

Proposal for a new Royal Charter

A CONSULTATION

December 2013

13 December 2013

Dear Colleague

Proposal for a new Royal Charter

The Royal College of Veterinary Surgeons proposes to seek a new Royal Charter and wants to hear your views.

The College exists by virtue of the original Royal Charter of 1844 and a Supplemental Charter of 1967. The 1967 Charter lays down rules for the conduct of the business of the College, and it also gives the powers under which we confer Fellowships and award diplomas and certificates.

This consultation paper explains why it is time to replace the 1967 Charter with a new version which sets out the role of the College. The present Charter nowhere explains what objects the RCVS should set out to achieve, and it is silent about veterinary nurses. The remit of the College should include being the regulator for the veterinary nursing profession, and we want a new Charter to recognise Registered Veterinary Nurses as associates of the College.

The new Charter, which is attached to the consultation paper, sets out what we see as the proper objects of the College, and it explains the various kinds of activity through which it can try to achieve those objects. The draft Charter consolidates the position of the Veterinary Nurses' Council and puts in place a proper framework for the regulation of veterinary nurses.

Royal Charters have to start and finish with some time-honoured wording which sounds very old-fashioned, but the operative text of the proposed new RCVS Charter is designed to be clear and straightforward. There is nothing hidden in the small print. We hope that it will provide a solid basis for the work of the College for years to come.

Please let us know what you think, and help us to make sure we have got it right.

Yours faithfully



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President

Royal College of Veterinary Surgeons: proposal for a new Royal Charter

Introduction

1. The Royal College of Veterinary Surgeons (RCVS) is governed by a Royal Charter of 1967. This is out of date, and the College proposes to seek a new Charter to replace it. Comments are invited from veterinary surgeons, veterinary nurses and others with an interest in the work of the College.

Background

2. The RCVS is the regulator of the veterinary profession under the Veterinary Surgeons Act 1966. The Act requires the College to accredit veterinary degrees, keep a register of qualified veterinary surgeons and supervise their professional conduct. The Act also specifies the constitution of the RCVS Council. The College was, however, created by and still exists by virtue of a Royal Charter of 1844. The RCVS is unusual in that it is constituted by Royal Charter but does its main job under an Act of Parliament.
3. Most of the contents of the original Charter were superseded by the Supplemental Charter of 1967. This deals with such housekeeping matters as arrangements for the annual general meeting of the College, the management of College business by the RCVS Council, powers to employ staff and financial powers. It also gives powers to do certain things which are not part of the statutory job – to elect Fellows and honorary associates, to award diplomas and certificates “in veterinary science and its auxiliary sciences and arts”, and to support the Royal College of Veterinary Surgeons Trust (now known as RCVS Knowledge) and other bodies that promote veterinary science and education.

Need for a new Charter

4. The 1967 Charter is out of date in some respects. It contains a lot of detail, for instance on powers to make investments. Rules for such matters ought to be set at a lower level, because a Charter is not the right place for material that is likely to need frequent revision.
5. More importantly, there are things that the present Charter does not say. Notably, it does not explain what the RCVS is there to do. In the absence of any statement of the objects of the College, it is not clear how the regulatory functions performed under the Act relate to the other activities that are carried out under the Charter.
6. A very important omission concerns veterinary nurses. They are not mentioned in the present Charter. The College awards the Certificate in Veterinary Nursing to qualified veterinary nurses, and it keeps a List of those who hold the Certificate. Part of the List has been designated as the Register of Veterinary Nurses, and registered veterinary nurses have agreed that their professional conduct should be subject to supervision. A new Charter needs to recognise the role of the College as the regulator of the veterinary nursing profession.
7. The draft new Charter at annex A is designed to fill these gaps by specifying the objects of College and providing for the regulation of veterinary nurses.

