EXPLANATORY MEMORANDUM TO

THE VETERINARY MEDICINES (AMENDMENT) REGULATIONS 2011

2011 No. 1116

1. This explanatory memorandum has been prepared by the Department of Environment Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Regulations amend Paragraph 4(2) of Schedule 3 of the Veterinary Medicines Regulations 2009 (VMR) to permit the administration of veterinary medicinal products classified as Prescription Only Medicine–Veterinary surgeon (POM-V) to wild animals, by those, and in situations, authorised by the Secretary of State.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The VMR provide a single comprehensive set of controls on all aspects of veterinary medicines, other than residues and controlled drugs.

4.2 The tabled amendment to the VMR removes the requirement for a veterinary surgeon who prescribes a veterinary medicinal product classified as POM-V to first carry out a clinical assessment of the animal and for the animal to be under that veterinary surgeon's care when this relates to the administration of such a product to a wild animal, and where the administration is authorised by the Secretary of State.

4.3 The Regulations implement Directive 2001/82/EC of the European Parliament and of the Council on the Community Code relating to veterinary medicinal products (OJ No. L311, 28.11.2001, p.1), as amended by Directive 2004/28/EC (OJ No. L136, 30.4. 2004, p.58).

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The RSPCA have stopped euthanasing injured wildlife with pentobarbitone, a controlled drug, because they were acting illegally under the VMR and the MDR. This explains the urgency of the amendment, and the reason why a full consultation was not carried out. The proposed amendment will allow the Home Office to issue an authority under the MDR for this animal welfare service to continue.

7.2 The amendment is considered urgent because most wildlife accidents occur in the Spring.

- Consolidation

7.3 The Veterinary Medicines Regulations 2009 will be revoked and re-made by October 2012.

8. Consultation outcome

8.1 No formal consultation of this change has been possible because of the urgent requirement to enable the RSPCA to carry out this work this Spring. However, we consulted with the Home Office, RSPCA and the Royal College of Veterinary Surgeons.

9. Guidance

9.1 None

10. Impact

10.1 No significant impact on business, charities or voluntary bodies is anticipated.

10.2 No significant impact on the public sector is anticipated.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 None.

13. Contact

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