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STATUTORY INSTRUMENTS

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**1988 No. 784**

**VETERINARY SURGEONS**

**The Veterinary Surgeons (Agreement  
with the Republic of Ireland) Order 1988**

<i>Made</i>	- - - -	<i>27th April 1988</i>
<i>Laid before Parliament</i>		<i>5th May 1988</i>
<i>Coming into force</i>	- -	<i>31st May 1988</i>

At the Court of Saint James, the 27th day of April 1988

Present,

The Counsellors of State in Council

Whereas Her Majesty in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 28th day of March 1988, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Whereas by section 21 of the Veterinary Surgeons Act 1966(1) Her Majesty may by Order in Council give effect to any agreement with respect to veterinary surgeons entered into between Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland:

And Whereas those Governments have entered into the agreement with respect to veterinary surgeons set out in the Schedule to this Order: And Whereas those Governments have agreed that, as a result of entering into that agreement, the agreement of 1st December 1972 set out in the Schedule to the Veterinary Surgeons (Agreement with Republic of Ireland) Order 1972(2) should now be revoked:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereat by the said Letters Patent and in pursuance of the powers conferred by the said section 21, and all other powers enabling Her Majesty, and, by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

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(1) 1966 c. 36.  
(2) S.I. 1972/1991.

1. This Order may be cited as the Veterinary Surgeons (Agreement with the Republic of Ireland) Order 1988 and shall come into force on 31st May 1988.
2. The agreement set out in the Schedule to this Order is hereby given effect.
3. The Veterinary Surgeons (Agreement with Republic of Ireland) Order 1972 is hereby revoked.
4. Section 1 of the Veterinary Surgeons Act 1966 (provisions as to the Council of the Royal College of Veterinary Surgeons) is amended as follows—
  - (a) in paragraph (a) of subsection (1) the words “residing outside the Republic of Ireland” are omitted; and
  - (b) after that subsection there is inserted the following subsection—

**“S.I. 1988/784.**

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

*G. I. de Deney*  
Clerk of the Privy Council

## SCHEDULE

### AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF IRELAND WITH RESPECT TO VETERINARY SURGEONS

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland hereby agree as follows:—

## ARTICLE 1

### **Interpretation**

In this Agreement:—

“the Act” means the Veterinary Surgeons Act 1966;

“the 1972 Agreement” means the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland with respect to veterinary surgeons of 1st December 1972;

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

“the Council” means the Council of the College;

“the Irish Council” means the Veterinary Council in the Republic of Ireland;

“member” means a member of the College;

“membership year” means the membership year of the College running from the 1st day of April to the 31st day of March;

“the register” means the register of veterinary surgeons in the United Kingdom of Great Britain and Northern Ireland; and

“the Irish register” means the register of veterinary surgeons for the Republic of Ireland.

## ARTICLE 2

### **Representation of the Republic of Ireland on the Council**

Any person who:—

(a) holds office as a member of the Council on 30th May 1988, and

(b) has acquired his office by virtue of article 2(2)(a) or (c) of the 1972 Agreement,

shall cease to hold such office on 31st May 1988.

## ARTICLE 3

### **Fees**

(1) Any person:—

(a) upon whom the degree of Bachelor in or of Veterinary Medicine (MVB) has been conferred by the University of Dublin or by the National University of Ireland or to whom the Diploma of membership of the College (MRCVS) has been awarded as a result of

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an examination following a full course of study at either of the said universities or at the Veterinary College of Ireland; and

- (b) who, as a result of the conferment or award of that degree or diploma, registered in the register and became a member before 31st May 1988,

shall not be required to pay a fee in respect of his membership of the College in any year provided that, during that year, his sole or principal place of practice of veterinary surgery is within the area of jurisdiction of the Irish Council.

- (2) Any person:—

- (a) upon whom a qualification in veterinary surgery has been conferred outside the area of jurisdiction of the Irish Council;
- (b) who, as a result of the conferment of that qualification, was registered in the register and became a member before 31st May 1988; and
- (c) who was resident in and was practising veterinary surgery within the area of jurisdiction of the Irish Council on that date,

shall not be required to pay a fee in respect of his membership of the College in any membership year provided that, during that year, his sole or principal place of practice of veterinary surgery is within the area of jurisdiction of the Irish Council.

- (3) A member who, by virtue of paragraph (1) or (2) above, is not required to pay a fee in respect of his membership of the College may not vote, propose any candidate or stand as a candidate in any election of members of the Council which takes place after 31st May 1988 unless he has paid, in respect of every membership year that has occurred between that date and the date of the election, the fee prescribed by regulation of the Council under Section 11(1)(b) of the Act, on or before 31st March in every such year.

## ARTICLE 4

### **Allegations of professional misconduct**

After the coming into force of this Agreement, if a person who is registered in both the register and the Irish register is alleged to have been guilty of disgraceful conduct in any professional respect then, if such a person practises as a veterinary surgeon exclusively within the area of jurisdiction of the Irish Council such person practises as a veterinary surgeon both within and outside that area and the disgraceful conduct is alleged to have been committed within that area the Irish Council may exercise in relation to such allegation and such person all the powers which it can exercise from time to time in respect of the same type of allegation made against a person who is registered in the Irish register alone.

