

## Reprint

as at 6 November 2008

# Animal Remedies (Develvetting) Regulations 1994

(SR 1994/161)

Animal Remedies (Develvetting) Regulations 1994: revoked, on 6 November 2008, by clause 3 of the Regulations Revocation Order 2008 (SR 2008/367).

PURSUANT to sections 22A and 65 of the Animal Remedies Act 1967, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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#### Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**These regulations are administered in the Ministry of Agriculture and Fisheries.**

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## **1 Title and commencement**

- (1) These regulations may be cited as the Animal Remedies (Develvetting) Regulations 1994.
- (2) These regulations shall come into force on the 9th day of September 1994.

## **2 Interpretation**

In these regulations, unless the context otherwise requires,—

**The Act** means the Animal Remedies Act 1967

**Approved training programme** means a programme for training persons to administer develvetting animal remedies that is currently approved by the Director-General under these regulations

Approved training programme: the words “Director-General” were substituted for the word “Board”, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87). *See* Part 8 (comprising sections 87 to 122) of that Act as to the transitional provisions. *See* clause 2 Agricultural Compounds and Veterinary Medicines Act Commencement Order 2001 (SR 2001/100).

**Approved person** means a person who holds a certificate of approval

**Board***[Revoked]*

Board: this definition was replaced by the definition of the term Director-General, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87). *See* Part 8 (comprising sections 87 to 122) of that Act as to the transitional provisions. *See* clause 2 Agricultural Compounds and Veterinary Medicines Act Commencement Order 2001 (SR 2001/100).

*[Revoked]*

**Certificate of approval** means a certificate of approval issued by the Director-General under these regulations

Certificate of approval: the words “Director-General” were substituted for the word “Board”, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87). *See* Part 8 (comprising sections 87 to 122) of that Act as to the transitional provisions. *See* clause 2 Agricultural Compounds and Veterinary Medicines Act Commencement Order 2001 (SR 2001/100).

**Develvetting animal remedy** means a prescription animal remedy listed in the Schedule to these regulations

**Develvetting season** means the period commencing on the 1st day of August in one year and ending on the 15th day of March in the next year

**Director-General** means the **Director-General** as defined in section 2 of the Agricultural Compounds and Veterinary Medicines Act 1997

Director-General: this definition replaced the definition of the term Board, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87). *See* Part 8 (comprising sections 87 to 122) of that Act as to the transitional provisions. *See* clause 2 Agricultural Compounds and Veterinary Medicines Act Commencement Order 2001 (SR 2001/100).

**Inspector** has the meaning given to it by section 2 of the Act; and includes a temporary inspector appointed under section 16 of the Act

**Organisation** includes any person or body corporate

**Veterinarian** has the meaning given to it by section 2 of the Act.

Veterinarian: the word “veterinarian” was substituted for the words “veterinary surgeon”, as from 2 July 2001, pursuant to section 110(2)(c) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87). *See* Part 8 (comprising sections 87 to 122) of that Act as to the transitional provisions. *See* clause 2 Agricultural Compounds and Veterinary Medicines Act Commencement Order 2001 (SR 2001/100).

### **3 Administration of develvetting animal remedies by approved persons**

- (1) Any approved person who is a party to a contract with a veterinarian (which contract shall be in a form approved from time to time by the Director-General) under which the veterinarian is bound to provide general supervision of the administration of develvetting animal remedies by that approved person may

administer any develvetting animal remedy to any deer that is owned by that approved person or that is under his or her direct husbandry.

- (2) The administration of any develvetting animal remedy by an approved person shall be in accordance with—
- (a) The instructions given by the veterinarian with whom the approved person has a contract for supervision; and
  - (b) The certificate of approval held by the approved person.

The words “Director-General” in subclause (1) were substituted for the word “Board”, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87).

The word “veterinarian” was substituted for the words “veterinary surgeon”, as from 2 July 2001, pursuant to section 110(2)(c) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87).

#### **4 Approved training programmes**

- (1) The Director-General, on the application of any organisation, may approve a training programme provided by that organisation if the Director-General is satisfied that a person successfully completing that training programme would be competent to—
- (a) Administer any develvetting animal remedy; and
  - (b) Ensure that the welfare of any deer is not adversely affected by the administration of any develvetting animal remedy to that deer by that person.

- (2) An approved training programme shall be provided and operated only by the organisation that sought the approval.

The words “Director-General” in subclause (1) were substituted for the word “Board”, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87).

#### **5 Revocation of approval of training programmes**

- (1) Where the Director-General is satisfied that an approved training programme no longer qualifies for approval under regulation 4(1) of these regulations or is not being provided and operated in accordance with regulation 4(2) of these regulations, the Director-General may revoke its approval of that training programme.
- (2) The Director-General may make such inquiries as it thinks fit in order to determine whether or not an approved training pro-

gramme still qualifies for approval under regulation 4(1) of these regulations or is being provided and operated in accordance with regulation 4(2) of these regulations.

