

Committee and Disciplinary Committee Bye-Laws 2013

Made by the Council on 7 March 2013 under article 22 of the Supplemental Charter of 1967

Citation and Commencement

1. These bye-laws may be cited as the Preliminary Investigation Committee and Disciplinary Committee Bye-Laws 2013 and shall come into effect on 6 April 2013.

Interpretation

2. The Interpretation Act 1978 shall apply to these bye-laws as it applies to an Act of Parliament and, unless the context requires to the contrary, words and expressions used in these bye-laws shall have the same meanings as in the Veterinary Surgeons Act 1966 ("the Act") and the Supplemental Charter granted on 19th October 1967 ("the Supplemental Charter").
3. "The Council" means the Council of the Royal College of Veterinary Surgeons.
4. References to "the Preliminary Investigation Committee", "the Disciplinary Committee", "the committees" or "the statutory committees" are to the committees set up pursuant to section 15 of the Act.
5. References to the appointment of members of the committees are to the appointment by the Council of persons other than members of the Council in pursuance of paragraph 1 of Schedule 2 to the Act, and "appointed members" shall be construed accordingly.
6. "The chairman" means the person designated by the Council under paragraph 1 of Schedule 2 to the Act to act as the chair of a committee.

Appointment of committee members

7. The Council shall set up a committee (here referred to as "the selection committee") to advise it on the appointment of members of the statutory committees. Before appointing members of the committees the Council shall have regard to the advice of the selection committee.
8. The selection committee shall not include members of the Council.
9. A person who has served as a member of the Preliminary Investigation Committee shall not be appointed to the Disciplinary Committee unless three years have elapsed since the person concerned ceased to be a member of the Preliminary Investigation Committee.

Term of office

10. Appointed members of the committees shall hold office for four years or such shorter term as the Council may determine in a particular case.
11. Members of the Council elected to serve as members of the committees during the transitional period specified in paragraph 3A of Schedule 2 to the Act shall hold office for one year or such shorter term as the Council may determine in a particular case.

Conditions about fitness to be a member of a statutory committee

12. Members of the committees shall hold office subject to satisfying the following conditions:-
 - a) they must at no time have been convicted of an offence involving dishonesty or deception in the United Kingdom, or in relation to the welfare of animals, or where the final outcome of the proceedings was a sentence of imprisonment or detention, the conviction not being a spent conviction;
 - b) they must at no time have been removed from the office of charity trustee or trustee for a charity by reason of any misconduct or mismanagement in the administration of the charity for which the person was responsible or to which the person was privy, or which the person contributed to or facilitated by their conduct;
 - c) they must at no time have been removed from office as the chair, member, convenor or director of any public body on the grounds that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;
 - d) they must at no time have been adjudged bankrupt or had sequestration of their estate awarded, the person not having been discharged;
 - e) they must not be the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order;
 - f) they must at no time have made a composition or arrangement with, or granted a trust deed for, their creditors, not having been discharged in respect of it;
 - g) they must not be disqualified from being a company director;
 - h) they must not be included in a barred list under statutory provisions for the safeguarding of vulnerable groups;
 - i) they must at no time have been subject to any investigation or proceedings concerning fitness to practise by any licensing body, if the final outcome of the investigation or proceedings was suspension from a register held by the licensing body (that suspension not having been terminated), or erasure from such a register, or a decision that had the effect of preventing

practice of the profession licensed or regulated by the licensing body, or only allowing practice subject to conditions which were not lifted;

- j) they must at no time have had their name removed from the register of veterinary surgeons under section 16 of the Veterinary Surgeons Act 1966;
 - k) they must not have been the subject of a direction under section 16 of the Veterinary Surgeons Act 1966 for their registration to be suspended, if that suspension remains in operation;
 - l) they must not be, or have been, subject to any investigation or proceedings concerning fitness to practise by any licensing body or by the Council, or at any time convicted of an offence elsewhere than in the United Kingdom, if the Council is satisfied that their membership of the committee would in view of that investigation or those proceedings or that conviction be liable to undermine public confidence in the regulation of the veterinary profession;
 - m) their attendance at meetings of the committee must not have fallen below a minimum level of attendance acceptable to the Council;
 - n) they must undertake any education or training required by the Council and comply with any arrangements as to appraisal of their performance as committee members which the Council may require;
 - o) they must not be unable to perform their duties as committee members because of adverse physical or mental health.
13. The Council may remove from office any member of a committee if the Council is satisfied that they do not comply with one or more of the conditions mentioned above, or that their membership of the committee would for any other reason be liable to undermine public confidence in the regulation of the veterinary profession.
14. Before exercising the power to remove from office a member of a statutory committee, the Council shall set up a panel to advise it on the matter and shall have regard to the advice of that panel. The panel shall not include members of the Council.

Vice-chairmen

15. The Council may from time to time designate one or more members of a committee to be vice-chairmen, and may at any time remove such a designation.

Chairing of meetings of the Preliminary Investigation Committee

16. The chairman or a vice-chairman of the Preliminary Investigation Committee shall preside at its meetings. If, during the course of a meeting of the committee, the person presiding ceases to be able to do so by reason of indisposition, conflict of interest or some other cause, the chairman or a vice-chairman or such other member of the committee as the members of the committee present may choose shall preside for the rest of the meeting.

Clerk to Preliminary Investigation Committee

17. The Registrar shall appoint a clerk to the committee, who may be an employee of the College but not a member of the Council.

Convening of meetings of Preliminary Investigation Committee

18. The clerk shall convene meetings of the committee, having consulted the chairman or, in the absence or incapacity of the chairman, the vice-chairman or vice-chairmen. At least ten days' notice shall be given of every meeting, unless the chairman or vice-chairman who is to preside at the meeting directs that a shorter period is permissible.
19. The agenda for a meeting of the committee shall state clearly the business to be transacted.

Meetings of Preliminary Investigation Committee and Disciplinary Committee

20. The Preliminary Investigation Committee and Disciplinary Committee may meet and conduct inquiries with less than the full membership of the committee being present.
21. Any decision made by the committee at such a meeting or inquiry shall be a decision of the committee, provided that the quorum for meetings of the committee, as specified in paragraph 3 of Schedule 2 to the Act, is observed.

Reporting to the Council

22. The committees shall report to the Council from time to time on the discharge of their functions.