

Veterinary Surgeons Act 1966

1966 CHAPTER 36

An Act to make fresh provision for the management of the veterinary profession, for the registration of veterinary surgeons and veterinary practitioners, for regulating their professional education and professional conduct and for cancelling or suspending registration in cases of misconduct; and for connected purposes.

[17th November 1966]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

The Council

1 The Council of the Royal College of Veterinary Surgeons

(1) For the purpose of managing the affairs of the Royal College of Veterinary Surgeons there shall continue to be a Council of the College consisting (subject to any Order in Council under section 21 of this Act) of the following persons, that is to say—

- (a) twenty-four persons (hereafter in this Act referred to as “elected members of the Council”) elected from among themselves by members of the College . . . ;
- (b) four persons appointed by the Privy Council;
- (c) for each university in the United Kingdom for which a recognition order is in force, two persons appointed by that university of whom at least one shall be a member of the College.

[(1A) A member of the College who, by virtue of article 3(1) or 3(2) of the Agreement with respect to veterinary surgeons made between Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland and given effect to in the United Kingdom by the Veterinary Surgeons (Agreement with the Republic of Ireland) Order 1988, is not required to pay a fee in respect of his membership of the College, may not vote, propose any candidate or stand as a candidate in any election of members of the Council which takes place after 31st May 1988 unless he has paid, in respect of every membership year that has occurred between that date and the date of the election, the fee prescribed by regulation of the Council under section 11(1)(b) of this Act on or before 31st March in every such year; and in this sub-section “membership year” means the membership year of the College running from the 1st day of April to the 31st day of March.]

(2) There shall continue to be a President and two Vice-Presidents of the College elected from among themselves by members of the Council.

(3) Schedule 1 to this Act shall have effect with respect to the tenure of office, election and appointment of the President and Vice-Presidents of the College and of the other members of the Council and with respect to other matters relating to the Council.

(4) Where the Privy Council make an order under section 3 of this Act which will result in a change in the number of members appointed under subsection (1)(c) of this section, they may by order after consultation with the Council of the College—

- (a) make such alteration in the number of elected members of the Council of the College as appears to them expedient in view of the making of the order under the said section 3 for the purpose of securing that there is a majority of elected members over all other members of the Council of the College; and
- (b) make such consequential provision with respect to the term of office of the elected members (including provision modifying Schedule 1 to this Act) as appears to them necessary or expedient in consequence of the change in the total number of elected members.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (1): words omitted from para (a) repealed by SI 1988/784, art 4.

Sub-s (1A): inserted by SI 1988/784, art 4.

[The College's European Functions]

NOTES

Amendment

Inserted by SI 2008/1824, art 2, Schedule, para 1.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[1A Functions of the College as competent authority]

[(1) For the purposes of Directive 2005/36/EC the College is the competent authority in the United Kingdom as concerns veterinary surgeons.

(2) The designation of the College under subsection (1) does not extend to the awarding of veterinary degrees.

(3) In consequence of its designation under subsection (1), the College shall in the United Kingdom carry out (in particular) the mutual-recognition functions as concerns veterinary surgeons.

(4) The carrying-out of the following functions in the United Kingdom is not entrusted to the College by subsection (3)—

- (a) the function of awarding veterinary degrees;
- (b) any other mutual-recognition functions the carrying-out of which, as concerns veterinary surgeons, is entrusted to any person by or under any enactment other than this section.

(5) Each university in the United Kingdom for which a recognition order is in force is for the purposes of Directive 2005/36/EC a competent authority in the United Kingdom as concerns the awarding of veterinary degrees.

(6) The College, in its capacity as a competent authority, shall—

- (a) work in close collaboration with competent authorities of other relevant European

States;

- (b) provide assistance to competent authorities of other relevant European States in accordance with and in order to facilitate the application of Directive 2005/36/EC; and
- (c) ensure the confidentiality of the information which it sends to or receives from a competent authority in another relevant European State.

(7) The College shall exchange information with competent authorities of other relevant European States regarding—

- (a) disciplinary action taken;
- (b) criminal sanctions imposed; or
- (c) any other serious, specific circumstances,

where the action is, or the sanctions or circumstances are, likely to have consequences for the pursuit of activities under this Act or under Directive 2005/36/EC

(8) In exchanging information under subsection (7), the College shall respect personal data protection legislation in the United Kingdom that implements—

- (a) Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data; or
- (b) Directive 2002/58/EC of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the electronic communications sector.

(9) In this section “mutual-recognition functions” means the functions specified in Directive 2005/36/EC that a relevant European State, in giving effect to that Directive, must or may cause to become functions of any of the authorities and bodies designated in that State as competent authorities for the purposes of that Directive.]

NOTES

Amendment

Inserted by SI 2008/1824, art 2, Schedule, para 1.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

Registration and qualification for registration

2 Register of veterinary surgeons

(1) There shall continue to be a register known as the register of veterinary surgeons (hereafter in this Act referred to as “the register”) containing the names, addresses and qualifications of all persons who are entitled under the provisions of this Act to be registered therein.

(2) The register shall consist of [five] lists—

- [(a) one, to be called the general list, of persons entitled to be registered in the register under section 3, 4, 5A or 5B of this Act;]
- (b) one, to be called the Commonwealth list, of persons entitled to be so registered as holding some Commonwealth qualification;

- (c) one, to be called the foreign list, of persons so registered as holding some foreign qualification;
- (d) one, to be called the temporary list, of persons entitled to be so registered under section 7 of this Act[; and
- (e) one, to be called the visiting European list, of persons entitled to be so registered under Schedule 1B to this Act].

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (2): word “five” in square brackets substituted by SI 2008/1824, art 2, Schedule, para 2(a).

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

Sub-s (2): para (a) substituted by SI 2003/2919, art 12, Schedule, para 1.

Date in force: 17 December 2003: see SI 2003/2919, art 1.

Sub-s (2): para (e) inserted by SI 2008/1824, art 2, Schedule, para 2(b).

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

3 Right of holders of university degrees to be registered

- (1) Where—
 - (a) a university in the United Kingdom provides courses of study and examinations leading to a veterinary degree, and
 - (b) it appears to the Privy Council, after consultation with the Council of the College, that the courses of study and examinations are such as sufficiently to guarantee that holders of the [degree—
 - (i) will have acquired the knowledge and skill needed for the efficient practice of veterinary surgery; and
 - (ii) will have satisfied the requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of that Directive,]

the Privy Council may by order (in this Act referred to as “a recognition order”) direct that any person on whom during the continuance in force of the order, the degree is conferred after attending those courses at that university shall be entitled to be registered in the register and shall on being so registered become a member of the College.

(2) If, while a recognition order is in force, it appears to the Council that the courses of study and examinations leading to the degree to which the order relates are no longer such as to justify the continuance in force of the order, the Council may make representations to that effect to the Privy Council.

(3) Where any representations are made under the last foregoing subsection, the Privy Council shall give notice to the university in question that the representations have been made, together with such particulars thereof as may be requisite to enable the university to formulate their observations on or objections to the representations.

(4) The Privy Council shall consider any such representations and any such observations or objections made within such time not less than two months from the giving of the notice under the last foregoing subsection as the Privy Council may determine, and may if they think fit by order revoke or suspend the recognition order.

(5) An order under the last foregoing subsection suspending a recognition order may be revoked by a subsequent order of the Privy Council if it appears to them expedient in consequence of representations made by the Council of the College or by the university in question that the recognition order should be revived.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (1): in para (b) words from “degree—” to “of that directive,” in square brackets substituted by SI 2008/1824, art 2, Schedule, para 3.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

4 Examination by the College of students of certain universities

[(1) On the application of any university in the United Kingdom for which no recognition order is in force the Privy Council may—

- (a) after consultation with the Council of the College; and
- (b) if it is of the opinion that the training provided to students of veterinary surgery attending at that university satisfies the requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of that Directive,

direct the College to hold examinations in veterinary surgery for the students of veterinary surgery attending at that university; and any such student passing any such examination shall be entitled to be registered in the register and shall on being so registered become a member of the College.]

(2) A direction under the foregoing subsection with respect to any university shall cease to have effect on the coming into force or revival of a recognition order for that university or may be revoked by a subsequent direction of the Privy Council made after consultation with that university and with the Council of the College.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (1): substituted by SI 2008/1824, art 2, Schedule, para 4.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

5 Supervisory functions of the Council

(1) The following provisions of this section shall have effect for the purpose of securing that the courses of study to be followed by students training to be veterinary surgeons and the standard of proficiency required for registration in the register shall be such as sufficiently to guarantee that persons registered in the register will have acquired the knowledge and skill needed for the efficient practice of veterinary surgery [and will have satisfied the requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of that Directive]; and it shall be the duty of the Council to exercise the powers conferred on them by those provisions so far as necessary for that purpose.

(2) The Council may appoint persons to visit the universities for which recognition orders are in force or are proposed to be made, and any other universities which for the time being provide or propose to provide courses leading to examination by the College, and to report on the courses of study, staffing, accommodation and equipment available for training in veterinary surgery and the other arrangements and facilities for such training.

(3) The Council may appoint persons to attend at examinations in any aspect of veterinary surgery at universities for which recognition orders are in force or are proposed to be made and to report to the Council as to the sufficiency of the examinations and as to such other matters relating thereto as the Council may require.

Provided nothing in this subsection shall authorise a person appointed therein to interfere with the conduct of any examination.

(4) On the receipt of any report made under this section—

- (a) the Council shall send a copy of the report to the university concerned;
- (b) the university may within the period of two months from the receipt of the copy make observations on or objections to the report to the Council;
- (c) as soon as practicable after the expiration of that period the Council shall send the Privy Council a copy of the report and of any such observations or objections which are duly made, together with the comments of the former on the report and the observations or objections.

(5) A university for which a recognition order is in force shall, on being requested in writing so to do by the Council, furnish the Council with such information as may be specified in the request as to the courses of study and examinations leading to the degree to which the recognition order relates; and a university for whose students of veterinary surgery examinations are held under the last foregoing section shall, on being so requested, furnish the Council with such information as may be so specified as to the courses of study preparing students for those examinations.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (1): words “and will have” to “of that Directive” in square brackets inserted by SI 2008/1824, art 2, Schedule, para 5.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[5A Registration of Community rights entitled persons: European qualifications]

- [(1) A person who is a Community rights entitled person is entitled to be registered in the register if—
- (a) the person is an eligible European veterinary surgeon (see Schedule 1A);
 - (b) the person applies to be so registered by producing to the registrar the documentation specified in subsection (3); and
 - (c) the registrar, where the documentation produced under paragraph (b) shows that the person has been convicted of any criminal offence or offences (whether in the United Kingdom or elsewhere), is of the opinion that the person's having been convicted of the offence or offences does not render the person unfit to practise veterinary surgery.
- (2) A person shall become a member of the College on being registered under subsection (1).
- (3) The documentation referred to in subsection (1)(b) is—
- (a) evidence of the qualification by virtue of which the person is an eligible European veterinary surgeon and, if—
 - (i) that qualification is one listed in Table A of Schedule 1A; and
 - (ii) an accompanying certificate is specified in that Table for that qualification,that certificate;
 - (b) any additional documentation required pursuant to Schedule 1A;
 - (c) if the person is a national of a relevant European State other than the United Kingdom, proof of the person's nationality;
 - (d) if the person is not a national of a relevant European State other than the United Kingdom, proof that the person is a Community rights entitled person; and
 - (e) evidence of the person's character.
- (4) Subsection (5) applies where the registrar has a reasonable doubt as to the authenticity of documentation that—
- (a) is produced by a person under subsection (1)(b); and
 - (b) purports to be documentation specified in the person's case by subsection (3)(a) or (b).
- (5) Where this subsection applies, the registrar may, before deciding whether the person concerned is entitled under this section to be registered in the register, require from a competent authority of a relevant European State—
- (a) confirmation of the authenticity of the documentation; or
 - (b) confirmation that the person fulfils the minimum training conditions set out in Article 38 of Directive 2005/36/EC, as read with Article 22(a) of that Directive,
- for the purpose of resolving doubt.

