

SCHEDULE

Amendments to the Veterinary Surgeons Act 1966

1. In section 2 (register of veterinary surgeons), in subsection (2), for paragraph (a) there is substituted—

“(a) one, to be called the general list, of persons entitled to be registered in the register under section 3, 4, 5A or 5B of this Act;”.

2. For section 5A (right of holders of recognised European qualifications to be registered), there is substituted—

“Right of holders of recognised European qualifications to be registered

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

- (a) he holds a Scheduled European qualification in veterinary surgery (other than one falling within paragraph (b)) which was granted in a member State on or after the date on which that State implemented the Recognition Directive; or
- (b) he holds a Scheduled European qualification in veterinary surgery which was granted in a member State before that State implemented the Recognition Directive or on or after that date but in respect of training commenced before that date, and he produces to the registrar—
 - (i) a certificate from the competent authority of that State stating that the qualification meets the requirements of the Training Directive; or
 - (ii) a certificate from the competent authority of a member State stating that the holder has effectively and lawfully practised veterinary surgery for at least three consecutive years during the five years preceding the date of the certificate; or
- (c) he holds a qualification in veterinary surgery (other than a Scheduled European qualification) granted in a member State, and he produces to the registrar—
 - (i) a certificate from the competent authority of that State stating that the qualification meets the requirements of the Training Directive and is treated by that State as equivalent to a Scheduled European qualification; or
 - (ii) (where that qualification was awarded before that State implemented the Training Directive or on or after that date but in respect of training commenced before that date), a certificate from the competent authority of a member State stating that the holder has effectively and lawfully practised veterinary surgery for at least three consecutive years during the five years preceding the date of the certificate.

(2) A person holding a qualification as to training received in the territory of the former German Democratic Republic which does not satisfy the requirements laid down by the Training Directive shall not be entitled to be registered by virtue of that qualification unless—

- (a) the qualification indicates that such training commenced before German unification;

Status: This is the original version (as it was originally made).

- (b) the qualification indicates that the holder is entitled to practise as a veterinary surgeon throughout the territory of Germany to the same extent as the holder of the German State examination certificate in veterinary medicine; and
- (c) he produces to the registrar a certificate from the competent German authority stating that he has effectively and lawfully practised veterinary surgery in Germany for at least three consecutive years during the five years preceding the date of issue of the certificate.

(3) The registrar shall give notice to an applicant for registration under this section of whether or not, in the opinion of the registrar, he is entitled to be so registered; and shall do so within three months of—

- (a) the date on which the registrar received his application; or
- (b) if for the purpose of determining the application the registrar reasonably required the applicant to produce further documents or particulars, the date on which the registrar received them.

(4) If the registrar refuses to register the applicant, the notice shall include —

- (a) the reasons for his refusal; and
- (b) notice of the applicant's right to appeal under section 5C of this Act.

(5) If the registrar fails to give notice to the applicant under subsection (3) of this section within the period of three months referred to there, the registrar shall be deemed to have refused to register him on the last day of that period.

(6) For the purposes of this section a member State is to be regarded as having implemented the Recognition Directive and the Training Directive on the dates notified to the Commission as those on which it did so.”

3. After the new section 5A, there is inserted—

“Applications by nationals of member States who do not have Scheduled European qualifications

5B.—(1) A national of a member State who is not entitled to be registered under section 5A of this Act may apply to be registered under this section.

(2) If such an applicant shows to the satisfaction of the registrar that he has the requisite knowledge and skill to fit him for practising veterinary surgery in the United Kingdom, he shall be entitled to be registered in the register, and upon being so registered shall become a member of the College.

(3) In determining an application under this section, the registrar shall take into account—

- (a) any veterinary qualifications, veterinary training and professional experience in veterinary surgery acquired by the applicant, whether in a member State or elsewhere; and
- (b) any acceptance by a member State other than the United Kingdom, for the purposes of the applicant carrying out veterinary surgery in that member State, of a qualification granted to the applicant in a state which is not a member State.

