

SCHEDULE

Amendments to the Veterinary Surgeons Act 1966

Amendment of section 5C (appeals on refusal to register)

8. For section 5C substitute—

“5C Appeals in connection with registration under section 5A

(1) If a person who has applied for registration under section 5A is given notice under (and within the period specified in) subsection (9) of that section that the application is refused, the person may appeal to the Council.

(2) If a person who has applied for registration under section 5A is not given notice of the decision on the application within the period specified in subsection (9) of that section—

- (a) the application is deemed to have been refused at the end of that period; and
- (b) the person may appeal to the Council.

(3) The deadline for bringing an appeal under subsection (1) is the end of the four months beginning with the day on which the notice is received by the person.

(4) The deadline for bringing an appeal under subsection (2) is the end of the four months beginning with the last day of the period specified in section 5A(9).

5CA Appeals in connection with registration under section 5B

(1) Subsections (2) to (4) apply if a person has made an application for authorisation under Part 3 of the European Communities (Recognition of Professional Qualifications) Regulations 2007 to pursue the profession of veterinary surgeon in the United Kingdom.

(2) If the person is given notice under (and within the period specified in) regulation 34(2) of those Regulations that the application is refused, the person may appeal to the Council.

(3) If the person is not given notice of the decision on the application within that period—

- (a) the application is deemed to have been refused at the end of that period; and
- (b) the person may appeal to the Council.

(4) If the person has not by the end of that period been registered in the register on the basis of entitlement under section 5B, the person may appeal to the Council.

(5) The deadline for bringing an appeal under subsection (2) is the end of the four months beginning with the day on which the notice is received by the person.

(6) The deadline for bringing an appeal under subsection (3) or (4) is the end of the four months beginning with the last day of the period referred to in subsection (2).

5CB Appeals in connection with the visiting European list

5CB If a person claims to be entitled to be registered in the visiting European list, but the person is not registered in that list, the person may appeal to the Council.

5CC Appeals in connection with removal under section 5BA

(1) If under section 5BA a person's name has been removed from the register, that person may appeal to the Council.

Changes to legislation: There are currently no known outstanding effects for the The Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008, Paragraph 8. (See end of Document for details)

(2) The deadline for bringing an appeal under subsection (1) is the end of the four months beginning with—

- (a) the date of removal of the person's name from the register; or
- (b) if later, the date when the person receives notification, under section 5BA(2), of the removal.

5CD Appeals under sections 5C, 5CA 5CB and 5CC

(1) An appeal to the Council under section 5C, 5CA, 5CB or 5CC shall be referred to the registration appeals committee which may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against;
- (c) substitute for the decision appealed against any other decision which could have been made; or
- (d) remit the case to the registrar to dispose of in accordance with the directions of the registration appeals committee.

(2) The registration appeals committee shall, within 28 days of making a decision on an appeal under section 5C, 5CA, 5CB or 5CC, give notice of its decision to the appellant.

(3) A notice under subsection (2) shall—

- (a) give reasons for the decision of the registration appeals committee; and
- (b) refer to the appellant's right to appeal to the appropriate court against the decision of the registration appeals committee.

5CE Appeals from decisions on appeals under sections 5C, 5CA, 5CB and 5CC

(1) A person who has appealed under section 5C, 5CA, 5BC or 5CC may appeal to the appropriate court against a decision of the registration appeals committee on the appeal.

(2) The deadline for bringing an appeal under subsection (1) is the end of the 28 days beginning with the day on which the person is under section 5CD(2) notified of that decision.

(3) The Council may appear as respondent on an appeal under subsection (1) and, for the purpose of enabling directions to be given as to costs (or in Scotland, expenses) of any such appeal, shall be deemed to be a party to the appeal whether they appeared at the hearing or not.

(4) On an appeal under subsection (1), the appropriate court may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision of the registration appeals committee;
- (c) substitute for the decision appealed against any other decision which could have been made by the registration appeals committee; or
- (d) remit the case to the registration appeals committee to dispose of in accordance with the directions of the court,

and may make such order as to costs (or in Scotland, expenses) as it thinks fit.

(5) In this section "appropriate court" means—

- (a) a county court; or
- (b) in the case of a person whose address in the register would, if the person were registered, be in Scotland, the sheriff in whose sheriffdom the address is situated."

Changes to legislation:

There are currently no known outstanding effects for the The Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008, Paragraph 8.