

SCHEDULE

Amendments to the Veterinary Surgeons Act 1966

Schedule 1B

17. After Schedule 1A insert—

“SCHEDULE 1B

Section 7A

VISITING VETERINARY SURGEONS FROM RELEVANT EUROPEAN STATES

Application and interpretation

1. This Schedule applies to a Community rights entitled person who is lawfully established as a veterinary surgeon in another State.

2.—(1) In this Schedule—

- (a) “visiting practitioner” means a person to whom this Schedule applies;
- (b) “other State” or “another State” means a relevant European State other than the United Kingdom;
- (c) “disqualifying decision”, in relation to any person, means a decision which—
 - (i) is made by a competent authority of another State; and
 - (ii) has the effect in that State that the person is no longer lawfully established as a veterinary surgeon there or that the person is prohibited (even temporarily) from practising as a veterinary surgeon there; and
- (d) a reference to the provision of occasional services is a reference to the provision in the United Kingdom, on a temporary and occasional basis, of services as a veterinary surgeon.

(2) Sub-paragraph (3) applies where, for the purposes of this Schedule, it falls to be assessed whether the provision of services is on a temporary and occasional basis.

(3) The temporary and occasional nature of the provision of the services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity.

Registration in respect of the provision of occasional veterinary services

3.—(1) A visiting practitioner is entitled to be registered in the visiting European list of the register if the practitioner is entitled under paragraph 4 or 6 to provide occasional services.

(2) The registrar shall give effect to entitlement under sub-paragraph (1).

(3) A visiting practitioner who is entitled under sub-paragraph (1) to be registered in the visiting European list, but who is not registered in that list, shall be treated as registered in that list.

(4) Sub-paragraph (5) applies where a person's entitlement under sub-paragraph (1) to be registered in that list ceases because, by reason of the operation of paragraph 7(1), (2) or (5), the person ceases to be entitled under this Schedule to provide occasional services.

(5) Where this sub-paragraph applies, if the person's name is registered in the visiting European list, the registrar may remove the person's name from that list.

(6) Sub-paragraphs (1) to (5) are not to be taken to prejudice the application, in relation to persons registered in the register on the basis of entitlement under sub-paragraph (1), of any other

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provision of this Act under which the name of a person who is registered in the register may be removed from the register or under which a person's registration in the register may be suspended.

Entitlement to provide occasional veterinary services: first year

4. A visiting practitioner is entitled to provide occasional services if—
- (a) the practitioner has complied with the requirements of paragraph 5; and
 - (b) where the practitioner's case falls within regulation 3(9)(a) or (e) of the European Communities (Recognition of Professional Qualifications) Regulations 2007, the provision by the practitioner of occasional services is in accordance with regulations 14 to 16 of those Regulations (the practitioner having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the practitioner may be required to take under Part 2 of those Regulations),

but paragraph 7 contains provision about the duration of entitlement under this paragraph.

First provision of services: required documents

5.—(1) A visiting practitioner who proposes to provide occasional services for the first time must, before providing any such services, send or produce to the registrar—

- (a) the required declaration; and
- (b) the other required documents.

(2) For the purposes of sub-paragraph (1) “the required declaration” is a written declaration that—

- (a) states the practitioner's wish to provide occasional services; and
- (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.

(3) For the purposes of sub-paragraph (1) “the other required documents” are—

- (a) if the practitioner is a national of a relevant European State, proof of nationality;
- (b) if the practitioner is not a national of a relevant European State, proof that the practitioner is a Community rights entitled person;
- (c) evidence of the practitioner's professional qualifications (so far as those qualifications are relevant to practice as a veterinary surgeon); and
- (d) a certificate (or certificates), issued by a competent authority in another State, confirming—
 - (i) that the practitioner is lawfully established as a veterinary surgeon in that State; and
 - (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as a veterinary surgeon there.

(4) A declaration under sub-paragraph (2) may be supplied by any means.

