STATUTORY INSTRUMENTS

1985 No. 1858 (S. 139)

AGRICULTURE

LIVESTOCK INDUSTRIES

The Artificial Insemination of Cattle (Livestock Quality) (Scotland) Regulations 1985

Made - - - -	*29th November* 1985
Laid before Parliament	*10th December* 1985
Coming into Operation	*1st January* 1986

ARRANGEMENT OF REGULATIONS

PART I

INTRODUCTORY

1. Citation, extent and commencement.
2. Interpretation.
3. Application of regulations.

PART II

SUPPLEMENTARY APPROVAL OF BULLS

4. Bulls for extended use in artificial insemination.

PART III

ADVERTISEMENT AND DISTRIBUTION OF SEMEN

5. Advertisement of semen from a supplementarily approved bull of a dairy breed.
6. Distribution of semen from a supplementarily approved bull of a dairy breed.
7. Advertisement and distribution of semen from a bull of a dairy breed standing overseas.
8. Form of statements, etc.

PART IV

GENERAL

9. Applications, etc. to be in writing.

10. Offences.

11. Transitional provisions.

SCHEDULE

In exercise of the powers conferred on me by section 10 of the Animal Health and Welfare Act 1984(**a**) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

INTRODUCTORY

Citation, extent and commencement

1. These regulations may be cited as the Artificial Insemination of Cattle (Livestock Quality) (Scotland) Regulations 1985 and shall apply to Scotland and shall come into operation on 1st January 1986.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"advertisement" includes every form of advertising to the public, whether in a publication, or by the display of any notice, or by means of any catalogue, price list, letter (whether circular or addressed to a particular person) or other document, or by words inscribed on any article, or by the exhibition of a photographic or a cinematograph film, or by way of sound recording, sound broadcasting or television, or in any other way;

"approved bull" means a bull which is approved for the time being—

(a) by the Secretary of State under regulation 5 of the Artificial Insemination of Cattle (Animal Health) (Scotland) Regulations 1985(**b**), or

(b) by the Minister under regulation 5 of the Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985(**c**);

"artificial insemination" means the artificial insemination of a cow;

"cow" includes heifer;

"dairy breed" means any of the Ayrshire, British Friesian (including Red and White Friesian and Poll Friesian), British Holstein, Jersey or Guernsey breeds or Dairy Shorthorn types of cattle;

(**a**) 1984 c. 40.
(**b**) S.I. 1985/1857.
(**c**) S.I. 1985/1861.

"distribute" includes sell;

"embryo transfer unit" means premises used for the purpose of the collection or the transference of embryos of cattle and "exempted embryo transfer unit" means an embryo transfer unit in respect of which a certificate issued by the Secretary of State is in force certifying that the unit is an exempted embryo transfer unit for the purposes of these regulations;

"extended use" means the use of a supplementarily approved bull in artificial insemination outside the herd or herds of the owners and co-owners specified in the approval given under the Artificial Insemination of Cattle (Animal Health) (Scotland) Regulations 1985 or the Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985;

"farm" includes an embryo transfer unit and a research or experimental establishment;

"Improved Contemporary Comparison" means predicted transmitting ability for production for bulls of dairy breeds published from time to time jointly by the Milk Marketing Board and the Scottish Milk Marketing Board;

"the Minister" means the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly;

"owner" includes a joint owner and any person having authorised possessory use, and "ownership" shall be construed accordingly;

"Progeny Testing bull" means a supplementarily approved bull of a dairy breed placed for the time being in the supplementary approval category "Progeny Testing" by the Secretary of State under regulation 4(4) or by the Minister under regulation 4(4) of the Artificial Insemination of Cattle (Livestock Quality) (England and Wales) Regulations 1985(**a**);

"qualified person" means any of the following:—

(a) a veterinary surgeon;

(b) a veterinary practitioner;

(c) a person, not being a veterinary surgeon or a veterinary practitioner, who collects semen under the direction of a veterinary surgeon approved by the Secretary of State in this behalf;

"raw semen" means semen which has not been diluted or treated in any way so as to prolong its natural life;

"research or experimental establishment" means premises in which research into or experiments with cattle breeding is or are carried out, and "exempted research or experimental establishment" means a research or experimental establishment in respect of which a certificate issued by the Secretary of State is in force certifying that the establishment is an exempted research or experimental establishment for the purposes of these regulations;

"semen" means semen from a bull;

"supplementarily approved bull" means an approved bull which is supplementarily approved for the time being—

(a) by the Secretary of State under regulation 4, or

(b) by the Minister under the Artificial Insemination of Cattle (Livestock Quality) (England and Wales) Regulations 1985;

(**a**) S.I. 1985/1862.