- (6) Subsection (7) applies where—
- (a) the evidence of the qualification by virtue of which a person is an eligible European veterinary surgeon was issued after training that included training received in whole or part in an establishment legally established in a relevant European State (“the other training State”) that is not the relevant European State in which the evidence of qualification was issued (“the issuing State”); and
 - (b) the registrar has a reasonable doubt as to whether the person is entitled under this section to be registered in the register.
- (7) Where this subsection applies, the registrar before deciding whether the person concerned is entitled under this section to be registered in the register may, for the purpose of resolving doubt, require verification from a competent authority in the issuing State as to—
- (a) whether the training course at the establishment in the other training State has been formally certified by the educational establishment based in the issuing State;
 - (b) whether the evidence of qualification issued is the same as that which would have been issued if the course had been followed entirely in the issuing State; and
 - (c) whether the evidence of qualification confers the same professional rights in the territory of the issuing State as evidence of a qualification issued where the course had been followed entirely in the issuing State.
- (8) The registrar shall, within one month of receiving documentation from a person under subsection (1)(b)—
- (a) acknowledge receipt of the documentation; and
 - (b) inform the person of any missing documentation which is required to establish that the person is entitled under this section to be registered in the register.
- (9) Where the registrar has received documentation from a person under subsection (1)(b), the registrar shall, within three months of receiving all the documentation and information required under this section in the person’s case, give the person notice in writing—
- (a) of the registrar’s decision as to whether the person is entitled under this section to be registered in the register;
 - (b) of the reasons for that decision; and
 - (c) if the registrar’s decision is that the person is not so entitled, of the person’s right of appeal to the registration appeals committee.
- (10) In subsection (3)(d) “evidence”, in relation to a person’s character, means—
- (a) a document stating the person’s character issued by a competent authority in—
 - (i) the relevant European State in which the person obtained the person’s qualification in veterinary science; or
 - (ii) (if different) the relevant European State from which the person comes to the United Kingdom; or
 - (b) where a document stating the person’s character is not issued by a competent authority in a relevant European State mentioned in paragraph (a), a certificate—

(i) attesting to the authenticity of a declaration stating the person's character made by the person on oath, or in solemn form, before a competent judicial or administrative authority, or notary, of that State; and

(ii) issued by the authority or notary mentioned in sub-paragraph (i),

being a document or (as the case may be) certificate that is not more than three months old when produced to the registrar.

(11) For the purposes of subsection (10), a document or declaration states a person's character if it shows—

- (a) that the person has not been held to have been guilty of serious professional misconduct (in the United Kingdom or elsewhere);
- (b) whether or not the person has been convicted (in the United Kingdom or elsewhere) of any criminal offences; and
- (c) the criminal offence or offences (if any) of which the person has been convicted (whether in the United Kingdom or elsewhere).]

NOTES

Amendment

Inserted by the Veterinary Surgeons Qualifications (EEC Recognition) Order 1980, SI 1980/1951, art 3(2).

Substituted by SI 2008/1824, art 2, Schedule, para 6.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[5B Registration of Community rights entitled persons: knowledge and skill]

[(1) A person who is a Community rights entitled person is entitled to be registered in the register if—

- (a) the person is not entitled under section 5A of this Act to be registered;
- (b) the person's case falls within regulation 3(9)(a) or (e) of the European Communities (Recognition of Professional Qualifications) Regulations 2007;
- (c) regulations 20 to 26 of those Regulations apply to the person by reason of the operation of regulation 3(4) of those Regulations; and
- (d) the person is permitted to pursue the profession of veterinary surgeon in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the person may be required to undertake pursuant to that Part of those Regulations).

(2) A person shall become a member of the College on being registered under this section.]

NOTES

Amendment

Substituted, together with s 5BA, for this section as originally enacted, by SI 2008/1824, art 2, Schedule, para 7.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[5BA Removal from the register of names of persons who cease to be Community rights entitled persons]

[(1) If a person registered in the register pursuant to section 5A or 5B ceases to be a Community rights entitled person, the registrar may remove that person's name from the register.

(2) Where the registrar removes a person's name from the register pursuant to subsection (1), the registrar shall give that person notice that the person's name has been removed from the register under this section on the ground that the registrar considers that the person has ceased to be a Community rights entitled person.]

NOTES

Amendment

Substituted, together with s 5B, for s 5B as originally enacted, by SI 2008/1824, art 2, Schedule, para 7.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[5C Appeals in connection with registration under section 5A]

[(1) If a person who has applied for registration under section 5A is given notice under (and within the period specified in) subsection (9) of that section that the application is refused, the person may appeal to the Council.

(2) If a person who has applied for registration under section 5A is not given notice of the decision on the application within the period specified in subsection (9) of that section—

(a) the application is deemed to have been refused at the end of that period; and

(b) the person may appeal to the Council.

(3) The deadline for bringing an appeal under subsection (1) is the end of the four months beginning with the day on which the notice is received by the person.

(4) The deadline for bringing an appeal under subsection (2) is the end of the four months beginning with the last day of the period specified in section 5A(9).]

NOTES

Amendment

Substituted, together with ss 5CA–5CE, for this section as originally enacted, by SI 2008/1824, art 2, Schedule, para 8.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[5CA Appeals in connection with registration under section 5B]

[(1) Subsections (2) to (4) apply if a person has made an application for authorisation under Part 3 of the European Communities (Recognition of Professional Qualifications) Regulations 2007 to pursue the profession of veterinary surgeon in the United Kingdom.

(2) If the person is given notice under (and within the period specified in) regulation 34(2) of those Regulations that the application is refused, the person may appeal to the Council.

(3) If the person is not given notice of the decision on the application within that period—

(a) the application is deemed to have been refused at the end of that period; and

(b) the person may appeal to the Council.

(4) If the person has not by the end of that period been registered in the register on the basis of entitlement under section 5B, the person may appeal to the Council.

(5) The deadline for bringing an appeal under subsection (2) is the end of the four months beginning with the day on which the notice is received by the person.

(6) The deadline for bringing an appeal under subsection (3) or (4) is the end of the four months beginning with the last day of the period referred to in subsection (2).]

NOTES

Amendment

Substituted, together with ss 5C, 5CB–5CE, for s 5C as originally enacted, by SI 2008/1824, art 2, Schedule, para 8.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art thereof.

[5CB Appeals in connection with the visiting European list]

[If a person claims to be entitled to be registered in the visiting European list, but the person is not registered in that list, the person may appeal to the Council.]

NOTES

Amendment

Substituted, together with ss 5C, 5CA, 5CC–5CE, for s 5C as originally enacted, by SI 2008/1824, art 2, Schedule, para 8.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[5CC Appeals in connection with removal under section 5BA]

[(1) If under section 5BA a person's name has been removed from the register, that person may appeal to the Council.

(2) The deadline for bringing an appeal under subsection (1) is the end of the four months beginning with—

- (a) the date of removal of the person's name from the register; or
- (b) if later, the date when the person receives notification, under section 5BA(2), of the removal.]

NOTES

Amendment

Substituted, together with ss 5C, 5CA, 5CB, 5CD, 5CE, for s 5C as originally enacted, by SI 2008/1824, art 2, Schedule, para 8.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[5CD Appeals under sections 5C, 5CA 5CB and 5CC]

[(1) An appeal to the Council under section 5C, 5CA, 5CB or 5CC shall be referred to the registration appeals committee which may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against;
- (c) substitute for the decision appealed against any other decision which could have been made; or
- (d) remit the case to the registrar to dispose of in accordance with the directions of the registration appeals committee.

- (2) The registration appeals committee shall, within 28 days of making a decision on an appeal under section 5C, 5CA, 5CB or 5CC, give notice of its decision to the appellant.
- (3) A notice under subsection (2) shall—
- (a) give reasons for the decision of the registration appeals committee; and
 - (b) refer to the appellant's right to appeal to the appropriate court against the decision of the registration appeals committee.]

NOTES

Amendment

Substituted, together with ss 5C, 5CA–5CC, 5CE, for s 5C as originally enacted, by SI art 2, Schedule, para 8.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[5CE Appeals from decisions on appeals under sections 5C, 5CA, 5CB and 5CC]

- [(1) A person who has appealed under section 5C, 5CA, 5BC or 5CC may appeal to the appropriate court against a decision of the registration appeals committee on the appeal.
- (2) The deadline for bringing an appeal under subsection (1) is the end of the 28 days beginning with the day on which the person is under section 5CD(2) notified of that decision.
- (3) The Council may appear as respondent on an appeal under subsection (1) and, for the purpose of enabling directions to be given as to costs (or in Scotland, expenses) of any such appeal, shall be deemed to be a party to the appeal whether they appeared at the hearing or not.
- (4) On an appeal under subsection (1), the appropriate court may—
- (a) dismiss the appeal;
 - (b) allow the appeal and quash the decision of the registration appeals committee;
 - (c) substitute for the decision appealed against any other decision which could have been made by the registration appeals committee; or
 - (d) remit the case to the registration appeals committee to dispose of in accordance with the directions of the court,

and may make such order as to costs (or in Scotland, expenses) as it thinks fit.

- (5) In this section “appropriate court” means—
- (a) a county court; or
 - (b) in the case of a person whose address in the register would, if the person were registered, be in Scotland, the sheriff in whose sheriffdom the address is situated.]

NOTES

Amendment

Substituted, together with ss 5C, 5CA–5CD, for s 5C as originally enacted, by SI 2008/1824, art 2, Schedule, para 8.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[5D Registration appeals committee]

(1) The Council shall set up a committee of the Council to be known as the registration appeals committee which shall be charged with considering and determining appeals under [sections 5C, 5CA, 5CB and 5CC] of this Act.

(2) The registration appeals committee shall consist of five members of the Council, not more than three of whom shall be members of the College.

(3) The quorum for a meeting of the registration appeals committee shall be three, not more than two of whom shall be members of the College.

(4) The Council shall make rules relating to the appointment of members of the registration appeals committee, the constitution of that committee and the procedure to be followed in relation to appeals to that committee, including provision as to any rules of evidence to be observed in such appeals.]

NOTES

Amendment

Inserted by SI 2003/2919, art 12, Schedule, para 5.

Date in force: 17 December 2003: see SI 2003/2919, art 1.

Sub-s (1): words "sections 5C, 5CA, 5CB and 5CC" in square brackets substituted by SI 2008/1824, art 2, Schedule, para 9.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

Subordinate Legislation

Veterinary Surgeons (Registration Appeals) Rules Order of Council 2004, SI 2004/2143 (made under sub-s (4)).

6 Qualification for registration as a Commonwealth or foreign practitioner

(1) A person who shows to the satisfaction of the registrar—

- (a) that he is of good character,
- (b) that he holds a Commonwealth or foreign qualification in veterinary surgery, and
- (c) that he has satisfied the Council that he has the requisite knowledge and skill to fit him for practising veterinary surgery in the United Kingdom,

shall be entitled to be registered in the register and on being so registered shall become a member of the College.

[(1A) The Council, when deciding for the purposes of this section what standard of knowledge and skill is required to fit a person for practising veterinary surgery in the United Kingdom, must select a standard that is the same as, or exceeds, the standard of knowledge and skill that would be possessed by a person holding qualifications satisfying the minimum training requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of Directive 2005/36/EC.]

(2) Without prejudice to any other steps which the Council may take for the purpose of satisfying themselves that a person has [the requisite knowledge and skill to fit the person for practising veterinary surgery in the United Kingdom], the Council shall for that purpose, except in a case falling within the next following subsection, require him to sit for examinations held for the purposes of this section by or under arrangements made by the College.

(3) If a Commonwealth or foreign qualification held by a person is of a kind accepted for the time being by the Council as constituting, in itself, satisfactory proof of that person's possessing the requisite knowledge and skill to fit him for practising veterinary surgery in the United Kingdom, that person shall be taken to have satisfied the Council that he has the said knowledge and skill.

(4) The Council may make regulations as to the examinations to be held for the purposes of this section, and may include in the regulations provisions for withdrawing the right to sit for any such examinations from a person who has not paid the fee prescribed by the regulations for sitting for the examinations, or from a person who has previously failed to pass such examinations on such number of occasions as may be prescribed by the regulations.

