



MEETING	Council	
DATE	3rd June 2010	
TITLE	Revised Registration Regulations	
CLASSIFICATION	Unclassified	
SUMMARY	<p>The draft Registration Regulations have been updated following discussions at P&RC and now are presented to Council and if agreed will be presented to the Privy Council and Defra for approval.</p>	
DECISIONS REQUIRED	<p>It is recommended Council approve the Regulations for submission to the Privy Council, Annex A.</p> <p>Council is also asked to authorise Officers to agree any incidental amendments to the Regulations which might be needed to secure the approval of the Privy Council. Any substantive issues will be reported to Council in November.</p>	
ATTACHMENTS	Annex A – Revised Registration Regulations	
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BACKGROUND

1. The Veterinary Surgeons and Veterinary Practitioners (Registration) Regulations were last reviewed in detail in 2003 and minor amendments made in 2005. The fee schedule is amended each time there is a change to the level of fees charged. The changes have been considered by P&RC and discussed with Defra; a summary of the changes is presented below.

CHANGES TO THE REGULATIONS

Quarter days and half years (See Regulation paragraphs 29 >)

2. Currently fees payable or refundable are based on the difference in retention fees of categories of membership calculated by reference to the number of full quarters remaining in the fee year.
3. Quarter days have been removed and replaced with referenced to half years. The relevant annual retention fee due is based on the category of membership as at 1st April each year. Status changes to be effective on the date of receipt by the registrar and not backdated. For changes between 1 April and 30th September there will be a 50% refund or additional charge of the difference between the two relevant categories. After 30 September there will be no refunds or additional charges for changes in status but new registrants would pay 50% of the annual fee.
4. The only proposed exception to this is for new graduates registering in the year they graduate. It is proposed they will pay 50% of the annual retention fee in the first year of registration irrespective of the time of year they register. There will no longer be a registration fee to pay in addition to an apportioned retention fee – currently £73 plus apportioned retention fee.

Late fee payments (paragraph 32)

5. The draft regulations now provide for higher fees if paid after the 1st April each year.

Annual CPD declaration for all members (paragraph 17)

6. When submitted to P&RC in May the draft Regulations did not include a reference to CPD (as in the February version) as Defra had suggested on initial consultation that this would not be accepted. However following further discussions with Defra it has now been indicated that there would not be any obvious objection to a general provision and this has been included in the revised Regulations.

A proportion of the Registration fee to be non refundable (paragraph 29)

7. Defra believes it is reasonable for RCVS to retain a proportion of the registration fee, in the event of an abortive registration, to cover administration costs.

Practising address (paragraph 5c)

8. The draft Regulations now require a members' practising/principle work address be in the Register in preference to his private address. At present it is entirely open to members to choose which ever contact addresses they like for inclusion in the Register,

although the majority do in fact provide a practice or work address. It is proposed that the practice/principle work address would be the address published and the default address used for College mailings. However the new database will make it possible for members to request correspondence to go to an alternative address which would be held as a back up address.

Provision of Services Regulations 2009 (paragraph 5c)

9. On 29th December 2009 the Services Regulations 2009 came into force to implement Directive 2006/123/EC in the UK. This Directive affects all those who provide veterinary services in the United Kingdom including those established here permanently as well as those visiting to provide services. The Directive requires certain information to be provided to all recipients of services and this includes the geographic address at which established to provide the service, and also, where registered in a public register, the official address in that register.
10. To reflect these requirements it seems logical to include provisions in the new Registration Regulations. The draft Regulations define which address should be provided for the Register although permit other voluntary information which can be used as required.
11. Provision would be made for the Register address to be a PO Box or other nominated register address in approved circumstances and for example those who were non-practising.

Removal for non return of confirmation of address names (paragraph 15)

12. S13 of the VSA addresses the issue of those who are no longer practising in the UK where no notification has been received of their current status or address. The section permits a written notification to be sent by post making the enquiry as to current practising status and address. If no response is received to this notice within six months of the posting of the notice the members name can be removed from the Register.
13. This has been incorporated as part of a standard annual retention notice and, in effect to require a response to the notice, other than just ensuring that payment of the fee is received. This will enable records retained for the Register to be more accurate and ensure that the veterinary surgeons keep their data updated. It is anticipated this will be no more than a tick box or online return but will have to be made by all including those who pay by direct debit etc to keep their records updated. In line with the Act, 6 months will be permitted before any removal takes place. Administratively a reminder would be sent to those who have failed to return the declaration shortly before the deadline.

