

EXPLANATORY MEMORANDUM TO
THE VETERINARY SURGERY (EXEMPTIONS) ORDER 2015

2015 No. 772

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 The purpose of this Order is to consolidate six orders made under the provisions of section 19(4)(e) of the Veterinary Surgeons Act 1966, which permits unqualified (lay) persons to carry out certain veterinary activities and to revoke the six previous orders in question.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Context**

4.1 Under section 19(4)(e) of the Veterinary Surgeons Act 1966 Ministers may specify, in an order, certain minor treatments, tests or operations which may be carried out or performed by unqualified (lay) persons. This is an exception from the general prohibition in section 19(1) that no one can practise veterinary surgery unless entered on the register held by the Royal College of Veterinary Surgeons. Section 19(6) gives the power to Ministers to vary or revoke any previously made order.

5. **Territorial Extent and Application**

5.1 This instrument applies to all of the United Kingdom.

6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

7.1 The Veterinary Surgeons Act 1966, among other things, restricts the practice of veterinary surgery to those individuals who are appropriately qualified as veterinary

surgeons and who maintain their registration with the regulator, the Royal College of Veterinary Surgeons (RCVS). Certain exceptions exist to this general prohibition, one of which is that Ministers may make orders permitting laypersons to carry out certain minor veterinary activities, provided that any conditions specified in the order are met. There are a number of these “exemption orders” in existence, covering a range of minor procedures. Some of the older orders, made between 1962 and 1988, have been amended on several occasions, requiring a new order each time. The provisions are now difficult to locate and, consequently, understand.

7.2 In order to simplify the legislative framework this Order will consolidate all the requirements into one place which permit suitable laypersons to carry out the following minor veterinary activities: physiotherapy; trimming of fowls (beaks, combs, snoods etc); vaccination of poultry, blood sampling of farm animals and badgers and the sampling for residues in farm animals. No changes have been made to the legal position which exists at present.

8. Consultation outcome

8.1 As this instrument does not represent any change to current policy or law, no public consultation has taken place. The Veterinary Surgeons Act 1966 provides that this Order may be made by Ministers only following consultation with the Council of the Royal College of Veterinary Surgeons. That has taken place, with the Council indicating its consent.

9. Guidance

9.1 This instrument does not make any changes to the current legal position; therefore additional guidance is unnecessary.

10. Impact

10.1 As this instrument is a consolidation no impact is foreseen upon business, charities, voluntary bodies or the public sector is not foreseen.

10.2 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 This Order continues the current arrangements permitting laypersons, who may be small businesses as service providers, to carry out certain minor veterinary procedures. Therefore, there is no change to the regulation.

12. Monitoring & review

12.1 The Department for Environment, Food and Rural affairs will continue to monitor, in consultation with the Royal College of Veterinary Surgeons, that the exemptions permitted under the provisions of this Order remain appropriate.

13. Contact

Siobhan Taylor at the Department for Environment, Food and Rural Affairs (Defra) Tel: 020 7238 3128 or email: siobhan.taylor@defra.gsi.gov.uk can answer any queries regarding the instrument.