(5) The Council may direct that a particular person who has passed the examinations required to obtain a Commonwealth or foreign qualification shall be treated for the purposes of this section as a person holding a Commonwealth or foreign qualification, as the case may be.

[(6) No person shall be registered under this section if he is entitled to be registered under section 5A or 5B of this Act.]

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (1A): inserted by SI 2008/1824, art 2, Schedule, para 10(1).

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

Sub-s (2): words “the requisite knowledge” to “the United Kingdom” in square brackets substituted by SI 2008/1824, art 2, Schedule, para 10(2).

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

Sub-s (6): substituted by SI 2003/2919, art 12, Schedule, para 6.

Date in force: 17 December 2003: see SI 2003/2919, art 1.

7 Temporary registration

(1) The Council may, with a view to permitting—

- (a) a person who satisfies them that he has attended a course of study, and has passed the examinations, leading to a degree to which a recognition order relates; and
- (b) a person holding a Commonwealth or foreign qualification in veterinary surgery,

to practise veterinary surgery temporarily or otherwise subject to restrictions, direct that he be registered in the register subject to such restrictions as the Council may specify in the direction with respect to the period for which, the place or places at which and the circumstances in which he may practise veterinary surgery; and any person with respect to whom a direction is given under this subsection shall be entitled to be registered in the register subject to the entry against his name of the restrictions so specified.

(2) Registration under this section shall not make it lawful for a person to practise veterinary surgery otherwise than subject to the said restrictions.

(3) Where a person registered under this section fails to comply with any of the restrictions subject to which he is registered, the Council may cause his name to be removed from the register.

(4) The Council may direct that a particular person who has passed the examinations required to obtain a Commonwealth or foreign qualification shall be treated for the purposes of this section as a person holding a Commonwealth or foreign qualification, as the case may be.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

[7A Visiting European veterinary surgeons]

[Schedule 1B (provision for registration in the visiting European list of the register in connection with services provided on a temporary and occasional basis) shall have effect.]

NOTES

Amendment

Inserted by SI 2008/1824, art 2, Schedule, para 11.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

8 Supplementary veterinary register

(1) There shall continue to be a register known as the supplementary veterinary register containing the names and addresses of the following persons (to be known as veterinary practitioners), that is to say—

- (a) the persons who immediately before the commencement of this Act were registered in that register;
- (b) the persons who having been so registered at some previous time were not then so registered, but whose names are restored to that register under section 18 of this Act; and
- (c) the persons entitled to be registered in that register under the next following subsection.

(2) Any person who for an aggregate of not less than seven out of the ten years immediately preceding 2nd December 1965 held a licence under section 7 of the Veterinary Surgeons Act 1948 (licensing of employees of certain societies and institutions providing free treatment for animals) shall be entitled to be registered in the supplementary veterinary register, but shall not be entitled to practise veterinary surgery—

- (a) otherwise than as an employee of any society or institution mentioned in subsection (1) of that section; or
- (b) except with permission granted by the Council and subject to such restrictions as the Council may impose.

(3) Where a person is registered in the supplementary veterinary register under the last foregoing subsection, the entry against his name in the register shall state—

- (a) whether he is the employee of any such society or institution as aforesaid;
- (b) whether he has been granted permission to practise veterinary surgery; and
- (c) any restrictions subject to which he may practise it.

(4) Where a person registered in the supplementary veterinary register under subsection (2) of this section fails to comply with any restrictions subject to which he is so registered, the Council

may cause his name to be removed from the register.

(5) A certificate purporting to be a certificate of the Minister of Agriculture, Fisheries and Food stating that any person held, or did not hold, a licence under section 7 of the Veterinary Surgeons Act 1948 for a period specified in the certificate shall be conclusive for the purposes of this section of the matters stated in the certificate.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Supplementary provisions as to the register and registration

9 Keeping, evidential effect and publication of the register

(1) The register shall be kept by the registrar of the College who shall be appointed by the Council.

(2) The registrar shall perform such other duties in connection with the register as the Council may direct, and in the execution of his duties he shall act on such evidence as in each case appears sufficient.

(3) The Council shall cause the register to be printed and published as often as they think fit.

(4) If in any year the register is not published, the Council shall cause any alterations in the entries in that register which have been made since the last publication thereof to be printed and published within that year.

(5) A copy of the register purporting to be printed and published by the Council shall, as altered by any alterations purporting to be printed and published by the Council, be evidence (and in Scotland sufficient evidence) that the persons specified in the register are registered therein; and the absence of a person's name from any such copy shall be evidence (and in Scotland sufficient evidence) that he is not registered in the register.

(6) In the case of a person whose name does not appear in any such copy of the register as altered as aforesaid, a certified copy, under the hand of the registrar, of the entry relating to that person in the register shall be evidence (and in Scotland sufficient evidence) of the entry.

(7) The registrar shall from time to time insert in the register any alteration which may come to his knowledge in the name or address of any registered person.

(8) The foregoing provisions of this section shall apply in relation to the supplementary veterinary register as they apply in relation to the register of veterinary surgeons.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

10 Procedure for registration

(1) Any right to registration in the register or the supplementary veterinary register shall be conditional on the making of an application supported by such evidence as is required by the following subsection and, in the case of registration in the supplementary veterinary register of persons mentioned in section 8(1)(c) of this Act, on the making of the application within six months of the commencement of this Act.

(2) A person applying to be registered in either of the said registers shall produce or send to the registrar the document conferring or evidencing his qualification for registration, together with a statement of his name and address and such other particulars, if any, as may be required for registration.

[(3) Subsections (1) and (2) do not apply in relation to registration pursuant to section 5A or 5B or Schedule 1B.]

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (3): inserted by SI 2008/1824, art 2, Schedule, para 12.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

11 Power to make regulations, etc., with respect to the register

(1) The Council may make regulations with respect to the form and keeping of the register, the making of entries therein and the removal of entries therefrom and, in particular,—

- (a) prescribing a fee to be charged on the entry of a name in the register, or on the restoration of any entry to the register;
- (b) prescribing a fee to be charged in respect of the retention in the register of the name of a person in any year subsequent to the year in which he was first registered;
- (c) authorising the registrar, notwithstanding anything in this Act, to refuse to make in, or restore to, the register any entry until a fee prescribed by regulations under this section has been paid.

(2) Regulations under this section may authorise the registrar to remove from the register the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed under paragraph (b) of the foregoing subsection.

(3) If, within such period as may be prescribed by regulations under this section, any person whose name has been removed from the register in accordance with regulations made by virtue of the last foregoing subsection pays the fee due from him, together with such additional sum (if any) as may be so prescribed, his name shall be restored to the register and, if the Council so direct, shall be deemed for all purposes not to have been removed therefrom.

(4) Regulations under this section prescribing fees may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in prescribed cases.

(5) The Council may give directions authorising any additional qualifications specified in the

directions to be entered in the register on the application of registered veterinary surgeons by whom they are held.

(6) The foregoing provisions of this section shall apply in relation to the supplementary veterinary register as they apply in relation to the register of veterinary surgeons; but any regulations under this section may make different provision in relation to the two registers.

[(7) Regulations under this section may not prescribe fees in connection with registration in, or restoration or retention of registration in, the visiting European list of the register.]

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (7): inserted by SI 2008/1824, art 2, Schedule, para 13.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

12 Abbreviations of qualifications granted abroad

Where a person's name is entered in the Commonwealth list or the foreign list, or an additional qualification granted in a place outside the United Kingdom is entered against a person's name in any part of the register, the registrar shall enter the qualification by virtue of which that person is registered or, as the case may be, the additional qualification, in such abbreviated form as the registrar, after consultation with the Council, may select as being convenient.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

13 Removal of names of deceased persons and of those who have ceased to practise

(1) The registrar shall remove from the register the name of every deceased person and, on registering the death of a registered veterinary surgeon, a registrar of births and deaths shall, without charge, send forthwith by post to the registrar a copy certified under his hand of the entry in the register of deaths relating to the death.

(2) If a registered veterinary surgeon has ceased to practise the registrar may at his request or with his consent remove his name from the register.

(3) The registrar may send by post to a registered veterinary surgeon a notice inquiring whether he has ceased to practise or has changed his residence and, if no answer is received to the inquiry within six months from the posting of the notice, he may remove the name of the registered veterinary surgeon from the register.

(4) Where a person's name has been removed from the register under subsection (2) or (3) of this section, the name may be restored to the register on his application unless the original entry of his name was incorrectly or fraudulently made.

(5) This section shall apply in relation to the supplementary veterinary register and persons registered in that register as it applies in relation to the register of veterinary surgeons and registered veterinary surgeons.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

14 Incorrect and fraudulent entries in the register

It shall be the duty of the Council to refer to the disciplinary committee any case in which it appears to the Council that an entry in the register of veterinary surgeons or the supplementary veterinary register has been fraudulently made and to remove from that register any other entry which has been incorrectly made.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Disciplinary and similar proceedings

15 Preliminary investigation and disciplinary committees

(1) The Council shall set up a committee of the Council to be known as the preliminary investigation committee which shall be charged with the duty of conducting a preliminary investigation into every disciplinary case (that is to say, a case in which it is alleged that a person is liable to have his name removed from the register or to have his registration suspended under the next following section) and of deciding whether the case should be referred to the disciplinary committee.

(2) There shall continue to be a committee of the Council known as the disciplinary committee charged with the duty of considering and determining—

- (a) any disciplinary case referred to them by the preliminary investigation committee; and
- (b) any other case of which the disciplinary committee has cognizance under section 18 of this Act.

(3) The provisions of Part I of Schedule 2 to this Act shall have effect with respect to the constitution of the preliminary investigation and disciplinary committees, and the provisions of Part II of that Schedule shall have effect with respect to the procedure of the disciplinary committee.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

16 Removal of names from register for crime or disgraceful conduct

- (1) If—
- (a) a person registered in the register is convicted in the United Kingdom or elsewhere of a criminal offence which, in the opinion of the disciplinary committee, renders him unfit to practise veterinary surgery; or
 - (b) any such person is judged by the disciplinary committee to have been guilty of disgraceful conduct in any professional respect; or
 - (c) the disciplinary committee is satisfied that the name of any such person has been fraudulently entered in the [register; or
 - (d) a person registered in the register otherwise than under Schedule 1B misconducts himself in a professional respect, and as a result—
 - (i) ceases, in any relevant European State other than the United Kingdom, to be registered or recognised as a veterinary surgeon; or
 - (ii) is prohibited, in any relevant European State other than the United Kingdom, from practising (whether on a permanent or temporary basis) as a veterinary surgeon,]

the committee may, if they think fit, direct that his name shall be removed from the register or (except in a case falling within paragraph (c) of this subsection) that his registration therein shall be suspended, that is to say, it shall not have effect during a period specified in the direction.

(2) Where the disciplinary committee direct that a person's name shall be removed from the register or that his registration shall be suspended under this section, the registrar shall serve a notice of the direction on him.

(3) This section shall apply in relation to the supplementary veterinary register and persons registered in that register as it applies in relation to the register of veterinary surgeons and registered veterinary surgeons.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (1): in para (c) words "register; or" in square brackets and para (d) substituted by SI 2008/1824, art 2, Schedule, para 14.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

17 Appeals in disciplinary and other cases

(1) A person in relation to whom a direction has been given under the last foregoing section may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to Her Majesty in Council in accordance with such rules as Her Majesty in Council may by order provide for the purposes of this section; and the Judicial Committee Act 1833 shall apply in relation to the disciplinary committee as it applies in relation to

such courts as are mentioned in section 3 of that Act (reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council).

(2) The Council of the College may appear as respondent on any such appeal and, for the purpose of enabling directions to be given as to the costs of any such appeal, shall be deemed to be a party thereto whether they appeared on the hearing of the appeal or not.

(3) A direction under the last foregoing section shall take effect—

- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and not otherwise.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Subordinate Legislation

Judicial Committee (Veterinary Surgeons Rules) Order 1967, SI 1967/1150 (made under sub-s (1)).

18 Restoration of name after removal or suspension

(1) Where a person's name has been removed from the register of veterinary surgeons or the supplementary veterinary register in pursuance of a direction under section 16 of this Act, the name of that person shall not again be entered in the register from which it was removed unless the disciplinary committee on application made to them in that behalf otherwise direct.