UK Practising (Post Graduate).

14. At present veterinary surgeons who have been granted Post Graduate Home Practising status under the RCVS Policy pay a reduced fee for a maximum period of 3 years. The current policy states: The postgraduate reduced fee is available only to those registered as postgraduate students undertaking full-time Masters or PhD degrees in a veterinary-related subject at a UK university. The reduced fee is granted for a maximum, total period of three years. Applications for the reduced fee must be accompanied by evidence from the further education establishment of formal registration on an appropriate course
15. This policy was reviewed in 2007 as at that time there were concerns that the original reduced fee application had been extended and included many who had not been the intended recipients. The original intention was for this to be for full time students who might do the odd week-end or summer vacation locum thus needing to be registered, but not earning a lot. It was not intended to apply to students working full time in clinics.
16. Requests are still constantly made for the reduced fee and many are not happy if they are advised they do not meet the criteria. In particular we have had complaints from residents who are not studying for Masters or PhD qualifications but who feel they should be included on the basis of their low income and the fact the university deem them full time post-graduate students.
17. It seems the Universities do register residents as "full time students" and many are then registered for European or American College Diplomas as well as some for certain Masters qualifications.
18. Traditionally the MSc was a 1 year full time course of study and eligible for this reduced fee. However, the RVC, for example, now offers a Masters course (MVetMed) which has been stated as "full time three year positions" during which students fulfil the requirements for completion of the Masters. It is not a traditional one year full time "taught" course as was anticipated by the original requirement for the reduced fee, but it technically falls within the definition.
19. This is just one of a number of anomalies. The College has been made aware of a petition supported by several hundred residents who feel that they should qualify for the reduced fee, as prior to 2007 they, along with clinical scholars and interns, did. The argument seems to be based on the fact that they are paid a minimal stipend and are studying, potentially to pursue an academic or research career. If this argument were followed it would be difficult to draw a distinction between residents employed in educational institutions and those in private practice.
20. In any event the statutory retention fee cannot be based on income levels, or what is seen to be a low income. This would lead to anomalies and be impossible to monitor. For example those on maternity leave are allowed by Government to undertake keeping in touch days without it affecting benefits but they have to be registered as a UK practising members with the RCVS. All those working part time and thus on lower income have to pay full fee. If the post graduate reduced fee is awarded to all full time post graduate students on the basis of their low income, this could be open to challenge by others who are on a low income.

21. Although there is still a case for supporting those who are full time students the range of different courses now available makes even that a difficult test to apply. Extending the definition to include residents, clinical scholars and interns would be one option, but another would be to discontinue this reduced fee arrangement altogether. That way everyone who is practising would be obliged to pay the same fee and we could avoid the inevitable anomalies and injustices that will arise otherwise.
22. The matter was discussed at P&RC and after due consideration the recommendation to Council is that the reduced fee is withdrawn, with effect from April 2011, except for those who have already embarked on a course of study to which the reduced fee applies.

Disciplinary Proceedings and provisions relating to non-payment (paragraph 24)

23. At present those who apply for voluntary removal cannot be removed if there are pending/ongoing disciplinary proceedings against them. This is retained within the regulations as the RCVS needs to have jurisdiction to continue with investigations and proceedings where appropriate
24. Where a member fails to pay the annual retention fee at the present time there is currently no specific discretion for their name to be retained on the register of members if there are pending/ongoing disciplinary proceedings against them. They are not however removed if so directed by the Registrar /Assistant Registrar to ensure where appropriate they do not avoid proceedings. Provisions to address this, and provide specifically within the regulations that they should not be removed, have been included in the latest draft.
25. Provisions to address fees payable by those restored by the Disciplinary Committee following a period of removal/suspension have also been reviewed and clarified.

