

SCHEDULE

Amendments to the Veterinary Surgeons Act 1966

Amendment of section 5A (registration of Community rights entitled persons: European qualification)

6. For section 5A substitute—

“5A Registration of Community rights entitled persons: European qualifications

(1) A person who is a Community rights entitled person is entitled to be registered in the register if—

- (a) the person is an eligible European veterinary surgeon (see Schedule 1A);
- (b) the person applies to be so registered by producing to the registrar the documentation specified in subsection (3); and
- (c) the registrar, where the documentation produced under paragraph (b) shows that the person has been convicted of any criminal offence or offences (whether in the United Kingdom or elsewhere), is of the opinion that the person's having been convicted of the offence or offences does not render the person unfit to practise veterinary surgery.

(2) A person shall become a member of the College on being registered under subsection (1).

(3) The documentation referred to in subsection (1)(b) is—

- (a) evidence of the qualification by virtue of which the person is an eligible European veterinary surgeon and, if—
 - (i) that qualification is one listed in Table A of Schedule 1A; and
 - (ii) an accompanying certificate is specified in that Table for that qualification, that certificate;
- (b) any additional documentation required pursuant to Schedule 1A;
- (c) if the person is a national of a relevant European State other than the United Kingdom, proof of the person's nationality;
- (d) if the person is not a national of a relevant European State other than the United Kingdom, proof that the person is a Community rights entitled person; and
- (e) evidence of the person's character.

(4) Subsection (5) applies where the registrar has a reasonable doubt as to the authenticity of documentation that—

- (a) is produced by a person under subsection (1)(b); and
- (b) purports to be documentation specified in the person's case by subsection (3)(a) or (b).

(5) Where this subsection applies, the registrar may, before deciding whether the person concerned is entitled under this section to be registered in the register, require from a competent authority of a relevant European State—

- (a) confirmation of the authenticity of the documentation; or
- (b) confirmation that the person fulfils the minimum training conditions set out in Article 38 of Directive [2005/36/EC](#), as read with Article 22(a) of that Directive,

for the purpose of resolving doubt.

(6) Subsection (7) applies where—

- (a) the evidence of the qualification by virtue of which a person is an eligible European veterinary surgeon was issued after training that included training received in whole or part in an establishment legally established in a relevant European State (“the other training State”) that is not the relevant European State in which the evidence of qualification was issued (“the issuing State”); and
- (b) the registrar has a reasonable doubt as to whether the person is entitled under this section to be registered in the register.

(7) Where this subsection applies, the registrar before deciding whether the person concerned is entitled under this section to be registered in the register may, for the purpose of resolving doubt, require verification from a competent authority in the issuing State as to—

- (a) whether the training course at the establishment in the other training State has been formally certified by the educational establishment based in the issuing State;
- (b) whether the evidence of qualification issued is the same as that which would have been issued if the course had been followed entirely in the issuing State; and
- (c) whether the evidence of qualification confers the same professional rights in the territory of the issuing State as evidence of a qualification issued where the course had been followed entirely in the issuing State.

(8) The registrar shall, within one month of receiving documentation from a person under subsection (1)(b)—

- (a) acknowledge receipt of the documentation; and
- (b) inform the person of any missing documentation which is required to establish that the person is entitled under this section to be registered in the register.

(9) Where the registrar has received documentation from a person under subsection (1)(b), the registrar shall, within three months of receiving all the documentation and information required under this section in the person’s case, give the person notice in writing—

- (a) of the registrar’s decision as to whether the person is entitled under this section to be registered in the register;
- (b) of the reasons for that decision; and
- (c) if the registrar’s decision is that the person is not so entitled, of the person’s right of appeal to the registration appeals committee.

(10) In subsection (3)(d) “evidence”, in relation to a person’s character, means—

- (a) a document stating the person’s character issued by a competent authority in—
 - (i) the relevant European State in which the person obtained the person’s qualification in veterinary science; or
 - (ii) (if different) the relevant European State from which the person comes to the United Kingdom; or
- (b) where a document stating the person’s character is not issued by a competent authority in a relevant European State mentioned in paragraph (a), a certificate—
 - (i) attesting to the authenticity of a declaration stating the person’s character made by the person on oath, or in solemn form, before a competent judicial or administrative authority, or notary, of that State; and
 - (ii) issued by the authority or notary mentioned in sub-paragraph (i),

being a document or (as the case may be) certificate that is not more than three months old when produced to the registrar.

(11) For the purposes of subsection (10), a document or declaration states a person's character if it shows—

- (a) that the person has not been held to have been guilty of serious professional misconduct (in the United Kingdom or elsewhere);
- (b) whether or not the person has been convicted (in the United Kingdom or elsewhere) of any criminal offences; and
- (c) the criminal offence or offences (if any) of which the person has been convicted (whether in the United Kingdom or elsewhere).”.

Changes to legislation:

There are currently no known outstanding effects for the The Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008, Paragraph 6.