(4) Subsections (3) to (5) of section 5A of this Act apply for the purposes of this section as they apply for the purposes of that.”

4. After the new section 5B, there is inserted—

“Appeals on refusal to register

5C.—(1) A person may appeal to the Council if his application for registration under section 5A or 5B of this Act is refused.

(2) An appeal under subsection (1) of this section shall be brought within three months of—

- (a) the date on which the applicant receives the notice referred to in subsection (3) of section 5A of this Act or, as the case may be, that subsection as applied by section 5B(4); or
- (b) if, under subsection (5) of section 5A of this Act, or that subsection as applied by section 5B(4), the applicant’s application is deemed to have been refused, the date of the deemed refusal.

(3) An appeal under subsection (1) of this section shall be referred to the registration appeals committee which may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against;
- (c) substitute for the decision appealed against any other decision which could have been made; or
- (d) remit the case to the registrar to dispose of in accordance with the directions of the committee.

(4) The registration appeals committee shall, within 28 days of making a decision, give notice of its decision to the applicant.

(5) A notice under subsection (4) shall—

- (a) give reasons for the decision of the registration appeals committee; and
- (b) refer to the applicant’s right to appeal to the appropriate court against the decision of the registration appeals committee.

(6) A person may appeal to the appropriate court against the decision of the registration appeals committee within 28 days of the date on which he was notified of that decision.

(7) In subsections (5), (6) and (9), the “appropriate court” is—

- (a) a county court; or
- (b) in the case of a person whose address in the register would, if he were registered, be in Scotland, the sheriff in whose sheriffdom the address is situated.

(8) The Council of the College may appear as respondent on any such appeal and, for the purpose of enabling directions to be given as to the costs of any such appeal, shall be deemed to be a party to the appeal whether they appeared at the hearing or not.

(9) On an appeal to the appropriate court under this section, the court (or the sheriff) may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision of the registration appeals committee;
- (c) substitute for the decision appealed against any other decision which could have been made by the registration appeals committee; or
- (d) remit the case to the registration appeals committee to dispose of in accordance with the directions of the court,

and may make such order as to costs (or in Scotland, expenses), as it (or he) thinks fit.”

5. After the new section 5C, there is inserted—

“Registration appeals committee

5D.—(1) The Council shall set up a committee of the Council to be known as the registration appeals committee which shall be charged with considering and determining appeals under section 5C(1) of this Act.

(2) The registration appeals committee shall consist of five members of the Council, not more than three of whom shall be members of the College.

(3) The quorum for a meeting of the registration appeals committee shall be three, not more than two of whom shall be members of the College.

(4) The Council shall make rules relating to the appointment of members of the registration appeals committee, the constitution of that committee and the procedure to be followed in relation to appeals to that committee, including provision as to any rules of evidence to be observed in such appeals.”

6. In section 6 (qualification for registration as a Commonwealth or foreign practitioner) for subsection (6) there is substituted—

“(6) No person shall be registered under this section if he is entitled to be registered under section 5A or 5B of this Act.”.

7. Section 27(1) (interpretation) is amended as follows—

(a) The definition of “Commonwealth qualification” and “foreign qualification” is omitted.

(b) For the definition of “national”, there is substituted—

“national” in relation to a member State, includes any person who, by virtue of any enforceable Community right, is entitled to be treated, for the purposes of access to the veterinary profession, no less favourably than a national of such a State, 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.

(c) The following definitions are inserted in the appropriate places in alphabetical order—

“Commonwealth qualification” means a qualification granted in a place outside the United Kingdom which is within the Commonwealth;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 and by Decision 84/2002 of the EEA Joint Committee;

“foreign qualification” means a qualification granted in a place outside the United Kingdom and outside the Commonwealth;

“member State” means a state which is a Contracting Party to the EEA Agreement or Switzerland;

“the Recognition Directive” means Community Council Directive [78/1026/EEC](#) concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, as last amended by Directive [2001/19/EC](#) of the European Parliament and of the Council;

“registration appeals committee” means the committee of the Council referred to in section 5D of this Act;

