

1980 No. 1951

VETERINARY SURGEONS

**The Veterinary Surgeons Qualifications (EEC Recognition)
Order 1980**

Laid before Parliament in draft

Made - - - - 17th December 1980

Coming into Operation 21st December 1980

At the Court at Buckingham Palace, the 17th day of December 1980

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:---

Citation and commencement

1. This Order may be cited as the Veterinary Surgeons Qualifications (EEC Recognition) Order 1980 and shall come into operation on 21st December 1980.

Interpretation

2. In this Order---

“the Council” means the Council of the Royal College of Veterinary Surgeons;

“the disciplinary committee” means the disciplinary committee of the Council;

“national”, in relation to a member State, means the same as in the Community Treaties, 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(b) is not to benefit from Community provisions relating to the free movement of persons and services;

“the Recognition Directive” means Community Council Directive No. 78/1026/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine(c);

“the registrar” means the registrar appointed by the Council under section 9(1) of the Veterinary Surgeons Act 1966(d); and

(a) 1972 c. 68.

(c) O.J. No. L. 362, 23.12.78, p. 1.

(b) See Cmnd. 5179-I, p. 247.

(d) 1966 c. 36.

“the Training Directive” means Community Council Directive No. 78/1027/EEC concerning the co-ordination of provisions in respect of the activities of veterinary surgeons^(a).

Recognition of European Community qualifications in veterinary medicine

3.—(1) In section 2(2) of the Veterinary Surgeons Act 1966 (persons entitled to be registered in the register of veterinary surgeons), in paragraph (a), for the words “section 3 or 4” there shall be substituted the words “section 3, 4 or 5A”.

(2) After section 5 of that Act there shall be inserted the following section—

5A.—(1) Subject to the provisions of this Act and any Order in Council under section 2(2) of the European Communities Act 1972 a person who is a national of a member State and holds a recognised European qualification in veterinary surgery, that is to say—

“Right of holders of recognised European qualifications to be registered.

(a) any scheduled European qualification in veterinary surgery granted in a member State on or after the date on which that State implemented the Training Directive; or

(b) any European qualification in veterinary surgery granted in a member State before that State implemented the Training Directive,

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

(2) A person holding a scheduled European qualification granted in a member State before it implemented the Training Directive shall not be entitled to be registered by virtue of that qualification unless, either—

(a) he produces to the registrar a certificate of the competent authority of that State that the qualification guarantees that his training satisfies the requirements laid down by the Training Directive; or

(b) he produces to the registrar a certificate of the competent authority of any member State that he has lawfully practised veterinary surgery for at least three consecutive years during the five years preceding the date of the certificate.

(3) A person holding a European qualification granted in a member State before it implemented the Training Directive which is not a scheduled European qualification shall not be entitled to be registered by virtue of that qualification unless he produces to the registrar such a certificate as is required by subsection (2)(b) above.

(4) For purposes of this section a member State is to be regarded as having implemented the Training Directive on the date notified to the Commission as that on which it did so.

(5) In this section—

“competent authority” means an authority or body designated by a member State in accordance with the Recognition Directive;

“the Recognition Directive” means Community Council Directive No. 78/1026/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine;

“scheduled European qualification” means a qualification specified in Schedule 1A to this Act; and

(a) O.J. No. L. 362, 23.12.78, p. 7.

“the Training Directive” means Community Council Directive No. 78/1027/EEC concerning the co-ordination of provisions in respect of the activities of veterinary surgeons.”

(3) In section 6(6) of that Act (Commonwealth and foreign qualifications) for the words after “outside the Commonwealth” there shall be substituted the words “, but no person shall be entitled to be registered under this section by virtue of a qualification granted in a member State if he is a national of that State and the qualification is a recognised European qualification which would entitle him to be registered under section 5A of this Act.”

(4) In section 27(1) of that Act (definitions) there shall be inserted at the appropriate place in alphabetical order, the following definition—

“ “national”, in relation to a member State, means the same as in the Community Treaties, 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;”.

(5) After Schedule 1 to that Act there shall be inserted the following Schedule—

“SCHEDULE 1A

RECOGNISED EUROPEAN QUALIFICATIONS IN VETERINARY SURGERY

Belgium

Diplôme légal de docteur en médecine vétérinaire-het wettelijke diploma van doctor in de veeartsnijkunde of doctor in de diergeneeskunde (diploma of doctor of veterinary medicine, required by law) awarded by the State Universities, the Central Examining Board, or the State University Education Examining Boards.

Denmark

Bevis for bestået kandidateksamen i veterinærvidenskab (cand. med. vet) (the certificate proving the passing of the examination for candidates in veterinary medicine) awarded by the ‘Kongelige Veterinær-og Landbohøjskole’.

France

Diplôme de docteur vétérinaire d’État (State degree in veterinary medicine).

Germany

1. Zeugnis über die tierärztliche Staatsprüfung (the State examination certificate in veterinary medicine) awarded by the competent authorities.

2. The certificates from the competent authorities of the Federal Republic of Germany stating that the diplomas awarded after 8th May 1945 by the competent authorities of the German Democratic Republic are recognised as equivalent to that listed in sub-paragraph 1 above.