(2) Where the registration of a person in either of the said registers is suspended in pursuance of any such direction, the name of that person shall not be entered in the register so long as the suspension has effect unless the disciplinary committee on application made to them in that behalf otherwise direct.

(3) Any application under this section for the restoration of a name to either of the said registers or for the removal of a suspension of registration shall not be made to the disciplinary committee—

- (a) within ten months of the date of removal or suspension; or
- (b) within ten months of a previous application thereunder.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Restriction on practice of veterinary surgery

19 Restriction of practice of veterinary surgery by unqualified persons

(1) Subject to the following provisions of this section, no individual shall practise, or hold himself out as practising or as being prepared to practise, veterinary surgery unless he is registered in the register of veterinary surgeons or the supplementary veterinary register, and an individual who acts in contravention of this subsection shall be liable—

- (a) on summary conviction to a fine not exceeding [the prescribed sum]
- (b) on conviction on indictment to a fine.

(2) . . .

(3) The Council may make regulations exempting from subsection (1) of this section the carrying out or performance of any veterinary treatment, test or operation prescribed by the regulations, subject to compliance with prescribed conditions, by students of veterinary surgery of any prescribed class.

(4) Subsection (1) of this section shall not prohibit—

- (a) the carrying out of [any procedure duly authorised under the Animals (Scientific Procedure) Act 1986];
- (b) the doing of anything specified in Part I of Schedule 3 to this Act and not excluded by Part II of that Schedule;
- (c) the performance by a registered medical practitioner of an operation on an animal for the purpose of removing an organ or tissue for use in the treatment of human beings;
- (d) the carrying out or performance of any treatment, test or operation by a registered medical practitioner or a registered dentist at the request of a person registered in the register of veterinary surgeons or the supplementary veterinary register;
- (e) the carrying out or performance of any minor treatment, test or operation specified in an order made by the Ministers after consultation with the Council, so long as any conditions so specified are complied with.

(5) The Ministers may, after consultation with the Council and with persons appearing to the Ministers to represent interests so appearing to be substantially affected, by order amend the provisions of Schedule 3 to this Act.

(6) Any order under subsection (4) or (5) of this section may be varied or revoked by a subsequent order of the Ministers under that subsection made after the like consultation.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (1): words in square brackets substituted by the Magistrates' Courts Act 1980, s 32(2).

Sub-s (2): repealed by the Criminal Law Act 1977, s 65, Sch 13.

Sub-s (4): words in square brackets substituted by the Animals (Scientific Procedures) Act 1986, s 27(2), Sch 3, para 5.

Subordinate Legislation

Veterinary Surgery (Exemptions) Order 1973, SI 1973/308 (made under sub-s (4)(e)).
Veterinary Surgeons (Practice by Students) Regulations Order of Council 1981, SI 1981/988 (made under sub-s (3)).
Veterinary Surgery (Exemptions) (Amendment) Order 1982, SI 1982/1627 (made under sub-s (4)(e)).
Veterinary Surgery (Blood Sampling) Order 1983, SI 1983/6 (made under sub-s (4)(e)).
Veterinary Surgeons Act 1966 (Schedule 3 Amendment) Order 1988, SI 1988/526 (made under sub-ss (5), (6)).
Veterinary Surgery (Blood Sampling) (Amendment) Order 1988, SI 1988/1090 (made under sub-s (4)(e)).
Veterinary Surgery (Blood Sampling) (Amendment) Order 1990, SI 1990/2217 (made under sub-s (4)(e)).
Veterinary Surgeons Act 1966 (Schedule 3 Amendment) Order 1991, SI 1991/1412 (made under sub-ss (5), (6)).
Veterinary Surgery (Epidural Anaesthesia) Order 1992, SI 1992/696 (made under sub-s (4)(e)).
Veterinary Surgeons Act 1966 (Schedule 3 Amendment) Order 2002, SI 2002/1479 (made under sub-s (5)).
Veterinary Surgery (Rectal Ultrasound Scanning of Bovines) Order 2002, SI 2002/2584 (made under sub-s (4)).
Veterinary Surgery (Vaccination Against Foot-And-Mouth Disease) Order 2004, SI 2004/2780 (made under sub-s (4)(e)).
Veterinary Surgery (Testing for Tuberculosis in Bovines) Order 2005, SI 2005/2015 (made under sub-s (4)(e)).
Veterinary Surgery (Artificial Insemination) Order 2007, SI 2007/1315 (made under sub-s (4)(e)).
Veterinary Surgery (Artificial Insemination) (Amendment) Order 2007, SI 2007/1767 (made under sub-s (4)(e)).

20 Prohibition of use of practitioners' titles by unqualified persons

- (1) If a person not registered in the register takes or uses the title of veterinary surgeon or any name, title, addition or description implying that he is so registered, he shall be guilty of an offence.
- (2) If any person not registered in the register of veterinary surgeons or the supplementary veterinary register takes or uses the title of veterinary practitioner or any name, title, addition or description implying that he is a practitioner of, or qualified to practise, veterinary surgery to any greater extent than is authorised by or under subsection (3) of the last foregoing section, he shall be guilty of an offence.
- (3) Without prejudice to the foregoing provisions of this section, if any person uses, in connection with any business carried on by him or at any premises at which such a business is carried on, a description implying that he or any person acting for the purposes of the business possesses veterinary qualifications which he does not in fact possess he shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction to a fine not exceeding [the prescribed sum];
 - (b) on conviction on indictment to a fine.

(5) Where an offence by a body corporate under this section is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he, as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) . . .

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (4): words in square brackets substituted by the Magistrates' Courts Act 1980, s 32(2).

Sub-s (6): repealed by the Criminal Law Act 1977, s 65.

Agreements with the Republic of Ireland

21 Power to give effect to agreements with the Republic of Ireland

(1) For the purpose of giving effect to any agreement with respect to veterinary surgeons entered into (whether before or after the commencement of this Act) between Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland Her Majesty by Order in Council make such provision as appears to Her to be expedient—

- (a) for the appointment or election of additional members of the Council to represent the Republic of Ireland;
- (b) for empowering the Privy Council, on the recommendation of the Council, to make an order—
 - (i) directing that the holders of any university veterinary degree of the Republic of Ireland specified in the order shall be entitled, subject to any exception so specified and on compliance with any conditions so specified, to be registered in the register and shall on being so registered become a member of the College; and
 - (ii) revoking or suspending any order made by virtue of the foregoing sub-paragraph;
- (c) for imposing duties on the Council with respect to any reports received by them in pursuance of any such agreement;
- (d) without prejudice to the last foregoing sub-paragraph, for requiring or enabling the disciplinary committee to act on any report made to the Council in pursuance of any such agreement by any committee of the Veterinary Council of the Republic of Ireland in connection with a disciplinary case as if the facts stated in the report had been found by the disciplinary committee on inquiring into the case under this Act.

(2) Any Order in Council under this section may contain such incidental, consequential, transitional or supplementary provision as may appear to Her Majesty to be necessary or proper in consequence of the provisions of any such agreement or for giving full effect thereto (including provision amending this Act or any instrument thereunder).

(3) Any Order in Council under this section may be varied or revoked by a subsequent Order thereunder.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Subordinate Legislation

Veterinary Surgeons (Agreement with the Republic of Ireland) Order 1988, SI 1988/784.

Miscellaneous and general

22 Default powers of the Privy Council

(1) If it appears to the Privy Council that the Council of the College have failed, but ought, to discharge any of their functions under this Act, the Privy Council may notify their opinion to the Council of the College and may direct them to discharge that function in such a manner and within such a period as may be specified in the direction.

(2) If the Council of the College fail to comply with a direction under the foregoing subsection with respect to any function of theirs, the Privy Council may themselves discharge that function.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

23 Exercise of powers conferred on the Privy Council

(1) For the purpose of exercising any powers of this Act conferred on the Privy Council a quorum of the Privy Council shall be two.

(2) Any document purporting to be—

- (a) an instrument of appointment or approval made by the Privy Council under this Act or any other instrument so made; and
- (b) signed by the Clerk of the Privy Council or any other person authorised by the Privy Council in that behalf, shall be evidence (and in Scotland sufficient evidence) of the fact that the instrument was so made and of the terms of the instrument.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

24 . . .

...

NOTES

Amendment

Repealed in part by the Criminal Justice Act 1972, s 64(2), Sch 6, Pt I; remainder repealed by SI 1974/2143, art 9(2), Sch 5.

25 Regulations, rules and orders

- (1) No regulations or rules of the Council under this Act shall have effect unless approved by order of the Privy Council.
- (2) Any order under the foregoing subsection may be revoked by a subsequent order of the Privy Council.
- (3) Any power to make orders conferred by this Act on the Privy Council or the Ministers, and any power to make rules so conferred on the Lord Chancellor, shall be exercisable by statutory instrument.
- (4) The Ministers shall not make an order under section 19(5) of this Act unless a draft of the order has been approved by both Houses of Parliament.
- (5) Any statutory instrument made under this Act in the exercise of powers conferred by section 1(4), 3, 19(4) or 21 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Subordinate Legislation

Veterinary Surgeons (Practice by Students) (Amendment) Regulations Order of Council 1995, SI 1995/2397 (made under sub-ss (1), (2)).

Veterinary Surgeons (Examination of Commonwealth and Foreign Candidates) Regulations Order of Council 2005, SI 2005/3240 (made under sub-ss (1), (2)).

Veterinary Surgeons and Veterinary Practitioners (Registration) Regulations Order of Council 2005, SI 2005/3517 (made under sub-ss (1), (2)).

Veterinary Surgeons and Veterinary Practitioners (Registration) (Amendment) Regulations Order of Council 2007, SI 2007/3439 (made under sub-ss (1), (2)).

26 Notices

- (1) In this Act “notice” means a notice in writing.
- (2) Any notice or other document authorised or required to be served under this Act on a person registered in the register of veterinary surgeons or the supplementary veterinary register may, without prejudice to any other method of service, be served on him by post in a letter addressed to him at his address in the relevant register, or at his last known address if that address differs from his address in the relevant register and it appears to the registrar that such service will be more effective.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

27 Interpretation

(1) In this Act, except so far as the context otherwise requires,—

“animals” includes birds and reptiles;

“College” means the Royal College of Veterinary Surgeons;

[“Commonwealth qualification” means a qualification granted in a place that is not within a relevant European State but is within the Commonwealth;]

. . .

[“Community rights entitled person” means—

(a) a national of a relevant European State other than the United Kingdom;

(b) a person who falls to be treated as a national of the United Kingdom for the purposes of the Community Treaties and who is seeking access to, or is pursuing, the profession of veterinary surgeon by virtue of an enforceable Community right; or

(c) a person who is not a national of a relevant European State but who is, by virtue of any enforceable Community right, entitled to be treated, for the purposes of access to and pursuit of the profession of veterinary surgeon, no less favourably than a national of a relevant European State,

but does not include a person who, by virtue of Article 2 of Protocol No 3 (Channel Islands and Isle of Man) to the Treaty of Accession, is not to benefit from Community provisions relating to the free movement of persons and services;]

[“competent authority” (except in section 1A(1), (5) and (9)) means, in relation to a relevant European State, any authority or body designated in that State as a competent authority for the purposes of Directive 2005/36/EC as concerns veterinary surgery;]

“Council” means the Council of the College;

[“Directive 2005/36/EC” means Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications, as amended from time to time;]

“disciplinary case” has the meaning assigned to it by section 15 of this Act;

[. . .]

“elected members of the Council” has the meaning assigned to it by section 1 of this Act;

[“foreign qualification” means a qualification granted in a place that is neither within a relevant European State nor within the Commonwealth;]

“the Ministers” means the Minister of Agriculture, Fisheries and Food, [the Secretary of

State for Scotland and the Secretary of State for Wales] and the Minister of Agriculture for Northern Ireland acting jointly;

. . .

["national" in relation to a member State, includes any person who, by virtue of any enforceable Community right, is entitled to be treated, for the purposes of access to the veterinary profession, no less favourably than a national of such a State, but does not include a person who by virtue of Article 2 of Protocol No 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;]

"qualification" means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place;

[. . .]