SCHEDULE

Part I INTERPRETATION

1. These Regulations may be cited as the Veterinary surgeons and Veterinary Practitioners (Registration) Regulations 200...
2. In these Regulations, unless the context otherwise requires-
 - “Act” means the Veterinary Surgeons Act 1966;
 - “appropriate form” means an application form issued by the Council for the type of application in question and a requirement that an application shall be made on the appropriate form shall imply that the Council is entitled to require the completion of the form, which may be satisfied by completion of the form by electronic means;
 - “Calendar year” means the 12 months from January to December;
 - “College” means the Royal College of Veterinary Surgeons;
 - “Council” means the Council of the College;
 - “Disciplinary Committee” means the Disciplinary Committee of the Council;
 - “document” includes a document produced as a result of facsimile transmission and a hard copy of an electronic mail transmission;
 - “retention fee year” means the period running from 1st April to the next following 31st March;
 - “notify” includes making a communication by electronic means;
 - “practise or practising” means undertaking acts of veterinary surgery as defined in section 27(1) of the Act or is otherwise engaged in any activity which is, in the opinion of the Council, veterinary-related (receipt of remuneration has no relevance);
 - “relevant dates” for the purposes of determining fees payable or sums to be refunded under these Regulations, shall be the 1st April and the 1st October,
 - “register” means the register of veterinary surgeons maintained under section 2 of the Act;
 - “registrar” means the registrar of the College;
 - “United Kingdom” means the geographic area comprising the United Kingdom, Channel Islands and the Isle of Man;
 - “supplementary veterinary register” means the supplementary veterinary register maintained under section 8 of the Act
 - “veterinary practitioner” means a person registered in the supplementary veterinary register
 - “veterinary surgeon” means a person registered in the register.
3. References in these Regulations to a numbered Regulation mean the Regulation bearing that number in these Regulations, and references in these Regulations to “the Schedule” means the Schedule to these Regulations.

Part II

THE FORM OF THE REGISTER

4. The Register, composed of the five lists referred to in section 2 of The Act and the Supplementary Veterinary Register (SVR) referred to at section 8 of the Act, shall be kept to include the following particulars for all registrants:-

Compulsory Information in the Register

5. Published:

(a) Registration Status

The registration status of every registrant will fall into one of the following categories:-

- (i) UK Practising– a veterinary surgeon who is registered and has become a member of the College and is or has been established and practising in the United Kingdom and wishes to have or retain the full rights to practice veterinary surgery and all related activities in the United Kingdom.
- (ii) Practising outside the UK – a veterinary surgeon who is registered and has become a member of the College and is practising but not in the United Kingdom.
- (iii) Non-practising (or Non-practising over 70) – a veterinary surgeon who is registered and has become a member of the College and who is no longer practising, either for a temporary period or long term.
- (iv) Temporary Registrant – a veterinary surgeon who is ineligible for full registration and membership of the College and who has been granted registration under section 7 of the Act subject to conditions for a specified period.
- (v) Visiting European Veterinary Surgeons – a veterinary surgeon who is registered under section 7A of the Act who is established in another European Member State and is visiting the UK to provide services on a temporary and occasional basis.
- (vi) Veterinary Practitioner – a person registered in the Supplementary Veterinary Register maintained under section 8 of the Act;

(b) Name

Full names and any change of name since first registration;

(c) Official Register Address

- (i) For all UK Practising Members and Temporary Registrants this must be the principle practising address where they are established to work and from where veterinary services are provided. The Registrar may in exceptional circumstances approve the use of an alternative address upon application.
- (ii) For all other registration categories and those not providing veterinary services or who do not have a practising/work address this address is the address notified by them to the College as their Register address.

(d) Register Qualification

This is the primary veterinary qualification entitling the registrant to have their name entered in the Register under sections 3,4,5A,5B, 6 or 7 of the Act. (Not applicable to Supplementary Veterinary Registrants).

- (i) Title of qualification; and
- (ii) Name of college or university at which the qualification was obtained
- (iii) Date of Graduation

(e) Registration Reference Number

The number allocated on first registration by the College

(f) Registration Date

Date of first admission to the register

(g) Additional Information for certain registration status type

(1) Temporary Registrants

The following particulars of each person registered in this list:-

- (i) Period of registration; and
- (ii) Place or places at which veterinary surgery may be practised; and
- (iii) Any other conditions or restrictions relating to the practising of veterinary surgery; and
- (iv) The name of a responsible M/FRCVS.