"supplementary approval category" means the category into which a supplementarily approved bull of a dairy breed is placed under regulation 4(4);

"supply centre" means premises specified in a supply licence;

"supply licence" means a licence granted under regulation 7(1)*(c)* of the Artificial Insemination of Cattle (Animal Health) (Scotland) Regulations 1985;

"veterinary practitioner" means a person registered in the supplementary veterinary register; and

"veterinary surgeon" means a person registered in the register of veterinary surgeons.

(2) Any reference in these regulations to a numbered regulation or the Schedule shall be construed as a reference to the regulation so numbered in, or the Schedule to, these regulations.

Application of regulations

3.—(1) These regulations shall not apply to anything done by a permitted person in the course of or for the purpose of the artificial insemination of a cow with raw semen which has been collected from a bull by a permitted person where, at the time of such insemination, the cow is—

(a) in the same ownership as the bull from which the semen is collected;

(b) kept on land occupied by the owner of the bull; and

(c) comprised in the same herd as the bull.

(2) Nothing in these regulations shall apply to anything done in the course of or for the purpose of the artificial insemination of a cow—

(a) on an exempted embryo transfer unit with raw semen which has been collected from a bull by a qualified person, or

(b) on an exempted research or experimental establishment with semen which has been collected from a bull by a qualified person.

(3) These regulations shall not apply to the collection, evaluation, processing, keeping or moving of semen by any person for the purposes of education or research in an educational or research establishment if that semen is not used at any time in artificial insemination.

(4)*(a)* In paragraph (1) of this regulation, "permitted person" means—

(i) the owner of the bull from which semen is collected;

(ii) a person in the regular full or part-time employment of the owner of the bull but excluding such person who undertakes artificial insemination elsewhere;

(iii) a veterinary surgeon, or

(iv) a veterinary practitioner.

(b) In paragraph (3) of this regulation, "collection", "evaluation" and "processing" shall, in relation to semen, have the same meaning as in

the Artificial Insemination of Cattle (Animal Health) (Scotland) Regulations 1985.

PART II

SUPPLEMENTARY APPROVAL OF BULLS

Bulls for extended use in artificial insemination

4.—(1) For the purposes of these regulations the Secretary of State may on application made to him by or on behalf of the owner of an approved bull supplementarily approve the bull for extended use without condition or subject to one or both of the following conditions—

(a) that semen from the bull shall be supplied for use in the artificial insemination only of cows comprised in such herd or herds as may be specified;

(b) that the total amount of semen which may be supplied for use in the artificial insemination of cows comprised in a herd or herds, other than a specified herd or herds, shall not exceed a specified amount,

and such other specified condition or conditions as he considers appropriate and where a bull is supplementarily approved subject to one or more conditions, that condition or those conditions (as read, where appropriate, pursuant to the provisions of paragraph 8 below) shall be binding on the owner for the time being of the bull. For the purposes of this paragraph "specified" means specified in writing by the Secretary of State.

(2) The Secretary of State may require an applicant for the supplementary approval of a bull—

(a) to furnish him with such information as the Secretary of State may deem necessary for the proper consideration of the application, and

(b) to permit the bull or its progeny to be subjected to such inspections as the Secretary of State may deem necessary.

(3) In considering whether or not to give supplementary approval to a bull the Secretary of State may take into account the genetic qualities and physical characteristics of the bull.

(4) The Secretary of State shall, for the purposes of regulations 5 and 6 place a supplementarily approved bull of a dairy breed into any one of the following supplementary approval categories, that is to say, "Progeny Testing", "Limited Proof", "Intermediate Proof" or "Widespread Proof" and in so doing shall take into account the weighting and spread of daughters in the Improved Contemporary Comparison and the pedigree of, or relating to, that bull or any other information he considers to be appropriate. The Secretary of State may at any time by notice to the owner of the bull and to such other persons as the Secretary of State shall consider appropriate remove a bull from the supplementary approval category in which it is placed and replace it in another supplementary approval category.