Objects and activities of the College

8. The draft Charter sets out the objects of the RCVS as to “set, uphold and advance veterinary standards, and to promote, encourage and advance the study and practice of the art and science of veterinary surgery and medicine, in the interests of the health and welfare of animals and in the wider public interest”.
9. Under the Act the RCVS sets veterinary standards by recognising degrees for the purpose of admission to the Register of Veterinary Surgeons, and the Preliminary Investigation and Disciplinary Committees supervise the professional conduct of veterinary surgeons. The draft Charter complements the Act by giving the College power to do other things which are necessary or expedient in order to help it achieve its objects. So, for example, article 5 of the draft mentions promulgating guidance on professional conduct (item h in the list of activities): the *Codes of Professional Conduct* for veterinary surgeons and veterinary nurses set standards for veterinary practice. Again, the draft recognises that the College advances standards by promoting continuing professional development (item d), awarding post-registration distinctions (items d & e), and accrediting veterinary practices under the Practice Standards Scheme (item i). The RCVS promotes “the study and practice of the art and science of veterinary surgery and medicine” primarily by supporting the activities of RCVS Knowledge.

Veterinary nursing

10. The draft Charter requires the College to keep the Register of Veterinary Nurses, recognises registered veterinary nurses as associates of the College, and provides for the Veterinary Nurses’ Council – which is a committee of the RCVS Council – to set standards for the training, education and conduct of Registered Veterinary Nurses.
11. The existing List of Veterinary Nurses is mentioned in Schedule 3 to the Veterinary Surgeons Act, which allows listed veterinary nurses to carry out certain veterinary procedures under veterinary direction. The draft makes clear that the Register of Veterinary Nurses will continue to be the List mentioned in the Act. Currently, however, the List includes veterinary nurses who qualified before 1 April 2003 and have not chosen to transfer to the Register. The RCVS Council and the Veterinary Nurses’ Council consider that, in the interests of animal welfare and for the protection of clients and employers, the time has come to maintain a single Register. All listed veterinary nurses – other than those who have been removed from the Register following disciplinary proceedings – will thus become registered veterinary nurses, and their professional conduct will be subject to supervision. Any listed veterinary nurses who have been removed from the Register following disciplinary proceedings, and have not been restored to the Register before the new Charter comes into operation, will cease to be listed, but will be free to apply to be restored to the Register.

Associates

12. The draft Charter gives registered veterinary nurses the formal status of associates of the College. They will continue to be known as registered veterinary nurses and be entitled to use the postnominals RVN.
13. There will be power for the College to make new bye-laws creating further classes of associate. Any

such bye-laws would need to be approved by a resolution of the members at a general meeting of the College and submitted to the Privy Council for ratification. There is no current proposal to recognise further classes of associate, but one possibility would be to offer that status to student veterinary surgeons and student veterinary nurses.

Financial powers

14. The draft Charter gives the College powers to engage in a range of financial transactions, including making fees or charges for goods or services provided. That does not mean that the College could use Charter powers to raise money from its members or anyone else against their will. (It is the Act rather than the Charter that enables the RCVS to collect registration and annual retention fees from veterinary surgeons.)

Bye-laws

15. The draft bye-laws make two changes relating to general meetings. The present Charter sets 12 as the quorum for general meetings, and says that 50 members may requisition a general meeting. Both figures seem rather low. The draft bye-laws therefore set a quorum of 25 for general meetings and allow 200 members to requisition one.

Responding to the consultation

16. Comments should be sent to Ben Myring, b.myring@rcvs.org.uk, 020 7202 0783, by 7 February 2014.

17. When this consultation ends, we will store a copy of the responses received for at least six months from the date the consultation responses document has been published. This is so that the public can see them and copies of responses will be made available to the public on request. Also, members of the public may ask for a copy of responses under freedom of information legislation.

18. If you do not want your response – including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer that will not count as a confidentiality request.

19. Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential.