(2) Visiting European Veterinary Surgeons

The following particulars of each person registered in this list:-

- (i) Name of Registration Authority in Country of Establishment; and
- (ii) Period of registration in the UK;

(3) The Supplementary Veterinary Register

The following additional particulars of each person registered in this Register:-

- (i) in the case of a person registered under subsections 1(c) and (2) of section 8 of the Act, the particulars required to be entered in the supplementary veterinary register under section 8(3) of the Act.

6. Not published:

- (h) Electronic mail address where available
- (i) Telephone numbers
- (j) Date of Birth

Voluntary Information

7. (a) Alternative address which can be nominated for correspondence or other purposes including email address, telephone number and mobile number

(b) Additional Qualifications

Council may in accordance with its policy on additional qualifications include in the published part of the Register such additional qualifications as it shall from time to time approve for inclusion and which the member has requested be inserted, in the Register.

Part III

THE MAKING OF ENTRIES IN THE REGISTER

Application for Initial Registration

8. An application to the Registrar for the inclusion of a name in the register must be made on the appropriate form.
9. All applicants for registration of any type in the register shall on initial application, produce or send to the registrar:-
 - (a) an application on the appropriate form correctly completed; and
 - (b) the document conferring or evidencing his qualification for registration; and
 - (c) such other supporting evidence as specified in s5A to the Act where required; and
 - (d) such other supporting evidence as the Council may require in a particular case to establish whether the applicant is entitled to be registered or not including evidence of the person's character; and
 - (e) the registration fee due for entry on the Register as specified in regulation 1 of the Schedule of Fees

Part IV

THE KEEPING OF THE REGISTER

10. The registrar shall have authority to refuse to make in or restore to the register any entry until the fees prescribed by these Regulations have been paid.
11. The fee year runs from 1st April to 31st March every year.

Retention of a Name on Register

12. A Veterinary Surgeon or Veterinary Practitioner must notify the registrar within 28 days of any changes to the particulars entered in the register or the supplementary veterinary register, in particular relating to a change of name, change of register address or change of practising status.
13. Not later than 14th March in each year the registrar shall issue to every veterinary surgeon and veterinary practitioner whose registration will expire on 31st March in the same year, a notice for the retention of a name in the register. This notice will contain the following:-
 - (a) the amount of the retention fee payable or balance due; and

- (b) the data held by the College in connection with the register entry;
and
 - (d) a warning that failure to confirm current address and current practising status may result in removal of the name from the register.
 - (e) Failure to pay the annual retention fee by 31st March will result in the increased late retention fee being payable, which must be paid by 29th May .
14. Where the registrar has not received by 30th April of any year the retention fee due by 31st March in the same year he shall send a warning that failure to pay the fee by 29th May will result in the removal of the name from the register under the provisions of section 11(2) of the Act.
 15. Where the registrar has not received the confirmation of status and address by 30th September in any year following service of the notice by 14th March in any year this may result in the removal from the register under the provisions of section 13(3) of the Act.
 16. Non-receipt of the notice by a veterinary surgeon or veterinary practitioner shall not affect the authority to remove a name from the register, nor shall it constitute a ground for retention on or restoration to the Register without payment of the appropriate fee.
 17. Registered UK Practising members may be requested to complete and return an annual CPD declaration with the retention fee notice.
 18. Registration status changes will be effective from the date of receipt by the Registrar and cannot be backdated. The relevant annual retention fee due is based on the registration status as at 1st April each year.

Correction of an Entry on the Register

19. When the registrar receives information from a veterinary surgeon or veterinary practitioner or otherwise that an entry in the register or the supplementary veterinary register is incorrect, or application is made by or on behalf of a veterinary surgeon or veterinary practitioner for an entry to be corrected, he shall make the required correction, if he is satisfied by means of a statutory declaration or otherwise that the information is true. No charge shall be made for a correction under this Regulation.

