2002 No. 2584

VETERINARY SURGEONS

The Veterinary Surgery (Rectal Ultrasound Scanning of Bovines) Order 2002

Made - - - - -	*11th October 2002*
Laid before Parliament	*15th October 2002*
Coming into force - -	*5th November 2002*

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

Title and commencement

1. This Order may be cited as the Veterinary Surgery (Rectal Ultrasound Scanning of Bovines) Order 2002 and shall come into force on 5th November 2002.

Interpretation

2. In this Order —

"the Act" means the Veterinary Surgeons Act 1966;

"approved course" means a course, relating to the use of rectal ultrasound scanners for the purpose of detecting whether or not a bovine is pregnant, approved for the time being by the Secretary of State after consultation with the Royal College of Veterinary Surgeons;

"doppler rectal transponder" is a rectal ultrasound scanner consisting of an ultrasonic transmitter and receiver, which detects pregnancy by converting a narrow ultrasound beam into distinctive sounds heard through a headset;

"rectal ultrasound scanner" means any equipment (including a doppler rectal transponder) intended to be inserted in the rectum of a bovine to detect whether or not it is pregnant;

"the Secretary of State" means the Secretary of State for Environment, Food and Rural Affairs;

"student scanner operator" means a person undergoing an approved course;

(**a**) 1966 c.36; "the Ministers" referred to in section 19(4)(e) are defined in section 27(1) as amended by paragraph 1 of Schedule 5 to S.I. 1978/272. The functions of the Minister of Agriculture, Fisheries and Food under the Act were transferred to the Secretary of State for Environment, Food and Rural Affairs by virtue of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002, S.I. 2002/794.

(**b**) In the case of the Department of Agriculture for Northern Ireland, by virtue of section 40 of, and paragraph 7(1) of Schedule 5 to, the Northern Ireland Constitution Act 1973 (c.36), and section 1(3) of, and paragraph 2(1)(b) of Schedule 1 to, the Northern Ireland Act 1974 (c.28).

"trainee scanner operator" means a person undergoing training in the use of a rectal ultrasound scanner for the purpose of detecting whether or not bovine animals are pregnant; and

"veterinary surgeon" means a person who is registered in the register of veterinary surgeons or the supplementary veterinary register.

Qualified rectal ultrasound scanner operators

3.—(1) On an application to the Secretary of State for the grant of a qualified scanner certificate the Secretary of State shall grant the applicant the certificate if—

(a) the applicant has—

(i) completed and passed an approved course;

(ii) been given a certificate or other document issued by the provider of the approved course which shows that he has passed the course and, on the basis of his course work and the tests and examinations required to pass the course, he is a person who is competent to use rectal ultrasound scanners for the purpose of detecting whether or not bovines are pregnant; and

(iii) supplied to the Secretary of State a copy of the certificate or other document referred to in paragraph (ii) above and a description of any other experience or qualifications he has which is relevant to the use of a rectal ultrasound scanner for the purpose of detecting whether or not bovines are pregnant; and

(b) the Secretary of State is satisfied that he has sufficient experience in the use of a rectal ultrasound scanner for the purpose of detecting whether or not bovines are pregnant.

(2) A qualified scanner certificate shall include a statement of the number of scans the person granted the certificate must carry out in the period of two years following the grant of the certificate and in each subsequent period of two years.

(3) Where a person who has been granted a qualified scanner certificate—

(a) fails to carry out the number of scans stated in the certificate that he must carry out—

(i) in the period of two years following the grant of the certificate; or

(ii) in any subsequent period of two years; or

(b) is convicted of any offence in relation to the welfare of animals, which is connected to his use of a rectal ultrasound scanner for the purpose of detecting whether or not a bovine is pregnant,

the Secretary of State shall suspend his qualified scanner certificate.

(4) Where the Secretary of State has suspended a person's qualified scanner certificate the Secretary of State shall not withdraw the suspension unless the person whose certificate is suspended has attended a further approved course and has given to the Secretary of State a certificate or other document issued by the provider of the approved course which shows that he has—

(a) passed the course; and

(b) been assessed, on the basis of his course work and the tests and examinations required to pass the course, as being a person who is competent to use rectal ultrasound scanners for the purpose of detecting whether or not bovines are pregnant.

Exemption from prohibition of practice of veterinary surgery

4.—(1) The use of a rectal ultrasound scanner, other than a doppler rectal transponder, when used for the purpose of detecting whether or not a bovine is pregnant by a person who—

(a) has been granted a qualified scanner certificate which is not suspended and who complies with the conditions set out in paragraphs (2), (3) and (5);

(b) is a trainee scanner operator and who complies with the conditions set out in paragraphs (2), (3), (4) and (6); or

(c) is a student scanner operator and who complies with the conditions set out in paragraphs (2), (3), (4) and (7),

is specified as a minor test for the purposes of section 19(4)(e) of the Act (which provides that the prohibition of the practice of veterinary surgery by unqualified persons contained in section 19(1) of the Act shall not apply to the carrying out or performance of any minor treatment, test or operation specified in an order made by the Secretary of State under the said section 19(4)(e) so long as any conditions so specified are complied with).

