattle identification regulations; and

(c) any conditions to which the approval is subject.

(2) An approval must be in writing and may be made subject to such conditions as are necessary to—

(a) ensure that the provisions of these Regulations are complied with; or

(b) protect public or animal health.

Approval of bovine animals for use at unlicensed premises

10.—(1) The Welsh Ministers may approve the use of a bovine animal for the collection of its semen [F13]... at unlicensed premises for a maximum period of 3 months.

(2) The Welsh Ministers may renew an approval under paragraph (1) for subsequent periods of up to 3 months if—

(a) they receive the application for renewal of the approval in writing and signed by or on behalf the owner, at least 28 days before the date on which it is due to expire; and