"recognition order" has the meaning assigned to it by section 3 of this Act;

"register" means the register of veterinary surgeons;

["registration appeals committee" means the committee of the Council referred to in section 5D of this Act;]

["relevant European State" means EEA state;]

[. . .]

[. . .]

"veterinary surgery" means the art and science of veterinary surgery and medicine and, without prejudice to the generality of the foregoing, shall be taken to include—

- (a) the diagnosis of diseases in, and injuries to, animals including tests performed on animals for diagnostic purposes;
- (b) the giving of advice based upon such diagnosis;
- (c) the medical or surgical treatment of animals; and
- (d) the performance of surgical operations on animals.

(2) Anything required by this Act to be done by or to the registrar may be done by or to any assistant registrar appointed by the Council.

(3) References in this Act to any other enactment shall be construed as references thereto as amended, and as including references thereto as extended, by or under any subsequent enactment.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

- Sub-s (1): definition “Commonwealth qualification” substituted by SI 2008/1824, art 2, Schedule, para 15(1), (2).
Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.
- Sub-s (1): definition “Commonwealth qualification” and “foreign qualification” (omitted) repealed by SI 2003/2919, art 12, Schedule, para 7(a).
Date in force: 17 December 2003: see SI 2003/2919, art 1.
- Sub-s (1): definition “Community rights entitled person” inserted by SI 2008/1824, art 2, Schedule, para 15(1), (6).
Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.
- Sub-s (1): definition “competent authority” inserted by SI 2008/1824, art 2, Schedule, para 15(1), (6).
Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.
- Sub-s (1): definition “Directive 2005/36/EC” inserted by SI 2008/1824, art 2, Schedule, para 15(1), (6).
Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.
- Sub-s (1): definition “EEA Agreement” (omitted) inserted by SI 2003/2919, art 12, Schedule, para 7(c).
Date in force: 17 December 2003: see SI 2003/2919, art 1.
- Sub-s (1): definition “EEA Agreement” (omitted) repealed by SI 2007/1348, art 2, Schedule, para 3(a).
Date in force: 30 May 2007: see SI 2007/1348, art 1.
- Sub-s (1): definition “foreign qualification” substituted by SI 2008/1824, art 2, Schedule, para 15(1), (3).
Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.
- Sub-s (1): in definition “the Ministers” words “the Secretary of State for Scotland and the Secretary of State for Wales” in square brackets substituted by SI 1978/272, art 11, Sch 5.
Date in force: 1 April 1978: see SI 1978/272, art 1(4).
- Sub-s (1): definition “member State” (omitted) (as inserted by SI 2003/2919, art 12, Schedule, para 7(c)) repealed by SI 2008/1824, art 2, Schedule, para 15(1), (4).
Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.
- Sub-s (1): definition “national” substituted by SI 2003/2919, art 12, Schedule, para 7(b).
Date in force: 17 December 2003: see SI 2003/2919, art 1.
- Sub-s (1): definition “national” inserted by SI 1980/1951, art 3(4).
- Sub-s (1): definition “the Recognition Directive” (omitted) inserted by SI 2003/2919, art 12, Schedule, para 7(C).
Date in force: 17 December 2003: see SI 2003/2919, art 1.
- Sub-s (1): definition “the Recognition Directive” (omitted) repealed by SI 2007/1348, art 2, Schedule, para 3(a).
Date in force: 30 May 2007: see SI 2007/1348, art 1.
- Sub-s (1): definition “registration appeals committee” inserted by SI 2003/2919, art 12, Schedule, para 7(c).
Date in force: 17 December 2003: see SI 2003/2919, art 1.
- Sub-s (1): definition “relevant European State” inserted by SI 2008/1824, art 2, Schedule, para 15(1), (6).
Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.
- Sub-s (1): definition “Scheduled European qualification” (omitted) inserted by SI 2003/2919, art 12, Schedule, para 7(c).
Date in force: 17 December 2003: see SI 2003/2919, art 1.
- Sub-s (1): definition “Scheduled European qualification” (omitted) repealed by SI 2007/1348, art 2, Schedule, para 3(a).
Date in force: 30 May 2007: see SI 2007/1348, art 1.
- Sub-s (1): definition “the Training Directive” (omitted) inserted by SI 2003/2919, art 12, Schedule, para 7(c).
Date in force: 17 December 2003: see SI 2003/2919, art 1.
- Sub-s (1): definition “the Training Directive” (omitted) repealed by SI 2007/1348, art 2,

Schedule, para 3(a).

Date in force: 30 May 2007: see SI 2007/1348, art 1.

Modification

The Northern Ireland Act 1998 makes new provision for the government of Northern Ireland for the purpose of implementing the Belfast Agreement (the agreement reached at multi-party talks on Northern Ireland and set out in Command Paper 3883). As a consequence of that Act, any reference in this section to the Parliament of Northern Ireland or the Assembly established under the Northern Ireland Assembly Act 1973, s 1, certain office-holders and Ministers, and any legislative act and certain financial dealings thereof, shall, for the period specified, be construed in accordance with Sch 12, paras 1–11 to the 1998 Act.

28 Repeal, saving and transitional provisions

- (1) The enactments described in Schedule 4 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.
- (2) Nothing in this Act shall be construed as derogating from so much of the charter of the College dated 8th March 1844 as incorporates the College, recognises the veterinary art as a profession, authorises the College to have a common seal, to hold property, to sue and to appoint officers and servants and provides for the vesting of the property of the College.
- (3) In so far as any Order in Council, regulation, rule, order or other instrument made or issued under any enactment repealed or any charter provision superseded by this Act or any other thing done under any such enactment or provision could have been made, issued or done under a corresponding provision of this Act it shall not be invalidated by the repeals effected by this section or by any other provision of this Act but shall have effect as if made, issued or done under that corresponding provision.
- (4) Without prejudice to the last foregoing subsection—
 - (a) any person registered in the register immediately before the commencement of section 2 of this Act by reason of his having obtained a diploma granted on examination by the College shall be treated as if he had been registered in that register in the general list;
 - (b) any person registered in the register under section 13 of the Veterinary Surgeons Act 1881 as a colonial practitioner or a foreign practitioner immediately before the commencement of the said section 2 shall be treated as if he had been registered in the register in the Commonwealth list or the foreign list, as the case may require;
 - (c) any order made under section 1 of the Veterinary Surgeons Act 1948 and in force immediately before the commencement of section 3 of this Act shall have effect as if it had been made under the said section 3.
- (5) Without prejudice to subsection (3) of this section, any provision of this Act relating to anything done or required or authorised to be done under, or by reference to, that provision or any other provision of this Act shall have effect as if any reference to that provision or to that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act or the corresponding charter provision superseded by this Act, as the case may require.
- (6) . . .
- (7) . . .

(8) Any enactment passed before this Act referring, whether specifically or by means of a general description, to an enactment repealed or a charter provision superseded by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act, and any document made or issued (whether before or after the passing of this Act) referring whether specifically or by means of a general description, to an enactment repealed or a charter provision superseded by this Act shall, unless the contrary intention appears, be similarly construed.

(9) In this section “charter provision” means a provision of a charter of the College.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Sub-s (1): Appointment (for certain purposes): 15 March 1967: see SI 1967/251, art 2.

Sub-s (1): Appointment (for certain purposes): 15 November 1967: see SI 1967/251, art 3.

Sub-s (1): Appointment (for remaining purposes): 1 February 1973: see SI 1972/1990, art 2.

Sub-ss (2)–(9): Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-ss (6), (7): repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

29 Short title, extent and commencement

(1) This Act may be cited as the Veterinary Surgeons Act 1966.

(2) It is hereby declared that this Act extends to Northern Ireland, . . .

(3) . . .

(4) . . .

NOTES

Initial Commencement

To be appointed

To be appointed: sub-s (3) stated that this Act would come into operation on such day as Her Majesty may by Order in Council appoint and that different days could be appointed under this sub-s for different purposes.

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Sub-s (2): words omitted repealed by the Northern Ireland Constitution Act 1973, s 41(1), Sch 6, Part I.

Sub-s (3): repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

Sub-s (4): repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

Subordinate Legislation

Veterinary Surgeons Act 1966 (Commencement No 1) Order 1967, SI 1967/251.

Veterinary Surgeons Act 1966 (Commencement No 2) Order 1972, SI 1972/1990.

SCHEDULE 1

PROVISIONS AS TO THE COUNCIL

Section 1(3)

Tenure of office of members and of President and Vice-Presidents

1

(1) Subject to the provisions of this Schedule, the term of office of any member of the Council shall be, as near as may be, four years and the day on which a member of the Council ordinarily retires shall be the day of the annual general meeting of the College in the year in which he retires.

(2) Subject to the provisions of this Schedule, six of the elected members of the Council, being those who have been such members for the longest time without re-election, shall retire in each year.

(3) If on the coming into force of a recognition order for any university a member of the Council is appointed by the university between two annual general meetings of the College, then, subject to the following provisions of this Schedule, the term of office of that member shall not expire until the fourth annual general meeting after it began.

2

Subject to the provisions of this Schedule, the term of office of the President or a Vice-President of the College shall be, as near as may be, one year, and he shall retire at the next meeting of the Council after the annual general meeting, but shall hold office until that next meeting notwithstanding that he has ceased to be a member of the Council, unless he resigns office as President or Vice-President or ceases to be a member of the Council under paragraph 3, 4 or 5 of this Schedule.

3

A member of the Council may at any time, by notice in writing addressed to the registrar, resign his office as member and the President or a Vice-President of the College may at any time by a like notice resign his office as such.

4

An elected member of the Council, or a member of the Council appointed by a university as being a member of the College, shall cease to hold office if he ceases to be a member of the College.

5

If a recognition order ceases to be in force for any university, any member appointed to the Council by that university shall thereupon cease to hold office.

Elections, appointments and casual vacancies

6

(1) Elections or appointments to fill any vacancy occurring under paragraph 1 of this Schedule shall be held or made before the annual general meeting of the College at which the vacancy occurs.

(2) Elections to fill an ordinary vacancy in the office of President or Vice-President shall be held at the meeting of the Council at which the vacancy occurs.

7

(1) Where a casual vacancy occurs among the elected members of the Council, the vacancy shall be filled—

- (a) by the unsuccessful candidate at the last previous ordinary election of such members who at that election received the greatest number of votes and has not since become a member, or
- (b) if two or more such candidates received an equal number of votes, by the candidate who has been registered longest on the register or, if two or more such candidates have been registered longer than any other but for the same period as each other, by one of them chosen by lot, or
- (c) if there were no unsuccessful candidates at that election, by a person appointed by the Council.

(2) Where a casual vacancy occurs among members of the Council appointed by the Privy Council or a university, the vacancy shall be filled by the Privy Council or that university, as the case may be.

(3) Where a casual vacancy occurs in the office of President or Vice-President of the College, the vacancy shall be filled by an election held at the first meeting of the Council after the vacancy occurs.

(4) A person filling a casual vacancy among the elected members of the Council or in the office of President or Vice-President of the College shall hold office until the date on which the person whose vacancy he fills would have regularly retired.

8

A person ceasing to be a member of the Council or President or Vice-President of the College shall be eligible to be re-elected or re-appointed.

9

Elections of elected members of the Council shall be conducted in accordance with a scheme made by the Council and approved by the Privy Council.

10

A scheme under the last foregoing paragraph may be amended by the Council, but no amendment of the scheme shall have effect unless approved by the Privy Council.

Supplementary

11

The powers of the Council and any of its committees may be exercised notwithstanding any vacancy, and no proceedings of the Council or any of its committees shall be invalidated by any defect in the election or appointment of a member.

12

...

13

...

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Paras 12, 13: repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

[SCHEDULE 1A REGISTRATION OF COMMUNITY RIGHTS ENTITLED PERSONS: EUROPEAN QUALIFICATION]

NOTES

Amendment

Substituted by SI 2008/1824, reg 2, Schedule.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see reg 4 thereof.

[Section 5A]

NOTES

Amendment

Substituted by SI 2008/1824, reg 2, Schedule.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see reg 4 thereof.