Entitlement to provide occasional services after first year: renewals

6.—(1) Sub-paragraph (2) applies where the registrar receives the required renewal documents from a visiting practitioner who is entitled under this Schedule to provide occasional services.

(2) The visiting practitioner is entitled to continue to provide occasional services, but paragraph 7 contains provision about the duration of entitlement continued under this sub-paragraph.

(3) Sub-paragraph (4) applies where the registrar receives the required renewal documents from a visiting practitioner—

- (a) who is not entitled under this Schedule to provide occasional services;
- (b) who has previously been entitled under this Schedule to provide occasional services; and
- (c) whose registration in the visiting European list is not suspended.

(4) The visiting practitioner is once again entitled to provide occasional services but, in a case where the practitioner's name is not in the visiting European list as a result of removal otherwise than under paragraph 3(6), only if the registrar decides, after having regard (in particular) to the fact of that removal and the reasons for it, that the entitlement should be renewed.

Paragraph 7 contains provision about the duration of entitlement continued under this sub-paragraph.

(5) In relation to a visiting practitioner "the required renewal documents" are—

- (a) a renewal declaration; and
- (b) each evidence of change document (if any).

(6) In this paragraph "renewal declaration", in relation to a visiting practitioner, means a written declaration that—

- (a) states the practitioner's wish to provide occasional services in a further year; and
- (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.

(7) Where a document—

- (a) is, in relation to a visiting practitioner, one of the other required documents for the purposes of paragraph 5(1); and
- (b) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 5 or this paragraph) supplied the then-current version of the document to the registrar,

the version of the document current when under this paragraph the practitioner supplies a renewal declaration to the registrar is an "evidence of change" document for the purposes of sub-paragraph (5)(b).

(8) A renewal declaration supplied under this paragraph may be supplied by any means.

Duration of entitlements to provide occasional services

7.—(1) Unless an entitlement under paragraph 4 or 6(4) is continued (or further continued) by paragraph 6(2), the entitlement ceases at the end of the year that begins with the end of the day on which the registrar received the document the receipt of which gave rise to the entitlement.

(2) Where an entitlement under paragraph 4 or 6(4) is continued (or further continued) by paragraph 6(2), the entitlement is extended so as to cease at the end of the year that begins with the end of the relevant day.

(3) For the purposes of sub-paragraph (2)—

- (a) if the day on which the registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, "the relevant day" means the day on which the registrar receives those documents;
- (b) otherwise, "the relevant day" means the anniversary of the start day that is the first such anniversary to occur after the registrar receives the documents whose receipt gives rise to the continuation (or further continuation).

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(4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 4 or 6(4), means the day on which the registrar receives the documents whose receipt gives rise to the entitlement.

- (5) An entitlement under this Schedule to provide occasional services ceases if—
- (a) the visiting practitioner concerned becomes established as a veterinary surgeon in the United Kingdom;
 - (b) the visiting practitioner ceases to be a Community rights entitled person; or
 - (c) it becomes the case—
 - (i) that the practitioner is not lawfully established as a veterinary surgeon in any of the other States; or
 - (ii) that the practitioner is prohibited (on a permanent or temporary basis) from practising as a veterinary surgeon in each other State in which the practitioner is lawfully established as a veterinary surgeon.
- (6) If in the case of a visiting practitioner—
- (a) the practitioner’s registration in the visiting European list is suspended or the practitioner’s name is removed from that list; and
 - (b) immediately before the time when the suspension or (as the case may be) removal takes effect, the practitioner is entitled under this Schedule to provide occasional veterinary services,

that entitlement ceases at that time.

Registrar’s duty to notify person appearing not to have entitlement

8. Where the registrar receives documents from a person and it appears to the registrar—
- (a) that the documents were sent or produced to the registrar for the purposes of establishing that the person is entitled to be registered, to continue to be registered or once again to be registered in the visiting European list of the register, but
 - (b) that the person is not so entitled,

the registrar shall, as soon as may be reasonably practicable after the registrar comes to be of that view, notify the person that the registrar is of that view.”.

Changes to legislation:

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