Part V REMOVAL OF ENTRIES

20. **Removal for Disciplinary Reasons**
The registrar shall, subject to the provisions of sections 16(2) and 17(3) of the Act, remove from the register or the supplementary veterinary register, or suspend the registration of, the name of any veterinary surgeon or veterinary practitioner, where he receives a direction to that effect from the Disciplinary Committee under section 16 of the Act

21. **Removal for Non-payment**
Where the registrar has not received by 30th April of any year, from a veterinary surgeon or veterinary practitioner retention fee due for payment by 31st March in the same year he shall send a warning that failure to pay the full amount outstanding of the fee by 29th May will result in the removal from the register or supplementary veterinary register of the name in relation to which the fee is due and if all outstanding fees are not received he shall under the provision of section 11(2) of the Act, remove the name from the register or the supplementary veterinary register.
22. **Removal for Non-return of data notice inquiry**
Where the registrar has not received a response to the annual data enquiry relating to address and practising status by 30th September each year he shall under the provisions of section 13(3) of the Act remove the name from the register or the supplementary veterinary register.
23. **Voluntary Removal**
The registrar may remove from the register or the supplementary veterinary register the name of any veterinary surgeon or veterinary practitioner upon receipt of a written and signed application by such surgeon or practitioner, or on his behalf, stating the ground on which the application is made and accompanied by a declaration that the applicant is not aware of any reason for the institution of proceedings which may lead to the removal of the name under section 16 of the Act
24. **Power to defer removal**
The registrar shall have authority to defer removal of any entry in the register if the registrant is the subject of proceedings which may lead to the removal of the name under section 16 of the Act. On conclusion of any such investigation or proceedings if the name remains in the register then all monies outstanding must be paid to retain the name on the register.

Part VI RESTORATION

25. **Following Removal for Disciplinary Reasons**
Where a name has been removed or suspended from the register or the supplementary veterinary register under the provisions of section 16(2) of the Act and Regulation 20
 - (a) it shall be restored in accordance with section 18 of the Act following the written notification by the Registrar and thereafter upon receipt of an application on the appropriate form correctly completed, accompanied by the restoration fee specified in regulation 3 of the Schedule together with the appropriate proportion of the retention fee due under regulation 2 of the Schedule applicable calculated by reference to the half year of the fee year in which the restoration is to take place, unless restoration takes place in the same fee year the member was removed or suspended when no additional payment is payable.

(b) the date of restoration shall be the date of receipt of the restoration form and required fee following the issue of the written notification by the registrar.

26. Following removal for non-payment

Where a name has been removed from the register under the provisions of section 11(2) of the Act and Regulation 21:

(a) it shall be restored on receipt of an application on the appropriate form correctly completed, accompanied by the restoration fee specified in Regulation 4 of the Schedule together with the appropriate retention fee due under Regulation 2 of the Schedule in respect of the full fee year in which the restoration is to take place.

(b) restoration must be made initially to the same status type as at the time of removal.

(c) restoration shall take effect on the date of receipt of the appropriate form and fee.

(d) in cases of repeated removal under the provisions of section 11(2) the restoration fee specified in Regulation 4 of the Schedule shall be increased by one hundred percent for each time the applicant has been so removed.

(e) where the name of the applicant for restoration has not been included in the register or the supplementary veterinary register during one year immediately preceding the date of application evidence establishing to the satisfaction of the registrar the applicant's identity and good character shall be required.

27. Following removal for non-return of status and address confirmation

Where a name has been removed from the register under the provisions of section 13(3) of the Act and Regulation 22:

(a) it shall be restored on receipt of an application on the appropriate form correctly completed, accompanied by the restoration fee together with the restoration fee specified in Regulation 5 of the Schedule and the appropriate retention fee due under Regulation 2 of the Schedule in respect of the half fee year in which the restoration is to take place.

(b) restoration must be made initially to the same status type as at the time of removal.

(c) restoration shall take effect on the date of receipt of the appropriate form and fee.

(d) in cases of repeated removal under the provisions of section 13(3) the restoration fee specified in Regulation 5 of the Schedule shall be increased by one hundred percent for each time the applicant has been so removed.

28. Following voluntary removal

Where a name has been removed from the register or the supplementary veterinary register under the provisions of section 13(2) of the Act and Regulation 22:

(a) it shall be restored on receipt of an application on the appropriate form correctly completed accompanied by the restoration fee specified in Regulation 5 of the Schedule

together with the appropriate proportion of the retention fee due under Regulation 2 of the Schedule applicable

(b) restoration will take effect on the date of receipt of the appropriate form and fee.