[Recognised European Qualifications]

1

(1) A person who holds a qualification referred to in Table A is an eligible European veterinary surgeon.

(2) If the relevant qualification of such a person fulfilled the training requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of Directive 2005/36/EC, no additional documentation (see section 5A(3)(b)) is required to be produced to the registrar under section 5A(1)(b).

(3) If the relevant qualification of such a person—

- (a) does not fulfil the requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of Directive 2005/36/EC, and
- (b) the qualification is in respect of training commenced before the reference date referred to in Table A,

the required additional documentation is a certificate from a competent authority of any relevant European State which states that the person has effectively and lawfully practised veterinary surgery for at least three consecutive years during the five years preceding the date of the certificate.

Other Qualifications Acquired Prior to Member State Membership of the European Union

2

(1) A person who holds a qualification of a kind referred to in Table B is an eligible European veterinary surgeon.

(2) In relation to such a person, the required additional documentation is the documentation referred to in column 3 of the entry in Table B for the relevant qualification.

(3) This paragraph does not apply to a person who is an eligible European veterinary surgeon under paragraph 1.

Other Qualifications Granted in Relevant European States

3

(1) A person who holds a qualification in veterinary surgery granted in a relevant European State that is not the United Kingdom, other than a qualification in either Table A or Table B, is an eligible European veterinary surgeon.

(2) The required additional documentation is a certificate from the competent authority of that State which states that the relevant qualification meets the requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of Directive 2005/36/EC, and is treated by that State as equivalent to a qualification of a kind referred to in Table A.

4

In this Schedule, "relevant qualification" means the qualification by virtue of which a person is an eligible European veterinary surgeon.

5

Any reference in this Schedule to Table A or Table B is a reference to the appropriate one of the following tables—

Table A
Recognised European Qualifications

<i>Relevant European State</i>	<i>Title of qualification</i>	<i>Awarding body</i>	<i>Certificate accompanying qualification</i>	<i>Reference Date</i>
Austria.	—Diplom-Tierarzt (Diploma—Veterinary Surgeon).	Universität (University).	—Doktor der Veterinärmedizin (Doctor of Veterinary Medicine).	1/1/1994

	—Magister medicinae veterinariae (Master of Veterinary Medicine).		—Doctor medicinae veterinariae (Doctor of Veterinary Medicine). —Fachtierarzt (Specialist Veterinary Surgeon).	
Belgium	—Diploma van dierenarts (Diploma of Veterinary Surgeon). —Diplôme de docteur en médecine vétérinaire (Diploma of Doctor of Veterinary Medicine).	1 De universiteiten/les universités (Universities). 2 De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d'enseignement de la Communauté française. (The Competent Examining Board of Flemish or French Community).		21/12/1980
Bulgaria.	(This text is currently unavailable. Please see the original.) (Diploma of Higher Education for Educational Qualification level of Masters, specialising in Veterinary Medicine with	1 (This text is currently unavailable. Please see the original.) (University of Forestry Management—Faculty of Veterinary Medicine). 2 (This text is currently unavailable. Please see the original.) (Trakiski University—		1/1/2007

	Professional Qualification in Veterinary Surgery).	Faculty of Veterinary Medicine).		
Cyprus.	(This text is currently unavailable. Please see the original.) (Certificate of Registration of Veterinary surgeon).	(This text is currently unavailable. Please see the original.) (Veterinary Council).		1/5/2004
Czech Republic.	—Diplom o ukončení studia ve studijním programu veterinární lékařství (doktor veterinární medicíny, MVDr.) (Diploma of doctor of veterinary medicine, abbreviation MVDr.). —Diplom o ukončení studia ve studijním programu veterinární hygiena a ekologie (doktor veterinární medicíny, MVDr.) (Diploma of doctor of veterinary hygiene and ecology, abbreviation MVDr.).	Veterinární fakulta univerzity v České republice (Veterinary faculty of a university in the Czech Republic).		1/5/2004
Denmark.	Bevis for bestået kandidateksamen i veterinærvidenskab (Certificate of success in the masters examination in veterinary sciences).	Kongelige Veterinaer- og Landbohøjskole (Royal Veterinary and Agricultural College).		21/12/1980
Estonia.	Diplom: täitnud veterinaarmeditsiini õppekava (Diploma in veterinary medicine).	Eesti Põllumajandusüli kool (Estonian Agricultural University).		1/5/2004
Finland.	Eläinlääketieteen lisensiaatin tutkinto / veterinärmedicin	Helsingin yliopisto / Helsingfors		1/1/1994

	licentiatexamen (Licentiate degree examination in veterinary medicine).	universitet (University of Helsinki).		
France.	Diplôme d'Etat de docteur vétérinaire (State Diploma of Veterinary Doctor).			21/12/1980
Germany.	Zeugnis über das Ergebnis des Dritten Abschnitts der Tierärztlichen Prüfung und das Gesamtergebnis der Tierärztlichen Prüfung (Certificate showing the result of the third section of the veterinary examination and the overall result of the veterinary examination).	Der Vorsitzende des Prüfungsausschusses für die Tierärztliche Prüfung einer Universität oder Hochschule (The Chairman of the Examination Board for the Veterinary Examination at a University or College).		21/12/1980
Greece.	(This text is currently unavailable. Please see the original.)	(This text is currently unavailable. Please see the original.) (Faculty of Geotechnical Sciences of the Aristotle University of Saloniki or the School of Veterinary Medicine of the Aristotle University of Saloniki or Thessaly).		1/1/1981
Hungary.	Állatorvos doktor oklevél—dr.med.vet. (Diploma of veterinary surgeon, abbreviated as dr.med.vet.).	Szent István Egyetem Állatorvos-tudományi Kar (Faculty of Veterinary Sciences of Szent István University).		1/5/2004

Iceland.	Recognised European Qualifications awarded in other relevant European States.		Certificate on completed practical training from the competent authority.	Not applicable
Ireland.	1 Diploma of Bachelor in/of Veterinary Medicine (MVB). 2 Diploma of Membership of the Royal College of Veterinary Surgeons (MRCVS).			21/12/1980
Italy.	Diploma di laurea in medicina veterinaria (Graduate in Veterinary Medicine).	Università (University).	Diploma di abilitazione all'esercizio della medicina veterinaria (Diploma of qualification in the practice of Veterinary Medicine).	1/1/1985
Latvia.	Veterinārārsta diploms (Diploma of veterinary surgeon).	Latvijas Lauksaimniecības Universitāte (Latvian University of Agriculture).		1/5/2004
Liechtenstein.	Recognised European Qualifications awarded in other relevant European States.		Certificate on completed practical training from the competent authority.	Not applicable
Lithuania.	Aukštojo mokslo diplomas (veterinarijos gydytojo (DVM)) (Diploma of higher education in veterinary medicine).	Lietuvos Veterinarijos Akademija (Lithuanian Veterinary Academy).		1/5/2004
Luxembourg	Diplôme d'Etat de docteur en médecine vétérinaire (State	Jury d'examen d'Etat (State Examination		21/12/1980

	Diploma of Doctor in Veterinary Medicine).	Commission).		
Malta.	Liċenzja ta' Kirurgu Veterinarju (Licence in Veterinary Surgery).	Kunsill tal-Kirurgi Veterinarji (Council of Veterinary Surgeons).		1/5/2004
Netherlands.	Getuigschrift van met goed gevolg afgelegd diergeneeskundig/ve eartsenijkundig examen (Testimonial of Successful Passing of the Veterinary Examination).			21/12/1980
Norway.	Vitnemål for fullført grad Candidata/candidatus medicinae veterinariae, (Certificate of completion of a degree in veterinary medicine) short form: cand.med.vet.	Norges veterinærhøgskole (Norwegian College of Veterinary Medicine).		
Poland.	Dyplom lekarza weterynarii (Diploma of Veterinary Surgeon).	1 Szkoła Główna Gospodarstwa Wiejskiego w Warszawie (Warsaw University of Economy and Rural Affairs). 2 Akademia Rolnicza we Wrocławiu (Agricultural University of Wrocław). 3 Akademia Rolnicza w Lublinie (Agricultural University of Lublin).		1/5/2004

		4 Uniwersytet Warmińsko-Mazurski w Olsztynie (University of Olsztyn, in the Warmia and Mazury region).		
Portugal.	Carta de curso de licenciatura em medicina veterinária (Diploma of Degree Course in Veterinary Medicine).	Universidade (University).		1/1/1986
Romania.	Diploma de licenta de doctor medic veterinar (Bachelor's Degree in Veterinary Medicine).	Universitati (Universities).		1/1/2007
Slovakia.	Vysokoškolský diplom o udelení akademického titulu 'doktor veterinárskej medicíny' ('MVDr.') (Diploma of doctor of veterinary medicine, abbreviation MVDr.).	Univerzita veterinárskeho lekárstva (University of Veterinary Medicine).		1/5/2004
Slovenia.	Diploma, s katero se podeljuje strokovni naslov 'doktor veterinarske medicine / doktorica veterinarske medicine' (Diploma awarding the professional title of Doctor of Veterinary Medicine (DrVetMed)).	Univerza (University).	Spričevalo o opravljenem državnem izpitu s področja veterinarstva (Certificate of having passed the state examination in the field of veterinary medicine).	1/5/2004
Spain.	Titulo de Licenciado en Veterinaria (Graduate Degree in Veterinary Science).	—Ministerio de Educación y Cultura (The Ministry of Education and Culture)		1/1/1986

		—El rector de una Universidad (The Rector of a University).		
Sweden.	Veterinärexamen (Veterinary Examination).	Sveriges Landbruksuniversitet (Swedish Agricultural University).		1/1/1994
Switzerland.	Titulaire du diplôme fédéral de vétérinaire / eidgenössisch diplomierter Tierarzt / titolare di diploma federale di veterinario (The holder of a Federal Veterinary Diploma).	Département fédéral de l'intérieur (Federal Department of Home Affairs).		

Table B
Other Qualifications Acquired Prior to Member State Membership of the European Union

<i>Member State</i>	<i>Qualification</i>	<i>Required additional documentation</i>
Czech Republic	<p>A qualification in veterinary medicine—</p> <p>(a) awarded by the former Czechoslovakia before 1 January 1993, or</p> <p>(b) for which the training started in</p>	<p>Both—</p> <p>(a) an attestation issued by the competent Czech authority that the relevant qualification has the same legal validity in the Czech Republic as Czech qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and</p> <p>(b) a certificate issued by the competent</p>

	the former Czechoslovakia before 1 January 1993.	Czech authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in the Czech Republic for at least three consecutive years during the five years prior to the date of issue of the certificate.
Estonia	<p>A qualification in veterinary medicine—</p> <p>(a) awarded by the former Soviet Union before 20 August 1991, or</p> <p>(b) for which the training started in the former Soviet Union before 20 August 1991.</p>	<p>Both—</p> <p>(a) an attestation issued by the competent Estonian authority that the relevant qualification has the same legal validity in Estonia as Estonian qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and</p> <p>(b) a certificate issued by the competent Estonian authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in Estonia for at least five consecutive years during the seven years prior to the date of issue of the certificate.</p>
Estonia	A qualification in veterinary medicine—	A certificate issued by the competent Estonian authority

	<p>(a) awarded by Estonia before 1 May 2004, or</p> <p>(b) for which the training started in Estonia before 1 May 2004.</p>	<p>that the person concerned has been effectively and lawfully engaged in veterinary medicine in Estonia for at least five consecutive years during the seven years prior to the date of issue of the certificate.</p>
Germany	<p>A qualification as a veterinary surgeon—</p> <p>(a) attesting to training received in the territory of the former German Democratic Republic that commenced before 3 October 1990, which does not satisfy the requirements laid down by Article 38 of Directive 2005/36/EC, as read with Article 22(a) of Directive 2005/36/EC, and</p> <p>(b) that indicates that the holder of that qualification is entitled to practise as a veterinary surgeon throughout the territory of</p>	<p>A certificate issued by the competent German authority that the person concerned has effectively and lawfully practised veterinary surgery in Germany for at least three consecutive years during the five years prior to the date of issue of the certificate.</p>