20. We will summarise all responses and place this summary on our website at www.rcvs.org.uk/royalcharter. The summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

Draft replacement Supplemental Charter and bye-laws prepared by Field Fisher Waterhouse LLP

Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS by a Charter dated the eighth day of March in the year of our Lord One thousand eight hundred and forty-four (hereinafter referred to as: “the Charter of 1844”) the Royal College of Veterinary Surgeons (hereinafter called “the College”) was incorporated with perpetual succession and a Common Seal:

AND WHEREAS Supplemental Charters were granted to the College in the years One thousand eight hundred and seventy-six, One thousand eight hundred and seventy-nine, One thousand eight hundred and eighty-three, One thousand eight hundred and ninety-two, One thousand nine hundred and fourteen, One Thousand nine hundred and twenty-three, One thousand nine hundred and thirty-two, One thousand nine hundred and sixty-one, One thousand nine hundred and sixty-three, One thousand nine hundred and sixty-five, One thousand nine hundred and sixty-seven (hereinafter referred to as “the Supplemental Charters”):

AND WHEREAS by the Veterinary Surgeons Act 1966 provision has been made for the continuance of the Council of the College in the form and subject to the requirements therein prescribed, for the appointment by the Council of a Registrar and for the maintenance of the registers required by Statute to be kept by him, and provision has been further made regarding membership of the College, the composition of the Register of Veterinary Surgeons, the regulation of fees payable for registration in such Register and for various other matters previously regulated by the Charter of 1844, the Supplemental Charters and the Veterinary Surgeons Act 1881:

AND WHEREAS a Petition has been presented unto Us by the College humbly praying that We would be graciously pleased to grant it a further Supplemental Charter:

AND WHEREAS We have taken the Petition of the Royal College into Our Royal Consideration and are minded to accede to it:

NOW THEREFORE WE by virtue of Our Royal Prerogative in that behalf and of all other powers enabling Us so to do of Our especial grace, certain knowledge, and mere motion do for Us Our Heirs and Successors will, grant, direct, appoint and declare as follows:

Revocation of existing Charters

1. The provisions of the Supplemental Charter of 1967 are hereby revoked, except so far as it retained those provisions of the Charter of 1844 which incorporate the College, recognise the veterinary art as a profession and authorise the College to have a Common Seal, to hold property, and to sue and be sued.

Continuation of Royal College of Veterinary Surgeons

2. The Royal College of Veterinary Surgeons incorporated by the Charter of 1844 shall continue as a body corporate (“the College”) as it has up to now.

Objects

3. The objects of the College shall be to set, uphold and advance veterinary standards, and to promote, encourage and advance the study and practice of the art and science of veterinary surgery and medicine, in the interests of the health and welfare of animals and in the wider public interest.

Activities

4. This Supplemental Charter recognises that the Veterinary Surgeons Act 1966 (‘the Act’) makes provision for a number of activities of the College relating to the Council of the College, the College’s European functions, registration and qualification for registration, disciplinary and similar proceedings against veterinary surgeons, restriction on the practice of veterinary surgery, agreements with the Republic of Ireland and other relevant matters.
5. In addition to those functions conferred on it by or under the Act or by or under any other Act of Parliament the College may undertake any activities which seem to it necessary or expedient to help it to achieve its objects. These may include, but are not limited to, the following:
 - a. Accrediting veterinary courses and qualifications, other than as provided for in the Act in relation to veterinary surgeons;
 - b. Working with others to develop, update and ensure co-ordination of international standards of veterinary education;
 - c. Administering examinations for the purpose of registration, awarding qualifications and recognising expertise other than as provided for in the Act;
 - d. Developing, accrediting, and promulgating guidance on post-registration veterinary education and training for those admitted as members and associates of the College;
 - e. Supporting the continued development and examination of new knowledge and skills;
 - f. Awarding fellowships, honorary fellowships, honorary associateships or other designations to suitable individuals;
 - g. Keeping lists or registers of veterinary nurses and other classes of associate;
 - h. Promulgating guidance on professional conduct;
 - i. Setting standards for and accrediting veterinary practices and other suppliers of veterinary services;

- j. Promoting the resolution of disputes between registered persons and their clients;
- k. Providing information services to the veterinary professions;
- l. Providing historical information about the development of the veterinary professions;
- m. Monitoring developments in the demographic of veterinary professionals;
- n. Providing information about, and promoting fair access to, careers in the veterinary professions.