“Scheduled European qualification” means a qualification set out in Schedule 1A to this Act;

“the Training Directive” means Community Council Directive [78/1027/EEC](#) concerning the co-ordination of provisions in respect of the activities of veterinary surgeons, as last amended by Directive [2001/19/EC](#) of the European Parliament and of the Council.⁽¹⁾

8. For Schedule 1A (recognised European qualifications in veterinary surgery), there is substituted the following.

“Schedule 1A

Recognised European Qualifications in Veterinary Surgery

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Austria	— Diplom-Tierarzt — Magister medicinae veterinariae	University	1. Doktor der veterinarmedizin 2. Doctor medicinae veterinariae 3. Fachtierarzt
Belgium	— Diploma van dierenarts — Diplome de docteur en medecine veterinaire	1. De universiteiten/ les universites 2. De bevoegde Examencommissie van de Vlaamse Geneeschap/le Jury competent d'enseignement de la Communauté française	
Denmark	Bevis for bestaet kandidatsamen i veterinærvidenskab	Kongelige Veterinær- og Landbohøjskole	
Finland	Eläinlääketieteen lisensiaattin tutkinto/ veterinärmedicin licentiatexamen	Helsingin yliopisto/ Helsingfors universitet	
France	Diplôme d'Etat de docteur vétérinaire		

(1) For the EEA Agreement, see O.J. L 001, 3/1/1994; for Decision 84/2002 of the EEA Joint Committee, see O.J. L266 p47; for Directives 78/1026 and 78/1027, see O.J. L 362, 23/12/1978, pp 1-6 and pp 7-9; for Directive [2001/19/EC](#), see O.J. L 206, 31/7/2001. The Recognition Directive and the Training Directive apply to members of the European Economic Area by virtue of article 30 and by paragraphs 12 and 13 of Annex VII of the EEA Agreement. The Directives apply to Switzerland by virtue of the Agreement between the EC and Switzerland on the free movement of persons: O.J. L114, 30.4.2002 (see article 9 and annex III, section A, paragraphs 11 and 12).

Status: This is the original version (as it was originally made).

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Germany	Zeugnis über das Ergebnis des Dritten Abschnitts der Tierärztlichen Prüfung und das Gesamtergebnis der Tierärztlichen Prüfung	Der Vorsitzende des Prüfungsausschusses für die Tierärztliche Prüfung einer Universität oder Hochschule	
Greece	Πτυχίο Κτηνιατρικής (Ptikio Ktiniatrikis)	Faculty of Geotechnical Sciences of the Aristotle University of Saloniki or the School of veterinary medicine of the Aristotle University of Saloniki	
Iceland	Recognised European Qualifications awarded in other member States		Certificate on completed practical training from the competent authority
Ireland	<ul style="list-style-type: none"> — Diploma of Bachelor in/ or Veterinary Medicine (MVB) — Diploma of Membership of the Royal College of Veterinary Surgeons (MRCVS) 		
Italy	Diploma di laurea in medicina veterinaria	Università	Diploma di abilitazione all'esercizio della medicina veterinaria
Liechtenstein	Recognised European Qualifications awarded in other member States		Certificate on completed practical training from the competent authority
Luxembourg	Diplôme d'Etat de docteur en médecine vétérinaire	Jury d'examen d'Etat	
Netherlands	Getuigschrift van met goed gevolg afgelegd diergeneeskundig/		

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Norway	veeartsenijkundig examen Vitnemal for fullfort grad	Norwegian College of Veterinary Medicine.	
Portugal	Candidata/ candidatus medicinae veterinariae Carta de curso de licenciatura em medicina veterinaria	Norgest veterinaerhogskole Universidade	
Spain	Titulo de Licenciado en Veterinaria	Ministerio de Educacion y Cultura/ El rector de una Universidad	
Sweden	Veterinarexamen	Sveriges Landbruksuniversitet	
Switzerland	Eidgenossisch diplomierter tierarzt/ titulaire du diplome federal de veterinaire/ titolare di diploma federale di veterinario	Federal Department of Home Affairs”.	