EXPLANATORY MEMORANDUM TO

THE VETERINARY SURGERY (WING AND WEB TAGGING) ORDER 2009

2009 No. 1217

1. This explanatory memorandum has been prepared by Defra and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The Order permits non-veterinarians to wing and web tag non-farmed birds for the purpose of conservation or research.

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

3.1 None

4. Legislative Context

4.1 The Order is an Exemption Order made under the Veterinary Surgeons Act 1966. Under the 1966 Act, only veterinary surgeons are permitted to practise veterinary surgery. As our Departmental veterinary advice is that wing and web tagging of birds are acts of veterinary surgery, we need to make this Exemption Order to implement a Ministerial agreement that non-veterinarians should be allowed to wing and web tag non-farmed birds for conservation and research purposes.

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 Wing and web tagging of non-farmed birds for conservation and research were permitted by the Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2008. This 2009 Order permits non-veterinarians to carry out these procedures on these birds for these purposes.

- ***Consolidation***

7.2 Not applicable.

8. Consultation outcome

8.1 Ministers had previously agreed that non-veterinarians should be allowed to wing and web tag non-farmed birds for conservation and research purposes. As there had recently been a public consultation exercise on the issue in the 2008 Regulations referred to above, we only consulted the Royal College of Veterinary Surgeons and the devolved administrations. They all agreed to the wording of the Order.

9. Guidance

9.1 No specific guidance is being produced. Guidance on the legal status of wing and web tagging has already been issued on the Defra website in the light of the 2008 Regulations referred to above. Organisations involved with conservation and research projects involving non-farmed birds are aware of the current position.

10. Impact

10.1 The impact on business, charities or voluntary bodies is of no significance.

10.2 The impact on the public sector is of no significance.

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 The Order will make it easier for conservation and research projects to wing and web tag non-farmed birds, as they will no longer need to get a veterinary surgeon to carry out the procedures.

13. Contact

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