

**2009 No. 2474**

**VETERINARY SURGEONS**

**The Veterinary Surgeons (Registration Appeals) Rules Order of Council 2009**

*Made* - - - - - *8th September 2009*

*Coming into force* - - - - - *15th September 2009*

At the Council Chamber, Whitehall, the 8th day of September 2009

By the Lords of Her Majesty's Most Honourable Privy Council

The Council of the Royal College of Veterinary Surgeons, in exercise of the powers in section 5D(4) of the Veterinary Surgeons Act 1966(a), has made the Veterinary Surgeons (Registration Appeals) Rules 2008 ("the Rules") set out in the Schedule to this Order.

Under section 25(1) of that Act, the Rules do not have effect unless approved by order of the Privy Council.

In exercise of the power in section 25(1) of the Veterinary Surgeons Act 1966, their Lordships, having considered the Rules, make the following Order.

**Citation and commencement**

1. This Order may be cited as the Veterinary Surgeons (Registration Appeals) Rules Order of Council 2009 and comes into force on 15th September 2009.

**Approval of the Veterinary Surgeons (Registration Appeals) Rules 2008**

2. The Veterinary Surgeons (Registration Appeals) Rules 2008, set out in the Schedule, are approved.

**Revocation**

3. The Veterinary Surgeons (Registration Appeals) Rules Order of Council 2004(b) is revoked.

*Judith Simpson*  
Clerk of the Privy Council

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(a) 1966 c. 36. Section 5D was inserted by S.I. 2003/2919.  
(b) S.I. 2004/2143.

## The Veterinary Surgeons (Registration Appeals) Rules 2008

The Council of the Royal College of Veterinary Surgeons, in exercise of its powers under section 5D(4) of the Veterinary Surgeons Act 1966, makes the following Rules.

### **Citation**

1. These Rules may be cited as the Veterinary Surgeons (Registration Appeals) Rules 2008.

### **Revocation**

2. The Veterinary Surgeons (Registration Appeals) Rules 2004, as approved by the Veterinary Surgeons (Registration Appeals) Rules Order in Council 2004, are hereby revoked.

### **Interpretation**

3. In these Rules, unless the context otherwise requires—
  - “the Act” means the Veterinary Surgeons Act 1966;
  - “appeal form” means the form set out in the Schedule to these Rules;
  - “College” means the Royal College of Veterinary Surgeons;
  - “Committee” means the Registration Appeals Committee set up by the Council in accordance with section 5D(1) of the Act;
  - “Council” means the Council of the College;
  - “registrar” means the registrar of the College.

### **Jurisdiction of the Committee**

4. The Committee shall consider and decide appeals made to the Council under section 5C, 5CA, 5CB or 5CC of the Act.

### **Procedure for making an appeal**

5.—(1) A person wishing to appeal to the Council under section 5C, 5CA, 5CB or 5CC of the Act shall do so by completing an appeal form obtainable from the registrar and sending it to the registrar.

(2) For an appeal under section 5C, 5CA or 5CC, the appeal form must be received by the registrar within the deadline for bringing that appeal as specified in that section.

6. The appellant shall supply with the appeal form any documents which the appellant wishes to use in support of the appeal.

7. On receipt of a completed appeal form, together with all the documents listed in the form by the appellant, the registrar shall as soon as practicable refer the appeal to the Committee for decision. The appeal shall be heard by the Committee within two months of the date of receipt of the appeal form.

8. The registrar shall, not less than seven days before the meeting of the Committee at which the appeal is to be dealt with, send to the members of the Committee the papers relating to the appeal. The registrar shall at the same time send the appellant a copy of the papers circulated to the Committee, with the exception of any legal advice which has been included in the papers relating to the appeal.

9. The appellant shall be entitled, either personally or through a legal adviser, to make oral representations to the Committee at the meeting to deal with the appeal.

