

Changes to legislation: There are currently no known outstanding effects for the Veterinary Surgeons Act 1966, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 15(3).

PRELIMINARY INVESTIGATION AND DISCIPLINARY COMMITTEES

[^{F1}PART I

CONSTITUTION OF THE COMMITTEES

Textual Amendments

- F1** Sch. 2 Pt. I substituted (6.4.2013) by The Legislative Reform (Constitution of Veterinary Surgeons Preliminary Investigation and Disciplinary Committees) Order 2013 (S.I. 2013/103), arts. 1(2), 2

Constitution of the committees

1. (1) The members of the preliminary investigation committee and the disciplinary committee are to be appointed by the Council.
 - (2) The preliminary investigation committee is to consist of no fewer than nine and no more than 15 members.
 - (3) The disciplinary committee is to consist of no fewer than 20 and no more than 40 members.
 - (4) In the case of both committees, at least a third of the persons appointed to be members must be registered persons and at least a third must be lay persons.
 - (5) For both committees, the Council must designate a member to act as its chair.
 - (6) A member of the preliminary investigation committee or disciplinary committee may hold office—
 - (a) for such term as may be determined by the Council, and
 - (b) for so long as the member satisfies such conditions about fitness to be a member as may be determined by the Council.
2. (1) The following may not be members of the preliminary investigation committee or the disciplinary committee—
 - (a) a member of the Council;
 - (b) an employee of the Council;
 - (c) an employee of the College.
 - (2) A person who has been appointed to be a member of the preliminary investigation committee on two occasions on or after 1 July 2013 is not eligible for reappointment to that committee.

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- (3) A person who has been appointed to be a member of the disciplinary committee on two occasions on or after 1 July 2013 is not eligible for reappointment to that committee.
- (4) No person who, as a member of the preliminary investigation committee, acted with respect to any case may, as a member of the disciplinary committee, act with respect to that case.
- 3. (1) The quorum for a meeting of the preliminary investigation committee is to be three, of whom—
 - (a) one must be a lay person; and
 - (b) one must be a registered person.
- (2) The quorum for a meeting of the disciplinary committee is to be five, of whom—
 - (a) two must be lay persons; and
 - (b) two must be registered persons.

Transitional provision

- 3A. (1) In the period ending with 30 June 2015—
 - (a) paragraph 1(2) has effect as if the reference to nine persons were a reference to six persons;
 - (b) paragraph 1(3) has effect as if the reference to 20 persons were a reference to 12 persons; and
 - (c) paragraph 2(1)(a) does not have effect.
- (2) An elected member of the preliminary investigation committee or the disciplinary committee whose term is unexpired at the end of the day on 5 April 2013 may remain in office for the remainder of the term for which the member was elected.
- (3) During the period ending with 30 June 2015, where a person who continues in office under sub-paragraph (2) ceases to be a member of the committee, or a person who is elected under this sub-paragraph ceases to be a member of the committee, the Council may elect a member of the Council to be a member of the committee in question for a term of one year or, if shorter, until the end of the day on 30 June 2015.
- (4) While any member of a committee holds that office by virtue of sub-paragraph (2) or (3), this Schedule has effect as if the references in paragraph 1(1) and (4) to appointment by the Council included references to election by the Council.

Interpretation

- 3B. In this Part—
 - “lay person” means an individual who—
 - (a) is not and never has been a registered person, and
 - (b) is not and never has been entitled to apply to be registered in the register or the supplementary veterinary register;
 - “registered person” means an individual who—
 - (a) is registered, or entitled to be registered, in the register otherwise than under section 7 (temporary registration), or
 - (b) is registered, or entitled to be registered, in the supplementary veterinary register.]

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PART II

PROCEDURE OF DISCIPLINARY COMMITTEE

- 4 (1) For the purpose of any proceedings before the disciplinary committee in England and Wales or Northern Ireland the committee may administer oaths and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.
- (2) The provisions of section [F236 of the [F3 Senior Courts Act 1981]][F4, of section 67 of the M1 Judicature (Northern Ireland) Act 1978] or of the M2 Attendance of Witnesses Act 1854 (which provide special procedures for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to any proceedings before the disciplinary committee in England and Wales or, as the case may be, Northern Ireland as those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.
- (3) For the purpose of any proceedings before a disciplinary committee in Scotland, the committee may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the committee, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation, to grant warrant for the recovery of documents, and to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

Textual Amendments

- F2** Words substituted by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), [Sch. 5](#)
- F3** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); [S.I. 2009/1604](#), art. 2(d)
- F4** Words inserted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), [Sch. 5](#)

Marginal Citations

- M1** 1978 c. 23.
- M2** 1854 c. 34.

- 5 (1) The Council shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings in disciplinary cases before the disciplinary committee and in particular—
- for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified by the rules, to the person alleged to be liable to have his name removed or suspended from the register;
 - for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the committee;
 - for enabling any party to the proceedings to be represented by counsel or solicitor or (if the rules so provide and the party so elects) by a person of such other description as may be specified by the rules;
 - for requiring proceedings before the committee to be held in public except so far as may be provided by the rules;

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- (e) for requiring, in cases where it is alleged that a person is guilty of disgraceful conduct in any professional respect, that where the committee judges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates.
- (2) As respects proceedings before the disciplinary committee not falling within the foregoing sub-paragraph the Council shall have power to make rules with respect to all or any of the matters mentioned in the foregoing sub-paragraph, but shall not be required to do so.
- 6 (1) For the purpose of advising the disciplinary committee on questions of law arising in disciplinary cases there shall in all such cases be an assessor to the committee who shall be
- [^{F5}(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate or solicitor in Scotland of at least 10 years' standing; or
- (c) a member of the Bar of Northern Ireland or [^{F6} solicitor of the Court of Judicature of Northern Ireland] of at least 10 years' standing.]
- (2) The power of appointing an assessor to the disciplinary committee shall be exercisable by the Council, but if no assessor appointed by the Council is available to act in any particular proceedings the committee may itself appoint an assessor qualified as aforesaid for those proceedings.
- (3) The Lord Chancellor may make rules as to the functions of assessors appointed under this paragraph, and in particular such rules may contain provision for securing—
- (a) that where an assessor advises the disciplinary committee on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the committee is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;
- (b) that every such party or person as aforesaid shall be informed if in any case the committee does not accept the advice of the assessor on such a question as aforesaid.
- and may contain such incidental and supplementary provisions as the Lord Chancellor considers expedient.
- (4) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.
- (5) The Council may pay to an assessor appointed under this paragraph remuneration at such rates as may be determined by the Council with the consent of the Lord Chancellor.

Textual Amendments

- F5** Sch. 2 para. 6(1)(a)(b)(c) substituted for the words commencing "a barrister" to the end by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 28](#)
- F6** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 5](#); [S.I. 2009/1604](#), art. 2(d)

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