	Germany to the same extent as the holder of the German qualification set out in table A.	
Latvia	<p>A qualification in veterinary medicine—</p> <p>(a) awarded by the former Soviet Union before 21 August 1991, or</p> <p>(b) for which the training started in the former Soviet Union before 21 August 1991.</p>	<p>Both—</p> <p>(a) an attestation issued by the competent Latvian authority that the relevant qualification has the same legal validity in Latvia as Latvian qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and</p> <p>(b) a certificate issued by the competent Latvian authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in Latvia for at least three consecutive years during the five years prior to the date of issue of the certificate.</p>
Lithuania	<p>A qualification in veterinary medicine—</p> <p>(a) awarded by the former Soviet Union before 11 March 1990, or</p>	<p>Both—</p> <p>(a) an attestation issued by the competent Lithuanian authority that the relevant qualification has the same legal validity in</p>

	<p>(b) for which the training started in the former Soviet Union before 11 March 1990.</p>	<p>Lithuania as Lithuanian qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and</p> <p>(b) a certificate issued by the competent Lithuanian authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in Lithuania for at least three consecutive years during the five years prior to the date of issue of the certificate.</p>
Slovakia	<p>A qualification in veterinary medicine—</p> <p>(a) awarded by the former Czechoslovakia before 1 January 1993, or</p> <p>(b) for which the training started in the former Czechoslovakia before 1 January 1993.</p>	<p>Both—</p> <p>(a) an attestation issued by the competent Slovakian authority that the relevant qualification has the same legal validity in Slovakia as Slovakian qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and</p> <p>(b) a certificate issued by the competent Slovakian authority that the person concerned has been effectively and</p>

		lawfully engaged in veterinary medicine in Slovakia for at least three consecutive years during the five years prior to the date of issue of the certificate.
Slovenia	<p>A qualification in veterinary medicine—</p> <p>(a) awarded by the former Yugoslavia before 25 June 1991, or</p> <p>(b) for which the training started in the former Yugoslavia before 25 June 1991.</p>	<p>Both—</p> <p>(a) an attestation issued by the competent Slovenian authority that the relevant qualification has the same legal validity in Slovenia as Slovenian qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and</p> <p>(b) a certificate issued by the competent Slovenian authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in Slovenia for at least three consecutive years during the five years prior to the date of issue of the certificate.]</p>

NOTES

Amendment

Inserted by SI 1980/1951, art 3(5).

Substituted by SI 2008/1824, reg 2, Schedule.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see reg 4 thereof.

Miscellaneous

Para 6: in Table A in entry “Bulgaria” in columns “Title of qualification” and “Awarding body” the Bulgarian text omitted could not be reproduced. Please see the original.

**[SCHEDULE 1B
VISITING VETERINARY SURGEONS FROM RELEVANT EUROPEAN STATES]**

NOTES

Amendment

Inserted by SI 2008/1824, art 2, Schedule, para 17.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[Section 7A]

NOTES

Amendment

Inserted by SI 2008/1824, art 2, Schedule, para 17.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

[Application and interpretation]

1

This Schedule applies to a Community rights entitled person who is lawfully established as a veterinary surgeon in another State.

2

(1) In this Schedule—

- (a) “visiting practitioner” means a person to whom this Schedule applies;
- (b) “other State” or “another State” means a relevant European State other than the United Kingdom;
- (c) “disqualifying decision”, in relation to any person, means a decision which—
 - (i) is made by a competent authority of another State; and
 - (ii) has the effect in that State that the person is no longer lawfully established as a veterinary surgeon there or that the person is prohibited (even temporarily) from practising as a veterinary surgeon there; and
- (d) a reference to the provision of occasional services is a reference to the provision in the United Kingdom, on a temporary and occasional basis, of services as a veterinary surgeon.

(2) Sub-paragraph (3) applies where, for the purposes of this Schedule, it falls to be assessed whether the provision of services is on a temporary and occasional basis.

(3) The temporary and occasional nature of the provision of the services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity.

Registration in respect of the provision of occasional veterinary services

3

- (1) A visiting practitioner is entitled to be registered in the visiting European list of the register if the practitioner is entitled under paragraph 4 or 6 to provide occasional services.
- (2) The registrar shall give effect to entitlement under sub-paragraph (1).
- (3) A visiting practitioner who is entitled under sub-paragraph (1) to be registered in the visiting European list, but who is not registered in that list, shall be treated as registered in that list.
- (4) Sub-paragraph (5) applies where a person's entitlement under sub-paragraph (1) to be registered in that list ceases because, by reason of the operation of paragraph 7(1), (2) or (5), the person ceases to be entitled under this Schedule to provide occasional services.
- (5) Where this sub-paragraph applies, if the person's name is registered in the visiting European list, the registrar may remove the person's name from that list.
- (6) Sub-paragraphs (1) to (5) are not to be taken to prejudice the application, in relation to persons registered in the register on the basis of entitlement under sub-paragraph (1), of any other provision of this Act under which the name of a person who is registered in the register may be removed from the register or under which a person's registration in the register may be suspended.

Entitlement to provide occasional veterinary services: first year

4

A visiting practitioner is entitled to provide occasional services if—

- (a) the practitioner has complied with the requirements of paragraph 5; and
- (b) where the practitioner's case falls within regulation 3(9)(a) or (e) of the European Communities (Recognition of Professional Qualifications) Regulations 2007, the provision by the practitioner of occasional services is in accordance with regulations 14 to 16 of those Regulations (the practitioner having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the practitioner may be required to take under Part 2 of those Regulations),

but paragraph 7 contains provision about the duration of entitlement under this paragraph.

First provision of services: required documents

5

- (1) A visiting practitioner who proposes to provide occasional services for the first time must, before providing any such services, send or produce to the registrar—
 - (a) the required declaration; and
 - (b) the other required documents.
- (2) For the purposes of sub-paragraph (1) "the required declaration" is a written declaration that—

- (a) states the practitioner's wish to provide occasional services; and
 - (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.
- (3) For the purposes of sub-paragraph (1) "the other required documents" are—
- (a) if the practitioner is a national of a relevant European State, proof of nationality;
 - (b) if the practitioner is not a national of a relevant European State, proof that the practitioner is a Community rights entitled person;
 - (c) evidence of the practitioner's professional qualifications (so far as those qualifications are relevant to practice as a veterinary surgeon); and
 - (d) a certificate (or certificates), issued by a competent authority in another State, confirming—
 - (i) that the practitioner is lawfully established as a veterinary surgeon in that State; and
 - (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as a veterinary surgeon there.
- (4) A declaration under sub-paragraph (2) may be supplied by any means.

Entitlement to provide occasional services after first year: renewals

6

- (1) Sub-paragraph (2) applies where the registrar receives the required renewal documents from a visiting practitioner who is entitled under this Schedule to provide occasional services.
- (2) The visiting practitioner is entitled to continue to provide occasional services, but paragraph 7 contains provision about the duration of entitlement continued under this sub-paragraph.
- (3) Sub-paragraph (4) applies where the registrar receives the required renewal documents from a visiting practitioner—
- (a) who is not entitled under this Schedule to provide occasional services;
 - (b) who has previously been entitled under this Schedule to provide occasional services; and
 - (c) whose registration in the visiting European list is not suspended.
- (4) The visiting practitioner is once again entitled to provide occasional services but, in a case where the practitioner's name is not in the visiting European list as a result of removal otherwise than under paragraph 3(6), only if the registrar decides, after having regard (in particular) to the fact of that removal and the reasons for it, that the entitlement should be renewed.

Paragraph 7 contains provision about the duration of entitlement continued under this sub-paragraph.

- (5) In relation to a visiting practitioner "the required renewal documents" are—

- (a) a renewal declaration; and
- (b) each evidence of change document (if any).

(6) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—

- (a) states the practitioner’s wish to provide occasional services in a further year; and
- (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.

(7) Where a document—

- (a) is, in relation to a visiting practitioner, one of the other required documents for the purposes of paragraph 5(1); and
- (b) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 5 or this paragraph) supplied the then-current version of the document to the registrar,

the version of the document current when under this paragraph the practitioner supplies a renewal declaration to the registrar is an “evidence of change” document for the purposes of sub-paragraph (5)(b).

(8) A renewal declaration supplied under this paragraph may be supplied by any means.

Duration of entitlements to provide occasional services

7

(1) Unless an entitlement under paragraph 4 or 6(4) is continued (or further continued) by paragraph 6(2), the entitlement ceases at the end of the year that begins with the end of the day on which the registrar received the document the receipt of which gave rise to the entitlement.

(2) Where an entitlement under paragraph 4 or 6(4) is continued (or further continued) by paragraph 6(2), the entitlement is extended so as to cease at the end of the year that begins with the end of the relevant day.

(3) For the purposes of sub-paragraph (2)—

- (a) if the day on which the registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the registrar receives those documents;
- (b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the registrar receives the documents whose receipt gives rise to the continuation (or further continuation).

(4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 4 or 6(4), means the day on which the registrar receives the documents whose receipt gives rise to the entitlement.

(5) An entitlement under this Schedule to provide occasional services ceases if—

- (a) the visiting practitioner concerned becomes established as a veterinary surgeon in the United Kingdom;

- (b) the visiting practitioner ceases to be a Community rights entitled person; or
 - (c) it becomes the case—
 - (i) that the practitioner is not lawfully established as a veterinary surgeon in any of the other States; or
 - (ii) that the practitioner is prohibited (on a permanent or temporary basis) from practising as a veterinary surgeon in each other State in which the practitioner is lawfully established as a veterinary surgeon.
- (6) If in the case of a visiting practitioner—
- (a) the practitioner's registration in the visiting European list is suspended or the practitioner's name is removed from that list; and
 - (b) immediately before the time when the suspension or (as the case may be) removal takes effect, the practitioner is entitled under this Schedule to provide occasional veterinary services,

that entitlement ceases at that time.

Registrar's duty to notify person appearing not to have entitlement

8

Where the registrar receives documents from a person and it appears to the registrar—

- (a) that the documents were sent or produced to the registrar for the purposes of establishing that the person is entitled to be registered, to continue to be registered or once again to be registered in the visiting European list of the register, but
- (b) that the person is not so entitled,

the registrar shall, as soon as may be reasonably practicable after the registrar comes to be of that view, notify the person that the registrar is of that view.]

NOTES

Amendment

Inserted by SI 2008/1824, art 2, Schedule, para 17.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

SCHEDULE 2 PRELIMINARY INVESTIGATION AND DISCIPLINARY COMMITTEE

Section 15(3)

Part I Constitution of the Committees

1

- (1) The preliminary investigation committee shall consist of the President and Vice-Presidents of the College and three other members of the Council elected from among themselves by the members of the Council.

(2) Ordinary elections of the members of the preliminary investigation committee, other than the President or the Vice-Presidents, shall be held at the first meeting of the Council following the annual general meeting of the College and any election to fill a casual vacancy occurring among those members shall be held at the next meeting of the Council after the vacancy occurs.

(3) The quorum for a meeting of the preliminary investigation committee shall be three, of whom at least one shall be the President or a Vice-President of the College.

2

(1) The disciplinary committee shall consist of a chairman elected by the Council and of eleven other members so elected.

(2) A person shall not be qualified to be a member of the disciplinary committee unless he is a member of the Council.

(3) Not less than six members of the disciplinary committee shall be elected members of the Council, and not less than one member of the disciplinary committee shall be a member of the Council appointed to the Council by the Privy Council.

(4) For the purpose of any proceedings relating to the supplementary veterinary register there shall be added to the disciplinary committee four persons appointed by the Ministers, being persons registered in the supplementary veterinary register.

(5) No person who acted as a member of the preliminary investigation committee with respect to any case shall act as a member of the disciplinary committee with respect to that case.

(6) The quorum for a meeting of the disciplinary committee shall be five, of whom at least one shall be an elected member of the Council, except that a quorum for a meeting of the committee to hear a disciplinary case against a person registered in the supplementary veterinary register shall be seven, of whom at least one shall be an elected member of the Council and at least two shall be persons so registered.