(2) A person using a rectal ultrasound scanner for the purpose of detecting whether or not a bovine is pregnant shall be not less than 18 years of age.

(3) A person who uses a rectal ultrasound scanner for the purpose of detecting whether or not a bovine is pregnant shall record the following information immediately on completion of the scan—

(a) the date on which he used the scanner;

(b) the address of the premises on which the scanner was used;

(c) the eartag or electronic identification number of the bovine on which he used the scanner; and

(d) in the case of a student or trainee scanner operator, the name and address of the veterinary surgeon or qualified scanner operator, as the case may be, who supervised the scan.

(4) A student or trainee scanner operator who has made a record pursuant to paragraph (3) shall—

(a) arrange for the veterinary surgeon or qualified scanner operator, as the case may be, who supervised the use of the rectal ultrasound scanner to sign the record and state whether he considers the scan has been satisfactorily performed; and

(b) supply a copy of that signed record to the owner, or person in charge of, the bovine to which the record relates.

(5) A qualified scanner operator who has made a record pursuant to paragraph (3) shall—

(a) unless he owns or is the person in charge of the bovine, supply a copy of that record to the owner or person in charge of the bovine to which the record relates, and

(b) keep the record for a period of three years beginning with the day after the day on which he used the scanner and during that period make it available for inspection on request by an official authorised by the Secretary of State at the operator's place of business or at such reasonable place as may be agreed.

(6) Any trainee scanner operator using a rectal ultrasound scanner for the purpose of detecting whether of not a bovine is pregnant shall only use the scanner for this purpose while he is acting under the direct and continuous personal supervision of—

(a) a veterinary surgeon, or

(b) a person who has been granted a qualified scanner certificate which is not suspended.

(7) Any student scanner operator using a rectal ultrasound scanner for the purpose of detecting whether or not a bovine is pregnant shall only use the scanner for this purpose while he is acting under the direct and continuous personal supervision of a veterinary surgeon.

Exemption from prohibition of the practice of veterinary surgery for doppler rectal transponders

5. The use of a doppler rectal transponder for the purpose of detecting whether or not a bovine is pregnant is specified as a minor test for the purposes of section 19(4)(e) of the Act provided that the person using the doppler rectal transponder is—

(a) the owner of the bovine on which he is using the doppler rectal transponder or a person in the employment of the owner;

(b) not less than eighteen years of age; and

(c) in possession of a letter, signed by a veterinary surgeon, stating that he is competent to use a doppler rectal transponder without injury to bovines.

Applications for certificates

6.—(1) An application for a certificate under article 3 shall be made in writing to the Secretary of State by or on behalf of the person to which the application relates.

(2) The Secretary of State shall notify the applicant in writing of her decision on an application made to her in accordance with this article; and, if she refuses to grant the certificate, she shall notify the applicant in writing of her reasons for the refusal.

(3) A grant of a certificate under article 3 shall specify the name and address of the person to whom the certificate is granted.

(4) If the Secretary of State refuses to approve the grant of a certificate she shall give to the applicant a statement of the reasons for the refusal.

Elliot Morley
Parliamentary Under-Secretary of State,
5th October Department for Environment, Food and Rural Affairs

Anne McGuire
Parliamentary Under-Secretary of State,
11th October 2002 Scotland Office

Signed by authority of the Secretary of State for Wales

Don Touhig
Parliamentary Under-Secretary of State,
11th October 2002 Wales Office

Brid Rogers
Minister of Agriculture and Rural Development,
11th October 2002 Northern Ireland

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 19(4)(e) of the Veterinary Surgeons Act 1966 for the purpose of specifying further descriptions of minor tests to which the prohibition of the practice of veterinary surgery by unqualified persons contained in section 19(1) of the Act does not apply. The categories of person who may carry out these specified minor tests are trainee scanners and student scanners, defined in article 2 of the Order, and persons who have been granted qualified scanner certificates in accordance with article 3 of the Order.

Article 2 of the Order defines rectal ultrasound scanner. This includes a doppler rectal transponder. Article 4 of this Order provides that the use of a rectal ultrasound scanner, other than a doppler rectal transponder, by trainee scanners, student scanners and persons who have a qualified scanner certificate, for the purpose of detecting whether or not a bovine is pregnant, is specified as a minor test. Article 5 of this Order provides that the use of a doppler rectal transponder by these categories of person for the purpose of detecting whether or not a bovine is pregnant is also specified as a minor test. Article 6 of the Order provides for applications for qualified scanner certificates.

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