STATUTORY INSTRUMENTS

2003 No. 2919

VETERINARY SURGEONS

Veterinary Surgeons' Qualifications (European Recognition) Order 2003

Made - - - -	*13th November 2003*
Laid before Parliament	*25th November 2003*
Coming into force - -	*17th December 2003*

At the Court at Buckingham Palace, the 13th day of November 2003
Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of Her powers under section 2(2) of the European Communities Act 1972 [M1] is pleased, by and with the advice of Her Privy Council, to make the following Order:

Marginal Citations

M1 1972 c. 68.

Citation and commencement

1. This Order may be cited as the Veterinary Surgeons' Qualifications (European Recognition) Order 2003 and shall come into force on 17 December 2003.

Interpretation

[F1]**2.** . . . . . .

Textual Amendments

F1 Arts. 2-11 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(a)** (with reg. 4)

Registration under section 5A

[F1]**3.** . . . . . .

Textual Amendments

F1 Arts. 2-11 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(a)** (with reg. 4)

Registration under section 5B

[F1]**4.** . . . . . .

Textual Amendments

F1 Arts. 2-11 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(a)** (with reg. 4)

Disqualifying decision

[F1]**5.** . . . . . .

Textual Amendments

F1 Arts. 2-11 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(a)** (with reg. 4)

Referral to the preliminary investigation committee

[F1]**6.** . . . . . .

Textual Amendments

F1 Arts. 2-11 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(a)** (with reg. 4)

Referral to the disciplinary committee

[F1]**7.** . . . . . .

Textual Amendments

F1 Arts. 2-11 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(a)** (with reg. 4)

Removal of name from the register

[F1]**8.** . . . . . .

Textual Amendments

F1 Arts. 2-11 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(a)** (with reg. 4)

Notification of decision

[F1]**9.** . . . . . .

Textual Amendments

F1 Arts. 2-11 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(a)** (with reg. 4)

Rights of nationals of member States to render veterinary services in the United Kingdom temporarily

[F1]**10.** . . . . . .

Textual Amendments

F1 Arts. 2-11 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(a)** (with reg. 4)

Disciplinary provisions affecting practitioners who render services while visiting the United Kingdom temporarily

[F1]**11.** . . . . . .

Textual Amendments

F1 Arts. 2-11 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(a)** (with reg. 4)

Amendment of the Act

12. The Veterinary Surgeons Act 1966 is amended in accordance with the Schedule.

Revocations

13. The following are revoked—

(a) Veterinary Surgeons Qualifications (EEC Recognition) Order 1980 [M2];

(b) Medical, Nursing, Dental and Veterinary Qualifications (EEC Recognition) Order 1982 [M3];

(c) Veterinary Surgeons Qualifications (EEC Recognition) (Spanish and Portuguese Qualifications) Order 1987; [M4]

(d) Veterinary Surgeons Qualifications (EEC Recognition) (German Democratic Republic Qualifications) Order 1991 [M5];

(e) Veterinary Surgeons Qualifications (EEC Recognition) (Amendment) Order 1993 [M6].

Marginal Citations

M2 S.I. 1980/1951.
M3 S.I. 1982/1076.
M4 S.I. 1987/447.
M5 S.I. 1991/1218.
M6 S.I. 1993/596.

A. K. Galloway
Clerk of the Privy Council

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;".

[F2]**2.** . . . . . .

Textual Amendments

F2 Sch. paras. 2-4 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(b)** (with reg. 4)

[F2]**3.** . . . . . .

Textual Amendments

F2 Sch. paras. 2-4 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(b)** (with reg. 4)

[F2]**4.** . . . . . .

Textual Amendments

F2 Sch. paras. 2-4 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(b)** (with reg. 4)

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.

[F3](b) . . . . . .

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

[F4]…

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

Textual Amendments

F3 Sch. para. 7(b) revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(b)** (with reg. 4)

F4 Words in Sch. para. 7(c) revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(c)** (with reg. 4)

[F5]**8.** . . . . . .