The Council

- 6. The affairs of the College shall be managed by the Council as constituted under the Act. The Council shall have the entire management of and superintendence over the affairs, concerns and property of the College (save those powers of directing removal from, suspension from or restoration to the register of veterinary surgeons and supplementary veterinary register reserved to the disciplinary committee established under the Act) and shall have power to act by committees, sub-committees or boards and to delegate such functions as it thinks fit from time to time to such committees, sub-committees or boards and to any of its own number and to the employees and agents of the College.

Bye-laws and their alteration

- 7. The College shall make bye-laws for the conduct of its business. On the coming into force of this Supplemental Charter the bye-laws contained in the Schedule shall constitute the bye-laws of the College to the exclusion of all bye-laws made under previous Charters and all such bye-laws are hereby repealed.
- 8. The College may by resolution of the members voting in general meeting alter any or all of its bye-laws by amendment, addition, deletion, revocation and replacement provided such alteration is not inconsistent with any provision of this Supplemental Charter or any provision in or made under any Act of Parliament. No new bye-law or amendment or repeal of any of the bye-laws shall come into effect unless approved by the Lords of Our Most Honourable Privy Council, and a certificate under the hand of the Clerk of the Privy Council shall be conclusive evidence of such approval.
- 9. The Council may make, alter and revoke rules, protocols and procedures related to its activities under the Charter and the transaction of the business of the College other than as provided for by or under any Act of Parliament, the Charters or the bye-laws.

Members of the College

- 10. The members of the College shall be persons who, on being registered in the register of veterinary surgeons in accordance with the Act, are entitled by the Act to become members of the College on being so registered. A person who ceases to be registered in the register of veterinary surgeons, or whose registration is suspended at the direction of the disciplinary committee established under the Act, shall cease to be a member of the College, but shall again become a member on the restoration of that person's name to the register or when the suspension ceases to have effect.

11. Members of the College may use such lawful descriptions, and such abbreviations of them, as may be provided for in the bye-laws of the College.

Associates of the College

12. The College shall continue to keep a list of veterinary nurses, and the list is to be known as the register of veterinary nurses. A veterinary nurse who is registered in the register of veterinary nurses shall be an associate of the College.
13. There shall continue to be a committee of the Council whose functions shall encompass the regulation of the profession of veterinary nurse and that committee shall be known as the Veterinary Nurses' Council.
14. The Veterinary Nurses' Council shall set standards for the training and education of persons wishing to be entered in the register of veterinary nurses.
15. The Veterinary Nurses' Council shall set requirements in relation to the registration of veterinary nurses. Persons who satisfy the standards set by the committee in relation to education and training shall be entitled to be entered in the register of veterinary nurses, subject to compliance with such other requirements as may be set in bye-laws of the College including, but not limited to, the payment of a registration fee and a requirement that they be of good character.
16. The Veterinary Nurses' Council shall set standards for the conduct of veterinary nurses. Breaches of standards set by the committee may render a person entered in the register of veterinary nurses liable to disciplinary proceedings in accordance with any relevant bye-laws or rules.
17. Bye-laws of the College may provide for there to be classes of associate of the College other than those persons entered in the register of veterinary nurses and may determine conditions to be met by them. The College may by rules make provision for registers of other such associates to be kept in a manner similar to the register of veterinary nurses. Associates of the College may use such lawful descriptions, and such abbreviations of them, as may be provided for in rules of the College.

Staff

18. The Council shall appoint its Registrar on such terms and conditions as it may from time to time determine. The Registrar shall not be a member of the Council. The Council may in similar manner appoint an Assistant Registrar or Assistant Registrars.
19. The College may employ such staff as it sees fit for administering its business and may allow them such salaries, wages, allowances, pensions or compensation for loss of office on such terms as the Council shall determine, other than as specified by or under any Act of Parliament.