## ARTICLE 5

Entry into force

- (1) This Agreement shall come into force on 31st May 1988.
- (2) The 1972 Agreement is revoked.

## ARTICLE 6

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland shall, as soon as possible, take such steps as may be necessary under the

laws of their respective countries to enable effect to be given to the preceding provisions of this Agreement.

In witness whereof the undersigned, duly authorised by their respective governments, have signed this Agreement.

Done in two originals at London this 11th day of April 1988

For the Government of the United Kingdom of Great Britain and Northern Ireland:

*Tim Eggar*

For the Government of the Republic of Ireland:

*Andrew O'Rourke*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, which is made under section 21 of the Veterinary Surgeons Act 1966 (“the Act”), gives effect to an Agreement dated 11th April 1988 (“the 1988 Agreement”) entered into between the Governments of the United Kingdom and the Republic of Ireland concerning in particular the payment of fees for membership of the Royal College of Veterinary Surgeons (“the Royal College”) by holders of certain veterinary qualifications obtained in the Irish Republic (article 2).

The 1988 Agreement (which is set out in the Schedule to this Order) revokes a previous agreement entered into by the two Governments on 1st December 1972 in which provision was made for facilitating the registration of holders of veterinary degrees of certain universities in the Republic of Ireland in the United Kingdom Register of Veterinary Surgeons and their membership of the Royal College. Council Directive [78/1026/EEC](#) (as amended) (“the Directive”), which concerns the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, provides (in article 2) that each Member State shall recognise the diplomas, certificates

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and other evidence of formal qualifications listed in article 3 and awarded to nationals of Member States by the other Member States, by giving such qualifications, as far as the right to take up and pursue the activities of a veterinary surgeon is concerned, the same effect in its territory as those which the Member State itself awards. The provisions of the Directive were implemented in the United Kingdom by the Veterinary Surgeons Qualifications (EEC Recognition) Order 1980 (S.I. 1980/1951) (“the 1980 Recognition Order”) which made appropriate amendments to the Act.

In the case of the Republic of Ireland the recognised European qualifications in veterinary surgery for the purposes of the Directive (which are set out in Schedule 1A to the Act) are (1) the degree of bachelor in or of veterinary medicine (MVB) and (2) a diploma of membership of the Royal College (MRCVS) gained by examination after a full course of study at a veterinary school in Ireland.

Thus, since the coming into force of the 1980 Recognition Order (21st December 1980), any person who has obtained a degree of Bachelor in Veterinary Medicine (MVB) from the National University of Ireland (the only institution in the Republic of Ireland currently awarding this degree) or who obtained such a degree from the University of Dublin prior to that university ceasing to award the degree in 1983 will hold a recognised European qualification in veterinary medicine and will be entitled to be registered in the Register of Veterinary Surgeons and to become a member of the Royal College in accordance with section 5A of the Act. In addition, any person who holds a diploma of membership of the Royal College (MRCVS) (which diplomas were awarded prior to the coming into force of the Veterinary Surgeons Act 1948 to persons who had passed an examination held by the Royal College following a course of study at the University of Dublin, the National University of Ireland or the Veterinary College of Ireland) will also be entitled to be registered in the Register of Veterinary Surgeons and to become a member of the Royal College.

Article 3(1) of the 1988 Agreement provides that a person who became a member of the Royal College before 31st May 1988 as a result of being awarded a degree of Bachelor in Veterinary Medicine (MVB) by the University of Dublin or the National University of Ireland or a diploma of membership of the Royal College after an examination following a course of study at either of such universities or at the Veterinary College of Ireland does not have to pay a fee in respect of his membership of the College in any year provided that his sole or principal place of practice of veterinary surgery during that year is within the Republic of Ireland. In addition, Article 3(2) provides that any person who became a member of the Royal College before 31st May 1988 and upon whom a qualification in veterinary surgery has been conferred outside the Republic of Ireland and who was resident and practising veterinary surgery in the Republic on that date also does not have to pay any membership fee in any year provided that his sole or principal place of practice of veterinary surgery during that year is within the Republic. However, Article 3(3) further provides that a person falling into either of these categories may not vote, propose any candidate or stand as a candidate in an election of members of the Council of the Royal College which takes place after 31st May 1988, unless he has paid (in respect of every membership year that has occurred between that date and the date of the election) the membership fee prescribed under the Act and the Order gives effect to this provision by inserting an appropriate new sub-section (1A) in section 1 of the Act (article 4(b)).

The Order also amends section 1(1)(c) of the Act (membership of the Council of the Royal College) so as to enable members of the Royal College residing in the Republic of Ireland to vote in Council elections, subject to the payment of membership fees as referred to above (article 4(a)).