Textual Amendments

F5 Sch. para. 8 revoked (6.8.2008) by The Veterinary Surgeons Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824), regs. 1, **3(1)(b)** (with reg. 4)

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order, made under section 2(2) of the European Communities Act 1972, implements the provisions of Directive 2001/19/EC of the European Parliament and of the Council (O.J. L206, 31/7/2001) relating to the mutual recognition of veterinary qualifications. By virtue of the Agreement on the European Economic Area ("EEA") (O.J. L 001, 3/1/1994) and of the Agreement between the EEA and Switzerland on the free movement of persons (O.J. L114, 30.4.2002), these provisions apply to EEA States and to Switzerland. The Order comes into force on 17 December 2003.

2. This Order amends the Veterinary Surgeons Act 1966 and revokes the Veterinary Surgeons Qualifications (EEC Recognition) Order 1980 (S.I. 1980/1951). Provisions previously contained in that Order are reproduced, with some amendments, in this Order.

3. The effect of the Order is to implement the provisions of Directive 2001/19/EC and to extend them to all states in the EEA and to Switzerland. It also provides for all veterinary qualifications, training and experience acquired by applicants for registration who are EEA or Swiss nationals to be taken into account, whether these have been obtained in the EEA or Switzerland or elsewhere (in a new section 5B of the Act, inserted by paragraph 3 of the Schedule to the Order).

4. Articles 3 to 11 contain provisions on the effect of disqualification in other states on registration in the United Kingdom and on the rights of EEA and Swiss nationals to render veterinary services temporarily in the United Kingdom.

5. Article 12 and the Schedule to the Order amend the Act as follows:

• a new section 5A provides that EEA and Swiss nationals with the qualifications set out in the new Schedule 1A to the Act are entitled to be registered with the Royal College of Veterinary Surgeons and to become members of the College (paragraphs 2 and 8 of the Schedule);

• a new section 5B provides for the consideration of applications from EEA and Swiss nationals with other qualifications, training and professional experience (paragraph 3 of the Schedule);

• a new section 5C provides a system of appeal if an application is refused or a decision on the application is not reached within the stipulated period (paragraph 4 of the Schedule);

• a new section 5D provides for the setting up of a registration appeals committee (paragraph 5 of the Schedule);

• consequential amendments to section 6(6) of the Act (which relates to Commonwealth and foreign qualifications) and to section 27 of the Act (interpretation provisions) are made by paragraphs 6 and 7 of the Schedule;

• a new Schedule 1A listing recognised European qualifications in veterinary surgery. is substituted (paragraph 8 of the Schedule to the Order).

6. Article 13 of the Order revokes the Veterinary Surgeons Qualifications (EEC Recognition) Order 1980 (S.I. 1980/1951) and other statutory instruments which have previously amended the Act: the Medical, Nursing, Dental and Veterinary Qualifications (EEC Recognition) Order 1982 (S.I. 1982/1076); the Veterinary Surgeons Qualifications (EEC Recognition) (Spanish and Portuguese Qualifications) Order 1987 (S.I. 1987/447); the Veterinary Surgeons Qualifications (EEC Recognition) (German Democratic Republic Qualifications) Order 1991 (S.I. 1991/1218) and the Veterinary Surgeons Qualifications (EEC Recognition) (Amendment) Order 1993 (S.I. 1993/596).

7. A transposition note setting out how the main relevant elements of the Directive are transposed into law has been placed in the libraries of both Houses of Parliament. Copies are also available from the Department of Environment, Food and Rural Affair's Animal Health and Welfare Division, Room 602, 1A Page Street, London SW1P 4PQ.

8. A regulatory impact assessment has not been prepared in respect of this Order.

Changes to legislation:
There are currently no known outstanding effects for the Veterinary Surgeons' Qualifications (European Recognition) Order 2003.