The words “Director-General” were substituted for the word “Board”, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87).

## **6 Certificate of approval**

- (1) Any person who has successfully completed an approved training programme may apply to the Director-General for a certificate of approval.
- (2) If the applicant has held a certificate of approval within the period of 5 years immediately preceding the date of application, the application to the Director-General for a certificate of approval must be accompanied by—
  - (a) Written evidence to the Director-General from a veterinarian that the applicant—
    - (i) Has been assessed, at the commencement of the current develvetting season or as soon as practicable after the commencement of that season, for theoretical and practical competence in the administration of develvetting animal remedies; and
    - (ii) Has successfully demonstrated such competence; and
  - (b) The fee prescribed by regulation 14(2).
- (3) If the applicant has not held a certificate of approval within the period of 5 years immediately preceding the date of application, the application to the Director-General for a certificate of approval must be accompanied by—
  - (a) Written evidence to the Director-General from the organisation operating the approved training programme that the applicant has successfully completed that approved training programme; and
  - (b) The fee prescribed by regulation 14(1).
- (4) Subject to regulations 8 and 9, on receipt of an application in accordance with subclause (2) or subclause (3), the Director-General must issue a certificate of approval to the applicant.

- (5) Every certificate of approval must be in a form approved by the Director-General for that purpose.
- (6) A certificate of approval is not transferable.

Regulation 6 was substituted, as from 7 May 1998, by regulation 2 Animal Remedies (Develvetting) Amendment Regulations 1998 (SR 1998/67).

The words “Director-General” were substituted for the word “Board”, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87). *See* Part 8 (comprising sections 87 to 122) of that Act as to the transitional provisions. *See* clause 2 Agricultural Compounds and Veterinary Medicines Act Commencement Order 2001 (SR 2001/100).

The word “veterinarian” in subsection (2)(a) was substituted for the words “veterinary surgeon”, as from 2 July 2001, pursuant to section 110(2)(c) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87). *See* Part 8 (comprising sections 87 to 122) of that Act as to the transitional provisions. *See* clause 2 Agricultural Compounds and Veterinary Medicines Act Commencement Order 2001 (SR 2001/100).

## **7 Expiration of certificate of approval**

Every certificate of approval, unless sooner revoked in accordance with these regulations, shall expire either—

- (a) On the last day of the develvetting season in which it was issued; or
- (b) If it was not issued during a develvetting season, on the last day of the develvetting season immediately following the date of issue of the certificate.

## **8 Refusal of certificate of approval**

- (1) Notwithstanding regulation 6(4) of these regulations, no certificate of approval shall be issued to any person unless that person satisfies the Director-General that he or she has a contract with a veterinarian for the general supervision by the veterinarian of the administration of develvetting animal remedies by that person.
- (2) Notwithstanding regulation 6(4) of these regulations, where the applicant has previously held a certificate of approval, the Director-General may refuse to issue a certificate of approval if—
  - (a) The Director-General could have revoked a certificate of approval previously held by the applicant under regulation 10(1) of these regulations if the certificate of ap-

- approval had been in force at the time that the occurrence giving rise to the ability to revoke occurred; or
- (b) The Director-General has revoked a certificate of approval previously held by the applicant under regulation 10(1) of these regulations.
- (3) Notwithstanding regulation 6(4) of these regulations, where the applicant has previously held a certificate of approval, the Director-General shall refuse to issue a certificate of approval where—
- (a) The applicant has twice had a certificate of approval revoked under regulation 10(1) of these regulations; or
  - (b) A certificate of approval previously held by the applicant would have been deemed to have been revoked under regulation 10(2) of these regulations if the certificate of approval had been in force when the conviction was entered; or
  - (c) A certificate of approval previously held by the applicant has been deemed to have been revoked under regulation 10(2) of these regulations.

The words “Director-General” were substituted for the word “Board”, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87). *See* Part 8 (comprising sections 87 to 122) of that Act as to the transitional provisions. *See* clause 2 Agricultural Compounds and Veterinary Medicines Act Commencement Order 2001 (SR 2001/100).

The word “veterinarian” in subclause (1) was substituted for the words “veterinary surgeon”, as from 2 July 2001, pursuant to section 110(2)(c) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87). *See* Part 8 (comprising sections 87 to 122) of that Act as to the transitional provisions. *See* clause 2 Agricultural Compounds and Veterinary Medicines Act Commencement Order 2001 (SR 2001/100).

## **9 Retraining**

- (1) Where a person who applies for a certificate of approval—
- (a) Has not successfully completed an approved training programme or held a certificate of approval within the period of 5 years immediately preceding the date of the application; or
  - (b) Has, since he or she last successfully completed an approved training programme, had his or her certificate of approval revoked under regulation 10(1) of these regulations,—

that person shall first successfully complete a further approved training programme before a further certificate of approval is issued to that person.