(5) Where a bull is supplementarily approved subject to a condition under paragraph (1)*(b)* above or is supplementarily approved subject to a condition under regulation 4(1)*(b)* of the Artificial Insemination of Cattle (Livestock Quality) (England and Wales) Regulations 1985 or, in the case of imported

semen, the import licence issued under regulation 3(1) of the Importation of Bovine Semen Regulations 1984(a) is issued subject to a quantitative limit, the owner of the bull or, in the case of imported semen, the licensee, shall provide such certification of semen supplied in relation to the relevant condition or licence as may be required by the holder of a supply licence to meet the conditions of that supply licence.

(6) Where a bull is supplementarily approved subject to one or more conditions under paragraph (1) above, the owner of semen from that bull shall not knowingly supply that semen for use in such a way that there is a breach of any of those conditions.

(7) The Secretary of State may at any time by notice to the owner of the bull and to such other persons as the Secretary of State shall consider appropriate—

(a) modify, suspend or revoke any condition subject to which the bull was supplementarily approved or may subject the supplementary approval of the bull to any new condition or conditions as the Secretary of State may consider appropriate;

(b) suspend or revoke the supplementary approval of the bull.

(8) Where the Secretary of State has suspended or revoked the supplementary approval of a bull, no person who has been notified of the suspension or revocation by the Secretary of State under paragraph (7) above shall, without the consent in writing of the Secretary of State, supply for such use in artificial insemination (as would qualify as extended use were the supplementary approval not to have been suspended or revoked) any semen collected from that bull before or after the supplementary approval of that bull was suspended or revoked.

PART III

ADVERTISEMENT AND DISTRIBUTION OF SEMEN

Advertisement of semen from a supplementarily approved bull of a dairy breed

5.—(1) No person shall cause an advertisement relating to any semen from a supplementarily approved bull of a dairy breed to be issued unless that advertisement includes a statement of the breed, name, current supplementary approval category of the bull from which that semen was taken and the herd book number.

(2)*(a)* No person shall cause an advertisement relating to any semen from a supplementarily approved bull of a dairy breed not being a Progeny Testing bull to be issued unless that advertisement includes all the latest information available relating to the matters specified in paragraph 1 of the Schedule or to any other matter or matters as the Secretary of State may from time to time require.

(b) No person shall cause an advertisement relating to any semen from a supplementarily approved bull of a dairy breed being a Progeny Testing bull to be issued unless that advertisement includes all the latest information available relating to the matters specified in

(a) S.I. 1984/1325.

paragraphs 1 and 2 of the Schedule or to any other matter or matters as the Secretary of State may from time to time require.

(c) No person shall cause an advertisement to be issued relating to any semen taken from an imported bull of a dairy breed unless—

(i) Where the semen is from a bull not being a Progeny Testing bull, the advertisement includes all the latest information available relating to the matters specified in paragraph 1 of the Schedule and where such information is not obtainable in Great Britain expressed in terms, so far as is practicable, comparable to the Imported Contemporary Comparison and conformation assessments of mature bulls bred in Great Britain, or information relating to any other matter or matters as the Secretary of State may from time to time require;

(ii) Where the semen is from a bull being a Progeny Testing bull, the advertisement includes all the latest information available relating to the matters specified in paragraphs 1 and 2 of the Schedule and where such information is not obtainable in Great Britain expressed in terms, so far as is practicable, comparable to the Improved Contemporary Comparison and conformation assessments of bulls being progeny tested in Great Britain or information relating to any other matter or matters as the Secretary of State may from time to time require.

(3) Where in relation to any semen any of the information required under paragraphs (1) and (2) above cannot be obtained after reasonable enquiry, a statement to that effect, specifying the information which cannot be so obtained, shall be made in the advertisement, except that where the bull is a Progeny Testing bull and the information which cannot be obtained relates to the matters specified in paragraph 1 of the Schedule no such statement shall be required.

Distribution of semen from a supplementarily approved bull of a dairy breed

6.—(1) No person shall distribute semen from a supplementarily approved bull of a dairy breed unless he provides the recipient either before or at the time of distribution with a statement of the breed, name, current supplementary approval category of the bull from which the semen was taken and the herd book number.

(2) No person shall distribute semen from a supplementarily approved bull of a dairy breed not being a Progeny Testing bull unless he provides the recipient either before or at the time of distribution with all the latest information available relating to the matters specified in paragraph 1 of the Schedule or to any other matter or matters as the Secretary of State may from time to time require.

