STATUTORY INSTRUMENTS

2015 No. 772

VETERINARY SURGEONS

The Veterinary Surgery (Exemptions) Order 2015

Made - - - -	*17th March 2015*
Laid before Parliament	*19th March 2015*
Coming into force - -	*1st July 2015*

The Secretary of State for Environment, Food and Rural Affairs, the Secretary of State for Scotland, the Secretary of State for Wales and the Minister of Agriculture and Rural Development for Northern Ireland acting jointly, in exercise of the powers conferred by section 19(4)(e) and (6) of the Veterinary Surgeons Act 1966(**1**), and now vested in them(**2**), after consultation with the Council of the Royal College of Veterinary Surgeons, make the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Veterinary Surgery (Exemptions) Order 2015.

(2) This Order comes into force on 1st July 2015.

(3) In this Order—

"the 1966 Act" means the Veterinary Surgeons Act 1966, and

"qualified person" means a person who is registered in the Register of Veterinary Surgeons or the Supplementary Veterinary Register.

Physiotherapy

2.—(1) Section 19(1) of the 1966 Act does not prohibit the treatment of an animal by physiotherapy if the following conditions are satisfied.

(**1**) 1966 c. 36.

(**2**) Section 27(1) of the Veterinary Surgeons Act 1966 (as amended by paragraph 1 of Schedule 5 to the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272)) defines "the Ministers" as the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Minister of Agriculture for Northern Ireland acting jointly. The functions of the Minister of Agriculture, Fisheries and Food under section 19 of the Veterinary Surgeons Act 1966 were transferred to the Secretary of State for Environment, Food and Rural Affairs by article 3(1) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). By virtue of section 95(5) of, and paragraph 10 of Schedule 12 to, the Northern Ireland Act 1998 (c. 47), the reference in the Veterinary Surgeons Act 1966 to the Minister of Agriculture for Northern Ireland is to be construed as a reference to the Northern Ireland department which exercises that function or to the Northern Ireland Minister in charge of that department. The Department of Agriculture for Northern Ireland was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)).

(2) The first condition is that the person providing the treatment is aged 18 or over.

(3) The second condition is that the person is acting under the direction of a qualified person who—

(a) has examined the animal, and

(b) has prescribed the treatment of the animal by physiotherapy.

Fowls: beak trimming, snood or comb removal, etc.

3.—(1) Section 19(1) of the 1966 Act does not prohibit—

(a) the removal from a fowl by means of a suitable instrument of not more than a one-third part of both its upper and lower beaks, measured from the tip towards the entrance to the nostrils, if the removal is carried out as a single operation, and

(b) the arrest by cauterization of any subsequent haemorrhage from the beak.

(2) Section 19(1) of the 1966 Act does not prohibit—

(a) the removal from a fowl by means of a suitable instrument of not more than a one-third part of its upper beak only, measured as mentioned in paragraph (1)(a), and

(b) the arrest by cauterization of any subsequent haemorrhage from the beak.

(3) Section 19(1) of the 1966 Act does not prohibit the removal from a turkey poult of its snood, either by manual pinching out or by means of a suitable instrument, if the poult is under the age of 21 days.

(4) Section 19(1) of the 1966 Act does not prohibit the removal from a fowl of its comb by means of a suitable instrument if the fowl is under the age of 72 hours.

(5) Section 19(1) of the 1966 Act does not prohibit the removal from a fowl of the dependent portion of its wattles by means of a suitable instrument.

(6) "Fowl" means a domestic fowl or turkey; but the references to fowls in paragraphs (1) and (2) do not include a reference to laying hens in England, Wales or Scotland.

(7) "Suitable instrument", in relation to an operation, means an instrument which—

(a) is in a fit state of repair, and

(b) has been designed, or is of a kind commonly used, for the purpose of performing the operation.

(8) In the case of each activity permitted by this Article, the person carrying out the activity must be aged 18 or over.

Poultry: vaccination

4.—(1) Section 19(1) of the 1966 Act does not prohibit the vaccination of poultry if the person carrying out the vaccination is aged over 18.

(2) "Poultry" means all species of fowls, turkeys, geese, ducks, guinea fowls, pigeons, pheasants, partridges and quails.

Farm animals and badgers: blood sampling for control of disease etc.

5.—(1) Section 19(1) of the 1966 Act does not prohibit the taking of blood from farm animals or badgers for use in diagnosis for the control or eradication by the Ministers of infectious disease if the condition in paragraph (2) or (3) is satisfied.

(2) The condition in this paragraph is that the person taking the blood—

(a) is undergoing instruction in the taking of blood from farm animals or badgers, and

(b) takes the blood while acting under the direct personal supervision of a qualified person.

(3) The condition in this paragraph is that the person taking the blood—

(a) is certified by the appropriate Minister as proficient to take blood from farm animals or badgers, having passed such tests or examinations in the taking of blood from farm animals or badgers as are specified in the certificate, and

(b) takes the blood while acting under the general direction of a qualified person.

(4) Section 19(1) of the 1966 Act does not prohibit the taking of blood from poultry for use in diagnosis for the control or eradication by the Ministers of infectious disease if the condition in paragraph (5) is satisfied.

(5) The condition in this paragraph is that the person taking the blood—

(a) does so while acting under the general direction of a qualified person, and

(b) is, in the opinion of that qualified person, competent to take the blood.

(6) "Farm animals" means cattle, sheep, goats and all other ruminating animals and swine.

(7) "Poultry" has the same meaning as in Article 4.

(8) "The Ministers" means the Secretary of State for Environment, Food and Rural Affairs, the Secretary of State for Scotland, the Secretary of State for Wales and the Minister of Agriculture and Rural Development for Northern Ireland (whether acting jointly or otherwise); and "the appropriate Minister" is to be construed accordingly in relation to the territory concerned.

Farm animals: sampling for residues

6.—(1) Section 19(1) of the 1966 Act does not prohibit the taking of blood from farm animals for examination for the presence of residues for the purpose of the control by the appropriate Minister of the level of residues in such animals, if the condition in Article 5(2) or (3) is satisfied.

(2) Section 19(1) of the 1966 Act does not prohibit the taking of faeces from the rectum of a farm animal for examination for the presence of residues for the purpose mentioned in paragraph (1) if the person doing so is acting under the general direction of a qualified person.

(3) "Residues" means residues of any of the following that are likely to be dangerous to human health—

(a) any substance having a pharmacological action,

(b) any conversion product of a substance having a pharmacological action,

(c) any other substance transmitted to meat.

(4) "Appropriate Minister" and "farm animals" each have the same meaning as in Article 5.

Revocations

7. The following are revoked—

(a) the Veterinary Surgery (Exemptions) Order 1962(**3**);

(b) the Veterinary Surgery (Exemptions) Order 1973(**4**);

(c) the Veterinary Surgery (Exemptions) (Amendment) Order 1982(**5**);

(d) the Veterinary Surgery (Blood Sampling) Order 1983(**6**);

(**3**) S.I. 1962/2557
(**4**) S.I. 1973/308
(**5**) S.I. 1982/1627
(**6**) S.I. 1983/6