- (2) When a person to whom subclause (1) of this regulation applies has completed a further training programme in accordance with subclause (1) of this regulation, that person shall provide written evidence to the Director-General from the organisation operating the approved training programme that the person has successfully completed that programme.

Subclause (1)(a) was amended, as from 7 May 1998, by regulation 3 Animal Remedies (Develvetting) Amendment Regulations 1998 (SR 1998/67) by inserting the words “or held a certificate of approval”.

The words “Director-General” in subclause (2) were substituted for the word “Board”, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87).

## **10 Revocation of certificate of approval**

- (1) A certificate of approval may be revoked by the Director-General—
- (a) Where the approved person so requests; or
  - (b) If any develvetting animal remedy in the possession of the approved person,—
    - (i) Is found to have been obtained or administered otherwise than in accordance with the Act, these regulations, or the terms and conditions of the certificate of approval issued to the approved person; or
    - (ii) Is administered by any person not being an approved person or a veterinarian and otherwise than in accordance with its prescription animal remedy classification under the Act; or
    - (iii) Is administered in a manner that is not in accordance with the information contained on the label of the develvetting animal remedy; or
    - (iv) Is administered by the approved person while that person is in breach of any of the terms of a contract required to be entered into in accordance with regulation 8(1) of these regulations; or
  - (c) If the approved person becomes, in the opinion of the Director-General, incompetent in the performance of

the duties or operations authorised by the certificate of approval.

- (2) A certificate of approval shall be deemed to have been revoked immediately on the conviction of the approved person of any offence against the Animals Protection Act 1960.
- (3) Where a certificate of approval is revoked by the Director-General, the Director-General shall notify the holder of the certificate by sending written notice of the revocation by registered post to that person at his or her usual or last known residential address.

The words “Director-General” were substituted for the word “Board”, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87).

The word “veterinarian” in subsection (1)(b)(ii) was substituted for the words “veterinary surgeon”, as from 2 July 2001, pursuant to section 110(2)(c) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87).

## **11 Storage of develvetting animal remedies**

- (1) Every approved person shall have, on the premises on which that approved person carries out the develvetting of deer, a secure and lockable container that is specifically set aside for the storage of the develvetting animal remedies that are in the possession of the approved person.
- (2) Every approved person who has in his or her possession a develvetting animal remedy that is not in use shall keep that develvetting animal remedy locked in the container referred to in subclause (1) of this regulation.

## **12 Records**

Every approved person shall keep, on the premises on which he or she carries out the develvetting of deer, an accurate record of the following particulars in respect of each develvetting remedy that is in the possession of that person or is administered by that person:

- (a) The name and amount of each lot of the develvetting animal remedy obtained, and the date on which it was obtained; and
- (b) For each day on which deer are develvetted by the approved person,—

- (i) The number of deer develvetted on that day by that person:
- (ii) The date on which develvetting remedy was administered:
- (iii) The trade name of the develvetting remedy used on that day:
- (iv) The amount of the develvetting animal remedy administered on that day by that person:
- (v) The amount of any develvetting animal remedy remaining in the possession of that person at the end of that day.

**13 Audits**

- (1) An approved person shall permit any inspector at any reasonable time to enter onto the premises on which that approved person carries out the develvetting of deer for the purpose of inspecting any develvetting animal remedy on those premises.
- (2) An approved person shall, where requested by an inspector, allow the inspector to inspect and, if the inspector thinks necessary, to remove, any of the records required to be kept by regulation 12 of these regulations.
- (3) Any inspector who is exercising any power conferred on him or her under this regulation shall, on arrival at the premises, identify himself or herself to the approved person as an inspector.

**14 Fees**

- (1) The fee for an application for a certificate of approval under these regulations shall be \$61.88.
- (2) The fee for an application for a renewal of a certificate of approval shall be \$61.88.
- (3) The fees prescribed by this regulation are inclusive of goods and services tax payable under the Goods and Services Tax Act 1985.

**15 Offences**

Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who,—

- (a) Not being either—
  - (i) A veterinarian; or
  - (ii) An approved person who holds a certificate of approval under these regulations,—  
administers any develvetting animal remedy otherwise than in accordance with its prescription animal remedy classification under the Act:
- (b) Being an approved person, administers any develvetting animal remedy in a manner contrary to regulation 3(2) of these regulations:
- (c) Being an approved person, fails to comply with the requirements of regulation 11 or regulation 12 of these regulations:
- (d) Being an approved person,—
  - (i) Fails to allow an inspector to inspect any develvetting remedy on his or her premises; or
  - (ii) Fails to comply with any request made under regulation 13(2) of these regulations by an inspector.