3

The members of the preliminary investigation committee and the disciplinary committee shall hold office for such term as may be determined from time to time by the Council.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Part II Procedure of Disciplinary Committee

4

(1) For the purpose of any proceedings before the disciplinary committee in England and Wales or Northern Ireland the committee may administer oaths and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

(2) The provisions of section [36 of the *Supreme Court Act 1981* [Senior Courts Act 1981]] [of section 67 of the *Judicature (Northern Ireland) Act 1978*] or of the *Attendance of Witnesses Act 1854* (which provide special procedures for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to any proceedings before the disciplinary committee in England and Wales or, as the case may be, Northern Ireland as those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.

(3) For the purpose of any proceedings before a disciplinary committee in Scotland, the committee may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the committee, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation, to grant warrant for the recovery of documents, and to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

5

(1) The Council shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings in disciplinary cases before the disciplinary committee and in particular—

- (a) for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified by the rules, to the person alleged to be liable to have his name removed or suspended from the register;
- (b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the committee;
- (c) for enabling any party to the proceedings to be represented by counsel or solicitor or (if the rules so provide and the party so elects) by a person of such other description as may be specified by the rules;
- (d) for requiring proceedings before the committee to be held in public except so far as may be provided by the rules;
- (e) for requiring, in cases where it is alleged that a person is guilty of disgraceful conduct in any professional respect, that where the committee judges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates.

(2) As respects proceedings before the disciplinary committee not falling within the foregoing sub-paragraph the Council shall have power to make rules with respect to all or any of the matters mentioned in the foregoing sub-paragraph, but shall not be required to do so.

6

(1) For the purpose of advising the disciplinary committee on questions of law arising in disciplinary cases there shall in all such cases be an assessor to the committee who shall be

- (a) a person who has a 10 year general qualification, within the meaning of section 71 of the *Courts and Legal Services Act 1990*;
- (b) an advocate or solicitor in Scotland of at least 10 years' standing; or

- (c) a member of the Bar of Northern Ireland or *solicitor of the Supreme Court of Northern Ireland* [solicitor of the Court of Judicature of Northern Ireland] of at least 10 years' standing].

(2) The power of appointing an assessor to the disciplinary committee shall be exercisable by the Council, but if no assessor appointed by the Council is available to act in any particular proceedings the committee may itself appoint an assessor qualified as aforesaid for those proceedings.

(3) The Lord Chancellor may make rules as to the functions of assessors appointed under this paragraph, and in particular such rules may contain provision for securing—

- (a) that where an assessor advises the disciplinary committee on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the committee is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;
- (b) that every such party or person as aforesaid shall be informed if in any case the committee does not accept the advice of the assessor on such a question as aforesaid,

and may contain such incidental and supplementary provisions as the Lord Chancellor considers expedient.

(4) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(5) The Council may pay to an assessor appointed under this paragraph remuneration at such rates as may be determined by the Council with the consent of the Lord Chancellor.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment: 15 March 1967: see SI 1967/251, art 2.

Amendment

Para 4: in sub-para (2) words “36 of the Supreme Court Act 1981” in square brackets substituted by the Supreme Court Act 1981, s 52(1), Sch 5.

Para 4: in sub-para (2) words “Supreme Court Act 1981” in italics repealed and subsequent words in square brackets substituted by the Constitutional Reform Act 2005, s 59(5), Sch 11, Pt 1, para 1(2).

Date in force: to be appointed: see the Constitutional Reform Act 2005, s 148(1).

Para 4: in sub-para (2) words “of section 67 of the Judicature (Northern Ireland) Act 1978” in square brackets inserted by the Judicature Act 1978, s 122(1), Sch 5, Pt II.

Para 6: sub-para (1)(a)–(c) substituted by the Courts and Legal Services Act 1990, s 71(2), Sch 10, para 28.

Para 6: in sub-para (1)(c) words “solicitor of the Supreme Court of Northern Ireland” in italics repealed and subsequent words in square brackets substituted by the Constitutional Reform Act 2005, s 59(5), Sch 11, Pt 3, para 5.

Date in force: to be appointed: see the Constitutional Reform Act 2005, s 148(1).

Subordinate Legislation

Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules Order of Council 1967, SI 1967/659 (made under para 5(1)).

Veterinary Surgeons (Disciplinary Proceedings) Legal Assessor Rules 1967, SI 1967/684 (made under para 6(3)).

Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules Order of Council 2004, SI 2004/1680 (made under para 5(1)).

**[SCHEDULE 3
EXEMPTIONS FROM RESTRICTIONS ON PRACTICE OF VETERINARY SURGERY]**

[Part I
Treatment and Operations which may be given or Carried Out by Unqualified
Persons]

[1

Any minor medical treatment given to an animal by its owner, by another member of the household of which the owner is a member or by a person in the employment of the owner.

2

[Any medical treatment or any minor surgery] (not involving entry into a body cavity) given, otherwise than for reward, to an animal used in agriculture, as defined in the Agriculture Act 1947, by the owner of the animal or by a person engaged or employed in caring for animals so used.

3

The rendering in an emergency of first aid for the purpose of saving life or relieving pain or suffering.

4

The performance by any person of or over the age of eighteen of any of the following operations, that is to say—

- (a) the castration of a male animal or the caaponising of an animal, whether by chemical means or otherwise;
- (b) the docking of the tail of a lamb;
- (c) . . . ;
- (d) the amputation of the dew claws of a dog before its eyes are open.

5

The performance, by any person of the age of seventeen undergoing instruction in animal husbandry, of any operation mentioned in paragraph 4(a) or (b) above and the disbudding of a calf by any such person or by a person of or over the age of eighteen undergoing such instruction, if, in each case, either of the following conditions is complied with, that is to say—

- (a) the instruction in animal husbandry is given by a person registered in the register of veterinary surgeons or the supplementary veterinary register and the operation is performed under his direct personal supervision;

- (b) the instruction in animal husbandry is given at a recognised institution and the operation is performed under the direct personal supervision of a person appointed to give instruction at the institution.

[In the foregoing paragraph “recognised institution” means—

- (a) as respects England and Wales—
 - (i) an institution maintained or assisted by a local education authority;
 - [(iA) an institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992]
 - (ii) any other institution which provides higher education or further education (or both) and as respects which a grant is paid by the Secretary of State; or
 - (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph;
- (b) as respects Scotland—
 - [(i) any educational establishment (not being a school) within the meaning of section 135(1) of the Education (Scotland) Act 1980 for the provision of any form of further education for the management of which establishment an education authority is responsible;
 - (iA) any college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 which is managed by a board of management established under that Act;]
 - (ii) a central institution within the meaning of the Education (Scotland) Act 1980; . . .
 - (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph; [or
 - (iv) a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992;] and
- (c) as respects Northern Ireland, an agricultural college maintained by the Department of Agriculture for Northern Ireland;

and expressions used in paragraph (a) of this paragraph and in [the Education Act 1996] have the same meaning as in that Act.]

[6

Any medical treatment or any minor surgery (not involving entry into a body cavity) to any animal by a veterinary nurse if the following conditions are complied with, that is to say—

- (a) the animal is, for the time being, under the care of a registered veterinary surgeon or veterinary practitioner and the medical treatment or minor surgery is carried out by the veterinary nurse at his direction;
- (b) the registered veterinary surgeon or veterinary practitioner is the employer or is acting on behalf of the employer of the veterinary nurse; and

- (c) the registered veterinary surgeon or veterinary practitioner directing the medical treatment or minor surgery is satisfied that the veterinary nurse is qualified to carry out the treatment or surgery.

In this paragraph and in paragraph 7 below—

“veterinary nurse” means a nurse whose name is entered in the list of veterinary nurses[, or the list of visiting European veterinary nurses,] maintained by the College.]

[7

Any medical treatment or any minor surgery (not involving entry into a body cavity) to any animal by a student veterinary nurse if the following conditions are complied with, that is to say—

- (a) the animal is, for the time being, under the care of a registered veterinary surgeon or veterinary practitioner and the medical treatment or minor surgery is carried out by the student veterinary nurse at his direction and in the course of the student veterinary nurse’s training;
- (b) the treatment or surgery is supervised by a registered veterinary surgeon, veterinary practitioner or veterinary nurse and, in the case of surgery, the supervision is direct, continuous and personal; and
- (c) the registered veterinary surgeon or veterinary practitioner is the employer or is acting on behalf of the employer of the student veterinary nurse.

In this paragraph—

“student veterinary nurse” means a person enrolled under bye-laws made by the Council for the purpose of undergoing training as a veterinary nurse at an approved training and assessment centre or a veterinary practice approved by such a centre;

“approved training and assessment centre” means a centre approved by the Council for the purpose of training and assessing student veterinary nurses.]

NOTES

Amendment

Substituted by SI 1988/526, art 2.

Para 2: words in square brackets substituted by SI 1991/1412, art 2(a).

Para 4: sub-para (c) repealed by SI 1991/1412, art 2(c).

Para 5: definition “recognised institution” substituted by the Education Reform Act 1988, s 237, Sch 12, Part III, sub-para (a)(iA) inserted by the Further and Higher Education Act 1992, s 93, Sch 8, Part II, para 70; sub-paras(b)(i) and (iA) substituted, for sub-para (b)(i) as originally enacted, word omitted repealed, and sub-para (b)(iv) inserted, by the Further and Higher Education (Scotland) Act 1992, s 62, Sch 9, para 2, final words in square brackets substituted by the Education Act 1996, s 582(1), Sch 37, para 12.

Para 6: inserted by SI 1991/1412, art 2(b).

Para 6: substituted by SI 2002/1479, art 2(a).

Date in force: 10 June 2002: see SI 2002/1479, art 1.

Para 7: in definition “veterinary nurse” words “, or the list of visiting European veterinary nurses,” in square brackets inserted by SI 2008/1824, art 2, Schedule, para 18.

Date in force: 6 August 2008: see SI 2008/1824, reg 1; for savings see art 4 thereof.

Para 7: inserted by SI 2002/1479, art 2(b).

Date in force: 10 June 2002: see SI 2002/1479, art 1.

[Part II
Exclusions from Provisions of Part I]

[Nothing in section 19(4)(b) of this Act shall authorise—

- (a) the castration of a male animal being—
 - (i) a horse, pony, ass or mule,
 - (ii) a bull, boar or goat which has reached the age of two months,
 - (iii) a ram which has reached the age of three months, or
 - (iv) a cat or dog;
- (b) the spaying of a cat or dog;
- (c) the removal (otherwise than in an emergency for the purpose of saving life or relieving pain or suffering) of any part of the antlers of a deer before the velvet of the antlers is frayed and the greater part of it has been shed;
- (d) the desnooding of a turkey which has reached the age of 21 days;
- (e) the removal of the combs of any poultry which have reached the age of 72 hours;
- (f) the cutting of the toes of a domestic fowl or turkey which has reached the age of 72 hours;
- (g) the performance of a vasectomy or the carrying out of electro-ejaculation on any animal or bird kept for the production of food, wool, skin or fur or for use in the farming of land;
- (h) the removal of the supernumerary teats of a calf which has reached the age of 3 months; or
- (i) the dehorning or disbudding of a sheep or goat, except the trimming of the insensitive tip of an ingrowing horn which, if left untreated, could cause pain or distress.]

NOTES

Amendment

Substituted by SI 1988/526.

**SCHEDULE 4
ENACTMENTS REPEALED**

Section 28(1)

Chapter	Short Title	Extent of Repeal
44 & 45 Vict c 62	The Veterinary Surgeons Act 1881.	The whole Act.
22 & 23 Geo 5 c 10	The Veterinary Surgeons (Irish Free State Agreement) Act 1932.	The whole Act.

11 & 12 Geo 6 c 52	The Veterinary Surgeons Act 1948.	The whole Act, except sections 23, 30 and 31(1) and Schedule 2.
10 & 11 Eliz 2 c 23	The South Africa Act 1962.	In Schedule 3, paragraph 2.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 29(3).

Appointment

Appointment (in part): 15 March 1967: see SI 1967/251, art 2.

Appointment (in part): 15 November 1967: see SI 1967/251, art 3.

Appointment (remainder): 1 February 1973: see SI 1972/1990, art 2.