Republic of Ireland

1. Degree of bachelor in or of veterinary medicine (MVB).

2. Diploma of membership of the Royal College of Veterinary Surgeons (MRCVS. gained by examination after a full course of study at a veterinary school in Ireland)

Italy

Diploma di laurea di dottore in medicina veterinaria accompagnato dal diploma d’abilitazione all’esercizio della medicina veterinaria awarded by the Minister of Education on the basis of the findings of the competent State Examining Board.

Luxembourg

1. Diplôme d’État de docteur en médecine vétérinaire (the State diploma in veterinary medicine) awarded by the State Examining Board and endorsed by the Minister of Education.

2. Diploma conferring a higher education degree in veterinary medicine awarded in a member State and—

- (a) giving the right to take up training but not to practise the profession, and
- (b) officially recognised by the Minister of Education in accordance with the law of 18th June 1969 on higher education and recognition of foreign degrees and diplomas,

if the diploma is accompanied by a certificate of practical training endorsed by the Minister of Public Health.

3. Final diploma of studies in veterinary medicine conferred on a Luxembourg national elsewhere than in a member State and officially recognised by the Minister of Education in accordance with the law of 18th June 1969 above-mentioned.

The Netherlands

1. Het getuigschrift van met goed gevolg afgelegd diergeneeskundig examen (certificate proving the passing of the examination in veterinary medicine).

2. Het getuigschrift van met goed gevolg afgelegd veeartsenijkundig examen (certificate proving the passing of the examination in veterinary medicine)."

Effect of disqualification in another member State on registration in United Kingdom

4.—(1) A person who is subject to a disqualifying decision in a member State in which he is or was established in practice as a veterinary surgeon shall not be entitled to be registered under section 5A of the Veterinary Surgeons Act 1966.

(2) A disqualifying decision in a member State in respect of a person is a decision made by responsible authorities in that State and—

- (a) expressed to be made on the grounds that he has committed a criminal offence or has misconducted himself in a professional respect; and
- (b) having in that State the effect either that he is no longer registered or otherwise officially recognised as a veterinary surgeon, or that he is prohibited from practising as a veterinary surgeon there.

(3) If a person is registered under the said section 5A when he is subject to a disqualifying decision the registrar, on being satisfied that the person was at that time and still is subject to the decision, shall remove his name from the register.

(4) If, by reason of his being subject to a disqualifying decision, a person is refused registration or has his name removed from the register by the registrar under the foregoing provisions of this Article then—

- (a) the registrar shall, on request, state in writing the reasons for the refusal or removal;
- (b) the person may appeal by giving notice in writing to the Council within the period of twenty-eight days beginning with the date of the notification by the registrar of his decision; and
- (c) any such appeal shall be determined by the committee of the Council constituted for the purpose of hearing appeals under this paragraph and the committee shall direct the registrar whether the person is or is not entitled to be registered or should or should not have his name removed from the register, as the case may be.

(5) If a person who has been registered under the said section 5A becomes subject to a disqualifying decision his case shall stand referred as a disciplinary case to the disciplinary committee and the committee, on being satisfied that he is subject to the disqualifying decision, may exercise their powers under section 16(1) of the Veterinary Surgeons Act 1966 (removal or suspension from

the register for certain criminal offences or professional misconduct) on the assumption that the criminal offence or professional misconduct on the grounds of which the disqualifying decision was made constitutes such an offence or such conduct as, under paragraph (a) or (b) of that subsection, justifies the exercise of their powers under that subsection.

Right of practitioners in other member States to render veterinary services in United Kingdom temporarily

5.—(1) If he complies with the requirements of this Article it shall be lawful for a person who is a national of any member State and lawfully established in practice as a veterinary surgeon in a member State other than the United Kingdom on visiting the United Kingdom to render veterinary services there temporarily without first being registered under the Veterinary Surgeons Act 1966.

(2) Such a person intending so to render services shall provide the registrar with—

- (a) a declaration in writing giving particulars of the services to be rendered and the period or periods in which he expects to render them; and
- (b) a certificate (or certificates) issued by the authority or body designated by the member State concerned as competent for the purposes of Article 12(3) of the Recognition Directive (provision of services) showing—
 - (i) that he is lawfully practising as a veterinary surgeon in a member State other than the United Kingdom, and
 - (ii) that he holds a qualification in veterinary surgery which member States are required by that Directive to recognise.

(3) For the purposes of paragraph (2) above—

- (a) in an urgent case the declaration to be provided under sub-paragraph (a) may be provided after the services have been rendered, but, if so, it shall be provided as soon as possible thereafter and in any event not more than fifteen days after the date on which the practitioner first rendered the services; and
- (b) every certificate to be provided under sub-paragraph (b) shall bear a date not less recent than twelve months prior to the date on which the certificate is provided.

(4) Where a person complies with the requirements of paragraph (2) above, the registrar shall register him under this Article as a visiting EEC veterinary surgeon for such period or periods as, having regard to the particulars given in the declaration referred to in paragraph (2)(a) above, he considers appropriate.