10. The Committee may require the appellant to supply such additional documents or information as it considers may assist it in reaching its decision on the appeal, and may require that any such documents which are in a language other than English shall be translated into English in a translation certified as correct by a notary public or authenticated in such other manner as the Committee shall think fit.

11. The Committee may adjourn the hearing of any appeal pending the supply of additional documents or information under Rule 10 of these Rules.

12. The Committee shall reach its decision on any appeal by majority vote.

13. Except as provided by the Act or these Rules, the Committee shall regulate its procedure as it thinks fit.

#### **Constitution of the Committee**

14. The Committee shall be appointed by the Council and shall consist of the following members—

- (a) three Council members who are members of the College, one of whom shall be Chairman of the Committee and one of whom shall be Vice-Chairman of the Committee; and
- (b) two Council members who are not members of the College.

15. The members of the Committee shall be appointed for such terms of office as the Council shall think fit.

16. No person shall sit as a member of the Committee to deal with any appeal who has any personal connection with the appellant of such a kind that that person's independence or impartiality might reasonably be called into question.

17. The quorum for any meeting of the Committee shall be three, including not more than two members who are members of the College. Unless impracticable, the Chairman or Vice-Chairman of the Committee shall sit as a member of the Committee to deal with any appeal, and shall preside.

18. The Council may make such other provision as it shall think fit for dealing with the membership of the Committee, so long as not inconsistent with the Act or these Rules.

Pursuant to a resolution passed at a meeting of the Council of the Royal College of Veterinary Surgeons on 6th November 2008, the Common Seal of the Royal College was affixed in the presence of—

(L.S.)

*Patricia Jill Nute*  
President

*R.P. Moore*  
Member of Council

*Dr. J.V. Davies*  
Member of Council

## SCHEDULE

### Appeal form to be used for the Veterinary Surgeons (Registration Appeals) Rules

To: The Registrar, The Royal College of Veterinary Surgeons, Belgravia House, 62-64 Horseferry Road, London SW1P 2AP

**(Please read the notes at the end of this form before completing the form)**

Name of Appellant.....

Address of Appellant.....

.....  
.....

If appealing under section 5C, 5CA or 5CC of the Veterinary Surgeons Act 1966, the decision you are appealing against.....

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Date you received the notification (if applicable) under section 5A(9) or 5BA(2) of that Act, or regulation 34(2) of the European Communities (Recognition of Professional Qualifications) Regulations 2007(a) (as applicable).....

Please state below why you are appealing

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(Please continue on a separate sheet if necessary)

Please attach copies of any documents which you wish to use in support of your appeal and list them below

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(a) S.I. 2007/2781.

Signature of appellant.....

Date.....

#### NOTES

(These notes are for general guidance only and do not purport to be an authoritative or comprehensive statement of the law.)

(1) This form is to be used by persons who have been refused registration in the register of veterinary surgeons under section 5A or 5B of the Veterinary Surgeons Act 1966, who claim to be entitled to be registered in the visiting European list pursuant to Schedule 1B to that Act, but are not so registered, or whose name has been removed from the register pursuant to section 5BA of that Act.

(2) No appeal can be dealt with unless this form, fully completed in accordance with the instructions and attaching all relevant documents, is received by the Registrar at the above address and, for an appeal under section 5C, 5CA or 5CC, within the deadline for bringing the appeal as specified in that section.

(3) All copies of correspondence, diplomas, and certificates and other documents sent with this form must where appropriate be accompanied by a translation into English certified as correct by a notary public.

(4) Your appeal will be dealt with by the Registration Appeals Committee of the College.

#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order approves the Veterinary Surgeons (Registration Appeals) Rules 2008 (“the 2008 Rules”). The 2008 Rules revoke and remake the Veterinary Surgeons (Registration Appeals) Rules 2004, in order to cross-refer to the Veterinary Surgeons Act 1966 to give effect to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ No L 255, 30.09.2005, p 22) in so far as it applies to the practice of veterinary surgery in the United Kingdom.

A full impact assessment has not been produced for this instrument as no significant impact on the public, private and voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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£4.00