Fees

20. The Council shall have power to set, vary and charge fees and other amounts to members or other persons in respect of any service, right or activity provided by or on behalf of the College other than in pursuance of a function conferred by or under any Act of Parliament.

Financial and other transactions

21. The College shall have full power by and in its name to receive, lend, borrow and invest money; to take by gift or otherwise and hold, grant, demise or otherwise dispose of real or personal property; enter into contractual relations; and generally to do such lawful acts and things in any part of the world as in the Council's opinion may be incidental or conducive to furthering the objects of the College.
22. The College may establish, promote, encourage and support, financially or otherwise, any body, whether charitable or not, whose objects are similar to its own.
23. The College shall have full power and authority in any manner whatsoever to support, maintain, assist, subscribe to or transfer or dispose of any real or personal property of the College, either for consideration or by way of gift or otherwise, to or so as to benefit the Royal College of Veterinary Surgeons Trust, or any other association or institution the objects of which are to promote, encourage and advance the study and practice of the art and science of veterinary surgery and medicine and to advance education in connection with the said art and science.
24. The College may make charges for any goods and services supplied to any person, including members and associates of the College.
25. Any persons engaged on business of the College shall be entitled to such payments in respect of expenses and loss of earnings, to such attendance and subsistence allowances and to such reasonable remuneration as may be determined by the College and included in rules. Reasonable provision may be made for insurance to indemnify loss or damage resulting from any act or omission of the College, its employees or other persons while engaged in carrying out the business of the College.

Common Seal

26. The Common Seal of the College shall bear the armorial bearings of the College, as granted by the College of Arms on 1 July 1845. The Seal of the College shall not be affixed to any instrument whatsoever except by order of the Council (which power may be delegated for a specific purpose or for specific purposes to a committee or committees) and except in the presence of at least two members of the Council and of one of the President, the Vice-Presidents, the Treasurer or the Registrar, all of whom shall by their signatures attest such sealing.

Alteration of the Charter

27. The College may by resolution of the members voting in General Meeting alter any or all of the provisions of this Supplemental Charter by amendment, addition or deletion; but any such alteration shall come into effect only if allowed by Us, Our Heirs and Successors in Council. If this Supplemental Charter is so altered this provision shall continue to apply to the altered version and to all future altered versions.

General provisions

28. The definitions in the Act shall apply to this Supplemental Charter.
29. In any case of conflict between the bye-laws or rules and this Supplemental Charter this Supplemental Charter shall prevail.
30. Nothing in this Supplemental Charter shall be taken to authorise any act of the College which is contrary to law or in breach of a statutory duty.
31. Insofar as any rule, guidance or other instrument issued under any charter provision superseded by this Supplemental Charter or any other thing done under any such provision could have been made, issued or done under a corresponding provision of this Supplemental Charter it shall not be invalidated by the repeals effected by this Supplemental Charter but shall have effect as if made, issued or done under that corresponding provision.
32. Our Royal will and Pleasure is that this Supplemental Charter shall ever be construed benevolently and in every case most favourably to the College and the promotion of the objects.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster the [] day of [] in the [] year of Our Reign

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL

Schedule

Bye-laws of the Royal College of Veterinary Surgeons

1. These bye-laws may be cited as the Bye-laws of the Royal College of Veterinary Surgeons and shall come into force on **DATE**.

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 to which these bye-laws are scheduled, as added to or amended from time to time.

General and other meetings

3. General meetings of the members of the College may be summoned by the Council, and the Council shall summon a general meeting on receipt of a requisition signed by not less than two hundred members of the College stating its purpose. If such a requisition is received but the Council fails within

twenty-one days to summon a general meeting to be held within a further six weeks, the members of the College signing the requisition may themselves convene such a meeting.

4. The time, date and place of a general meeting and the business to be transacted shall be advertised at least thirty days in advance in one or more professional journals. The quorum at the meeting shall be twenty-five members of the College personally present. The meeting may adjourn from time to time and from place to place, but the same quorum shall apply and no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
5. The Council shall summon an annual general meeting of the members of the College, subject to the same requirements as other general meetings.
6. The Council may make rules as to the summoning of general meetings and procedure at such meetings.
7. The President may direct that a meeting of the Council or of any committee or sub-committee shall be convened on a specified date and for a specified purpose.