(5) The registrar shall keep as part of the register kept under section 2 of the Veterinary Surgeons Act 1966 a list, to be called the list of visiting EEC veterinary surgeons, of persons registered from time to time under this Article, with their names and qualifications, and the periods for which their registrations are or were effective.

(6) No fee shall be charged and no application shall be required for registration as a visiting EEC veterinary surgeon and accordingly sections 10 and 11 of the Veterinary Surgeons Act 1966 (applications and power to charge fees for registration) shall not apply in relation to such practitioners.

(7) Paragraph (1) above does not apply to a person, and that person shall not be registered as a visiting EEC veterinary surgeon, at a time when he is subject—

- (a) to a disqualifying decision (within the meaning of Article 4 above) taken in relation to him in a member State; or
- (b) to a prohibition imposed on him by the disciplinary committee under Article 6 below;

but if a person is, by reason of being subject to a disqualifying decision, refused registration paragraph (4) of Article 4 above shall apply as it applies to a person refused registration under the provisions of that Article.

(8) Registration of a person as a visiting EEC veterinary surgeon shall cease if—

- (a) he becomes established in practice in the United Kingdom as a veterinary surgeon; or
- (b) he renders, save in a case of urgency, veterinary services in the United Kingdom otherwise than in accordance with a declaration made by him under paragraph (2)(a) above.

(9) Where a person (being a national of any member State) who complies with the requirements of paragraph (2) above lawfully renders veterinary services in the United Kingdom without first being registered under the Veterinary Surgeons Act 1966 or under this Article, the following provisions of that Act shall not apply in relation to him, that is to say—

- (a) section 19 (restriction of practice of veterinary surgery by unregistered persons); and
- (b) section 20 (restrictions on use of practitioners' titles by unregistered persons).

(10) For the purposes of section 54 of the Diseases of Animals Act 1950(a) a person who is registered under this Article shall be treated as registered in the register of veterinary surgeons in pursuance of the Veterinary Surgeons Act 1966.

Disciplinary provisions affecting practitioners who render services while visiting United Kingdom temporarily

6.—(1) If a national of a member State who holds a qualification in veterinary surgery entitling him to registration under section 5A of the Veterinary Surgeons Act 1966 but is not so registered and who renders veterinary services while visiting the United Kingdom (whether or not registered as a visiting EEC veterinary surgeon)—

- (a) is found by the disciplinary committee to have been convicted of a criminal offence in a member State or elsewhere which, in the opinion of the committee, renders him unfit to practise veterinary surgery,
- (b) is judged by the disciplinary committee to have been guilty of disgraceful conduct in any professional respect, or
- (c) is judged by the disciplinary committee to have failed, without reasonable excuse, to comply with the requirements of paragraph (2) of Article 5 above,

the committee may, if they think fit, impose on him a prohibition in respect of the rendering of veterinary services in the United Kingdom in the future.

(2) A prohibition imposed under this Article shall either relate to a period specified by the disciplinary committee or be expressed to continue for an indefinite period.

(3) Any case in which it is alleged that a person is liable to have a prohibition imposed on him under this Article shall first be investigated by the preliminary

investigation committee of the Council whose duty it shall be to decide whether the case should be referred to the disciplinary committee, and the disciplinary committee shall not consider a case under this Article except on a reference to them under this paragraph.

(4) A person may apply to the Council for termination of a prohibition imposed on him under this Article and the Council may, on any such application, terminate the prohibition or reduce the period of it; but no application shall be made under this paragraph—

- (a) earlier than ten months from the date on which the prohibition was imposed; or
- (b) in the period of ten months following a decision made on an earlier application.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which is made under the European Communities Act 1972, comes into operation on 21st December 1980 and affects nationals of member States. It amends the Veterinary Surgeons Act 1966 taking into account provisions of the European Communities Council Directives (EEC) relating to the right of establishment of veterinary surgeons and their freedom to provide veterinary services.

Article 2 identifies the Directives and contains other definitions.

Article 3 inserts a new section 5A and a new Schedule 1A into the Veterinary Surgeons Act 1966. It also amends sections 2(2) and 6(6) of that Act. The new section 5A and the amendment to section 2(2) give veterinary surgeons with defined qualifications the right to be registered under the new section 5A and to become members of the Royal College of Veterinary Surgeons. The new Schedule 1A lists the recognised European qualifications in veterinary surgery giving right to registration. The amendment to section 6(6) alters the definition of a foreign qualification so as to exclude from that expression a recognised European qualification granted in a member State to a national of the State which enables the holder to be registered under the new section 5A of the Veterinary Surgeons Act 1966.

Article 4 relates to the effect of disqualification in another member State on registration in the United Kingdom.

Article 5 relates to the rendering of veterinary services in the United Kingdom temporarily by a person who is established in veterinary practice in another member State. Subject to the provision of a declaration as to the services to be rendered and proof of qualification and establishment in the other member State such a person may practise veterinary surgery in the United Kingdom as a visiting EEC veterinary surgeon without being registered under the Veterinary Surgeons Act 1966.

Article 6 contains disciplinary provisions relating to persons rendering veterinary services while visiting the United Kingdom temporarily.

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