(c) where the name of the applicant for restoration has not been included in the register or the supplementary veterinary register during one year immediately preceding the date of application evidence establishing to the satisfaction of the registrar the applicant's identity and good character shall be required.

Part VII FEES PAYABLE

29. First Registration
- (i) For those applying for the entry of a name in the Register, with the exception of visiting European Veterinary Surgeons, a registration fee must be paid as specified in regulations 1 and 6 of the Schedule.
- (ii) In the event of withdrawal of an application to register 15% of the registration fee will be retained.
30. New graduates who register in the calendar year in which they graduate shall pay a reduced registration fee as specified in regulation 1 of the Schedule.

Retention Fees

31. UK Practising
- Subject to the provisions of regulations 20, 21, 22 and 23 the retention fee to retain a name in the Register or in the Supplementary Veterinary Register, shall be of such amount as is specified in regulation 2 of the Schedule and the whole fee shall be payable before the beginning of the retention fee year to which it relates, or in the case of a Temporary Registrant the start of the next annual fee year of their registration.
32. Where the retention fee is not received by the 31st March each year the late retention fee will become due.
33. Practising Outside the UK Fee Adjustments
- (a) A veterinary surgeon who has paid the relevant retention fee specified in Regulation 2 (Outside UK) of the Schedule on the basis that he has been practising outside the United Kingdom and who returns to do so in the United Kingdom before the 1st October and notifies the registrar on the appropriate form shall pay an additional sum of being 50% of the difference between the retention fees which are applicable.
- (b) A veterinary surgeon who has paid the relevant retention fee specified in Regulation 2 (UK Practising) of the Schedule and who has provided the registrar with a declaration on the appropriate form of his intention to practise outside the United Kingdom before the 1st October shall be entitled to a refund of a sum being 50% of the difference between the retention fees which are applicable.
34. Non-practising Fee Adjustments

(a) A veterinary surgeon who has paid the relevant retention fee specified in Regulation 2 of the Schedule and who has provided the registrar with a declaration on the appropriate form to the effect that he is no longer practising before the 1st October shall be entitled to a refund of a sum being 50% of the difference between the retention fees which are applicable.

(b) A veterinary surgeon who has provided the registrar with a declaration that he is not practising and who subsequently notifies the registrar on the appropriate form of his intention now to do so before the 1st October shall pay an additional sum being 50% of the difference between the retention fees which are applicable.

35. Restoration Fees

The fees for restoration of a name to the register or to the supplementary veterinary register shall be of such amounts as are specified in the Schedule.

The Payment of Fees

36. Payment of any fee due under these Regulations may be made by any method acceptable to the Council, including payment by electronic means, provided that where a member or other registrant pays by credit card an administrative charge of 3% of the fee to be paid, or such other amount or proportion as may be determined by the Council from time to time, shall be payable in addition to the relevant amount of the relevant fee specified in the Schedule.

37. The registrar shall have authority to refuse to make in or restore to the register any entry until the fees prescribed by these Regulations have been paid.

Part VIII

TRANSFER FROM ONE LIST TO ANOTHER

38. (a) An application for the transfer of a name from one list to another shall be made on the appropriate form.

(b) In the case of an application for transfer to the general, Commonwealth or foreign lists the applicant shall produce or send to the registrar the document conferring or evidencing his qualifications for registration in such list and such other supporting evidence as the Council may require in a particular case.

(c) Where the Council is satisfied that the applicant is entitled to the transfer it shall direct the registrar to delete the name of the applicant from one register or list, as the case may be, and enter it in the other.

PART IX

PROVISIONS RELATING TO THE REPUBLIC OF IRELAND

39. A veterinary surgeon who:-

(a) had a degree conferred by the University of Dublin or the National University of Ireland resides within the Republic of Ireland; and

(b) was registered in the register of the College and became a member before 31st May 1988; and

(c) his sole and principal place of work was at that date and continues to be within the area of the jurisdiction of the Irish Council; and

(d) continues to maintain his registration with the Irish Council

shall pay no retention fee to the Council to retain his name on the register as a Southern Irish Member in accordance with the provisions of section 1A of the Act.

Part X
REVOCATION OF PREVIOUS REGULATIONS AND
AMENDMENTS

40. The Veterinary Surgeons and Veterinary Practitioners (Registration) Regulations Order of Council 2005 are hereby revoked.