The word “veterinarian” in paragraph (a)(i) was substituted for the words “veterinary surgeon”, as from 2 July 2001, pursuant to section 110(2)(c) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87).

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**Schedule**  
**Develvetting animal remedies**

Reg 2

Trade Name of Prescription Animal Remedy	Licence
Rompun 2% Solution .....	AO 1666
Rompun Solution 10% .....	AO 4791
Thiazine 50 .....	AO 5300
Phoenix Xylazine 2% Injection .....	AO 5541
Romazine 2% .....	AO 5565
Thiazine 20 .....	AO 5653

Trade Name of Prescription Animal Remedy	Licence
Parnell Xylaze Injection.....	AO 5926
Parnell Xylaze 100 Injection.....	AO 6200
Parnell Xylaze Forte Injection .....	AO 6220
Reazine 2%.....	AO 6258
Reazine 10%.....	AO 6259
Xylazine 100 mg/ml.....	AO 6301
Xylazine 20 mg/ml.....	AO 6300
Romazine 10% .....	AO 6531
Phoenix Xylazine 5% Injection.....	AO 6540
Phoenix Xylazine 10% Injection.....	AO 6583
Romazine 5% .....	AO 6618
South & Mid Canterbury Veterinary Services Ltd Xylaze injection.....	AO 6971
Recervyl .....	AO 4768
Reversal Injection.....	AO 5681
Parnell Reverzine Injection.....	AO 5931

MARIE SHROFF,  
Clerk of the Executive Council.

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### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 9 September 1994, provide for a system whereby certain persons who are not veterinarians

can be authorised to administer certain animal remedies used for the develvetting of deer.

From 1 August 1994 develvetting animal remedies were re-classified as class II prescription animal remedies under section 22A of the Animal Remedies Act 1967. This means that a develvetting animal remedy may be administered to an animal only—

- (a) By a veterinarian; or
- (b) In the presence and under the direct control of a veterinarian;  
or
- (c) By a person who is, or belongs to a class of person that is, specifically authorised by regulations to administer that develvetting animal remedy.

*Regulation 3* provides that any approved person who is a party to a contract with a veterinarian under which the veterinarian is bound to provide general supervision of the administration of develvetting animal remedies by that approved person may administer any develvetting animal remedy.

*Regulation 4* provides that the Director-General may approve training programmes to provide training in the administration of develvetting animal remedies.

*Regulation 5* provides for the revocation of approval of training programmes.

*Regulation 6* provides that any person who has successfully completed an approved training programme may apply for a certificate of approval. A certificate of approval will not be issued unless the applicant, in addition to completing the approved training programme, has a contract with a veterinarian for the general supervision by the veterinarian of the administration of develvetting animal remedies by the applicant.

*Regulation 7* provides for the expiration of certificates of approval.

*Regulation 8* sets out the circumstances in which an application for a certificate of approval may be refused.

*Regulation 9* sets out the circumstances in which an applicant who has completed an approved training programme may be required to undergo retraining.

*Regulation 10* sets out the grounds on which a certificate of approval may be revoked. The grounds include the administration of a develvetting animal remedy otherwise than in accordance with these

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regulations, incompetence by the approved person, or the conviction of the approved person of any offence against the Animals Protection Act 1960.

*Regulation 11* requires that develvetting animal remedies be kept locked away when not in use.

*Regulation 12* requires every approved person to keep records of the develvetting animal remedies obtained or administered by the approved person.

*Regulation 13* provides for the inspection, by inspectors under the Animal Remedies Act 1967, of develvetting animal remedies kept by approved persons and of records kept by approved persons in respect of develvetting remedies and their administration.

*Regulation 14* prescribes the fees to be paid for applications under the regulations.

The fees prescribed are inclusive of goods and services tax.

*Regulation 15* prescribes offences.

The Schedule to the regulations lists the develvetting animal remedies to which the regulations apply.

The words “veterinarians” and “veterinarian” were substituted for the words “veterinary surgeons” and “veterinary surgeon”, as from 2 July 2001, pursuant to section 110(2)(c) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87).

The words “Director-General” were substituted for the words “Animal Remedies Board”, as from 2 July 2001, pursuant to section 110(2)(a) Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87). *See* Part 8 (comprising sections 87 to 122) of that Act as to the transitional provisions. *See* clause 2 Agricultural Compounds and Veterinary Medicines Act Commencement Order 2001 (SR 2001/100).

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 11 August 1994.

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## **Notes**

### **1 *General***

This is an eprint of the Animal Remedies (Develvetting) Regulations 1994. It incorporates all the amendments to the regulations as at 6 November 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

### **2 *About this eprint***

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

### **3 *List of amendments incorporated in this eprint (most recent first)***

Regulations Revocation Order 2008 (SR 2008/367): clause 3

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