Members of the College

8. Those made Fellows of the College may use the post-nominal letters FRCVS. Other members may use the post-nominal letters MRCVS.

Associates of the College – Registration

9. A person whose name is entered in the register of veterinary nurses shall be entitled to be styled a registered veterinary nurse and to use the post-nominal letters RVN.
10. The register of veterinary nurses shall continue to include the names of the veterinary nurses entered in the list maintained by the College, referred to in Schedule 3 to the Act, when these bye-laws come into force, save for those veterinary nurses whose names have previously been removed from and not restored to that part of the list known as the register of veterinary nurses in accordance with relevant disciplinary rules.
11. The Council shall make rules in relation to:
 - a. Entry to the register of veterinary nurses;
 - b. Removal from the register of veterinary nurses;
 - c. Retention of registration in the register of veterinary nurses; and
 - d. Restoration to the register of veterinary nurses.

Rules may include requirements relating to fees as well as any other requirements as may be prescribed by the Council.

Associates of the College – Conduct and Discipline

12. The Council, either of its own motion or through the Veterinary Nurses' Council or any of its other committees, shall make rules as to the investigation and determination of allegations that a registered veterinary nurse is guilty of serious professional misconduct or has been convicted of an offence which renders that person unfit to be a registered veterinary nurse. Such rules shall make provision in relation to:
 - a. The investigation of complaints;
 - b. The adjudication of complaints by an independent disciplinary tribunal;
 - c. Appeals from decisions of an independent disciplinary tribunal; and
 - d. Sanctions.
13. The rules made by the Council shall provide that, where such allegations are sustained, the person concerned may be removed from the register of veterinary nurses or their registration may be suspended for a period, or they may be subject to some other sanction of a kind specified in the rules.
14. A person whose name is removed from the register of veterinary nurses, or whose entry in the register is suspended at the direction of the independent disciplinary tribunal, shall cease to be an associate of the College but shall again become an associate on the restoration of that person's name to the register of veterinary nurses or when the suspension ceases to have effect.

Business of the College

15. The Council may appoint persons to be members of committees of Council for such term as it may specify, and may at any time vary the term of office of a member of a committee. If no period is specified, members of committees shall hold office on a yearly basis from the annual general meeting until the next annual general meeting, and members appointed to fill casual vacancies shall hold office until the next annual general meeting. A member of a committee may be re-appointed.

Registrar

16. In the event of a vacancy in the post of the Registrar or the prolonged absence of the Registrar for any reason the duties of the post shall be carried on by an Acting Registrar or otherwise, as the President (or, in the President's absence, a Vice-President) shall direct, subject to the directions of the Council.

Treasurer

17. A Treasurer shall be elected from amongst the members of the Council by the Council in each year at the first meeting of the Council held after the Annual General Meeting. The Treasurer may at any time resign by submitting a written notice of resignation addressed to the Registrar, and a successor shall be elected by the Council at its next meeting after the resignation shall have been received. The Treasurer shall remain in office until the meeting of the Council at which a successor is elected notwithstanding that the Treasurer may at the Annual General Meeting held immediately prior to the meeting of the Council at which a successor is elected have ceased to be a member of the Council.

Financial controls

18. The Council shall from time to time approve procedures to ensure good financial reporting, to protect the assets of the College, to guard against fraud and ensure compliance with relevant legislation.
19. The accounts of the College as signed by the auditors shall be presented to the annual general meeting. The accounts shall be circulated to the members of the College in or with the annual report of the Council, either in full form or in summary form. If the accounts are circulated in summary form a copy of the full accounts shall be available to any member on request and copies of the full accounts shall be available at the annual general meeting. If the accounts are made available electronically, hard copies shall be available on request.
20. The auditor(s) shall be a person or firm eligible for appointment as a statutory auditor under Section 1212 of the Companies Act 2006.