(3) No person shall distribute semen from a supplementarily approved bull of a dairy breed being a Progeny Testing bull unless he provides the recipient either before or at the time of distribution with all the latest information available relating to the matters specified in paragraphs 1 and 2 of the Schedule or to any other matter or matters as the Secretary of State may from time to time require.

(4) No person shall distribute semen taken from an imported bull of a dairy breed unless—

(a) where the semen is from a bull not being a Progeny Testing bull, he complies with the requirements relating to the provision of information contained in paragraph (2) above and, where the information is not obtainable in Great Britain, it is expressed in terms, so far as is practicable, comparable to the Improved Contemporary Comparison and conformation assessments of mature bulls bred in Great Britain;

(b) where the semen is from a bull being a Progeny Testing bull, he complies with the requirements relating to the provision of information contained in paragraph (3) above and, where the information is not obtainable in Great Britain, it is expressed in terms, so far as is practicable, comparable to the Improved Contemporary Comparison and conformation assessments of bulls being progeny tested in Great Britain.

(5) Where any information to be provided under any of the foregoing paragraphs of this regulation cannot be obtained after reasonable enquiry, a statement in writing to that effect specifying the information which cannot be so obtained shall be supplied to the recipient before or at the time of distribution, except that where the bull is a Progeny Testing bull and the information which cannot be obtained relates to the matters specified in paragraph 1 of the Schedule no such statement shall be required.

(6) Nothing contained in the foregoing paragraphs of this regulation shall apply to a person who distributes semen in respect of which he is not the owner and the distribution is under the authority of, and in accordance with the conditions of, a supply licence.

Advertisement and distribution of semen from a bull of a dairy breed standing overseas

7. For the purposes of this part of these regulations a bull of a dairy breed standing overseas at the time of semen collection may, notwithstanding that it is not a supplementarily approved bull, be attributed by the Secretary of State, and in each case at his discretion, to one of the four supplementary approval categories described in regulation 4(4), pursuant to which any person—

(a) causing an advertisement to be issued relating to any semen taken from any such bull shall do so only in accordance with the provisions of regulation 5(1), (2)*(c)* and (3), or

(b) distributing semen from any such bull shall do so only in accordance with the provisions of regulation 6(1), (4) and (5),

in like manner as if such bull were an imported bull.

Form of statements, etc.

8. Any statement or information to be provided under regulations 5, 6 or 7 shall be printed in a clear and legible manner and that which is unfavourable shall be given equal prominance to that which is favourable.

PART IV

GENERAL

Applications, etc. to be in writing

9. Any application, authorisation, certificate, consent, direction, licence, notice or requirement made, given, granted or issued for the purposes of these regulations shall be in writing.

Offences

10. No person shall—

(a) make any statement or furnish any information for the purpose of obtaining a supplementary approval under these regulations,

(b) give any certificate provided under regulation 4(5),

(c) furnish any information under regulation 5, 6 or 7,

which he knows to be false or does not believe to be true.

Transitional provisions

11.—(1) A bull deemed to be approved under the provisions of regulation 28(1) and, so as to permit the continued use of semen specified therein, a bull deemed to be approved under the provisions of regulation 28(2) of the Artificial Insemination of Cattle (Scotland) Regulations 1980(**a**) shall be deemed to be supplementarily approved under these regulations provided that any such bull shall, if the Secretary of State by notice so directs, cease to be so deemed.

(2) Where the bull is deemed to be a supplementarily approved bull by virtue of paragraph (1) above, and the licence issued in respect of it imposed a limit on the amount of semen which could be distributed then the amount of semen which may be supplied for use in the artificial insemination of cows comprised in a herd, other than a herd in the same ownership as the bull, shall not exceed that limit, reduced by the amount of its semen which was distributed under the licence before the coming into operation of these regulations.

(3) Where a bull is deemed to be a supplementarily approved bull by virtue of paragraph (1) above, and the licence issued in respect of it provided that its semen could be distributed for use only in a specified herd or specified herds, then the semen of that bull shall be supplied only for use in the artificial insemination of cows comprised in the herd or herds so specified.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
29th November 1985.

(**a**) S.I. 1980/453.

Regulations 5, 6 and 7 SCHEDULE

Advertisement and distribution of semen

1.—*(a)* The date of publication of, and the following details from, the latest Improved Contemporary Comparison relating to the bull from which the semen was taken, with the appropriate weighting for each Improved Contemporary Comparison, placing the symbol "−" or the words "minus" immediately before negative figures:—

(i) number of daughter records in the milk yield Improved Contemporary Comparison,

(ii) number of herds in which the daughters to which those records relate were milked,

(iii) percentage of those daughters in the herd with the largest number of those daughters,

(iv) where the percentage of daughters in the herd with the second largest number of those daughters was more than 10%, that percentage,

(v) kilograms of milk,

(vi) kilograms of butter-fat and butter-fat percentage,

(vii) kilograms of protein and protein percentage;

(b) the number of daughters of the bull from which the semen was taken which have been classified by a breed society or licensed artificial insemination organisation or centre, the associated weighting, classification summary of the ratings of the daughters in respect of the legs, feet and the components of the mammary system, the date on which these summary ratings were last determined and the name of the breed society or licensed artificial insemination organisation or centre from which this information was obtained.

2.—*(a)* The name of the sire of the bull from which the semen was taken and the details of the latest Improved Contemporary Comparison relating to that sire as set out in paragraph 1*(a)* of this Schedule, together with their date of publication;

(b) the number of daughters of the sire of the bull from which the semen was taken which have been classified by a breed society or licensed artificial insemination organisation or centre, classification summary of the ratings of the daughters in respect of the legs, feet and the components of the mammary system, the date on which these summary ratings were last determined and the name of the breed society or licensed artificial insemination organisation or centre from which this information was obtained;

(c) the name of the dam of the bull from which the semen was taken, her breed society type classification, including the source of such classification, and details of the first four authenticated 305 day lactations, including calving dates, and either the current breeding index or the production indices, stating the herd base to which the cow has been compared.

3. In paragraphs 1*(b)* and *2(b)* above the expression "licensed artificial insemination organisation or centre" means an organisation or centre authorised for the time being to process, store or supply semen by virtue of a licence issued under the Artificial Insemination of Cattle (Animal Health) (Scotland) Regulations 1985 or under the Artificial Insemination of Cattle (Animal Health) (England and Wales) Regulations 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations which, together with the Artificial Insemination of Cattle (Animal Health) (Scotland) Regulations 1985 ("the Animal Health regulations"), supersede the Artificial Insemination of Cattle (Scotland) Regulations 1980, continue, with certain changes, the system for the control of the practice of artificial insemination in Scotland.

The principal changes are—

(1) Only bulls that are first approved under the Animal Health regulations may be supplementarily approved under these regulations (regulation 4(1)).

(2) Supplementarily approved bulls of a dairy breed are placed into one of four categories: Progeny Testing, Limited Proof, Intermediate Proof and Widespread Proof (regulation 4(4)).

(3) Certain information is required to be given when advertising or distributing semen from a supplementarily approved bull of a dairy breed (regulations 5 and 6, and the Schedule). For the purposes of advertising or distribution only, dairy bulls standing overseas may be deemed placed in one of the categories mentioned at (2) above and dealt with in all relevant respects as if they were bulls that had been imported into this country (regulation 7).

The regulations do not apply to the use of raw semen in cows belonging to the owner of the bull from which the semen came or on an embryo transfer unit in respect of which the Secretary of State has granted an exemption; nor do they apply to the use of any semen on a research or experimental establishment similarly exempted (regulation 3).

The regulations are concerned with the livestock quality aspects of artificial insemination and provide for the issuing of supplementary approvals by the Secretary of State for bulls for extended use in artificial insemination, that is, use that is not restricted to the herd or herds of the owner or co-owners of the bull. Supplementary approvals may be unconditional or subject to one or more conditions, those most commonly applied being mentioned in the regulations. Supplementary approvals and the conditions subject to which they may be issued, may be modified, suspended or revoked (regulation 4).

Transitional provisions are included providing for bulls, the use of whose semen was authorised under regulation 28(1) of the Artificial Insemination of Cattle (Scotland) Regulations 1980, to be regarded as supplementarily approved bulls, and for any semen, the use of which was permitted under regulation 28(2) of the 1980 Regulations to continue to be so used, the bulls from which such semen was taken being deemed to be supplementarily approved bulls for that purpose only (regulation 11).

Failure to comply with the regulations is an offence under section 10(6) of the Animal Health and Welfare Act 1984 punishable on summary conviction by imprisonment for a term not exceeding three months or by a fine not exceeding level 3 on the standard scale (currently £400), or both.

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