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## STATUTORY INSTRUMENTS

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# 2019 No. 454

## The Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019

### PART 2

Amendment and transitional provision regarding the Veterinary Surgeons Act 1966

#### Amendment of the Act

- 2.—(1) The Act is amended as follows.
- (2) Omit section 1A <sup>M1</sup> (together with the preceding italic heading).
- (3) In section 2(2) <sup>M2</sup>—
- (a) in paragraph (a), for “, 4, 5A or 5B” substitute “ or 4 ”;
  - (b) in paragraph (e), after “persons”, insert “ who, immediately before [<sup>F</sup>IP completion day], were ”.
- (4) Omit section 3(1)(b)(ii) <sup>M3</sup> (together with the preceding “and”).
- (5) Omit section 4(1)(b) <sup>M4</sup> (together with the preceding “and”).
- (6) In section 5(1) <sup>M5</sup>, omit the words from “and will” to “that Directive”.
- (7) Omit sections 5A and 5B <sup>M6</sup>.
- (8) In section 5ZBA(1) <sup>M7</sup>—
- (a) omit “section 5A(1)(e), section 5B(1)(f) and”;
  - (b) omit paragraph (b) (together with the preceding “or”).
- (9) Omit sections 5BA to 5D <sup>M8</sup>.
- (10) In section 6 <sup>M9</sup>, omit—
- (a) subsection (1)(b)(ii) (together with the preceding “or”);
  - (b) subsections (1A) and (6).
- (11) Omit sections 7A, 10(3) and 11(7) <sup>M10</sup>.
- (12) Omit section 16(1)(d) <sup>M11</sup> (together with the preceding “or”).
- (13) In section 27 <sup>M12</sup>—
- (a) in the definition of “Commonwealth qualification”, for “not within a relevant European State” substitute “ outside the United Kingdom ”;
  - (b) in the definition of “foreign qualification”, for “neither within a relevant European State nor” substitute “ not ”;
  - (c) omit the following definitions—
    - (i) “Community rights entitled person”;

- (ii) “competent authority”;
- (iii) “Directive [2005/36/EC](#)”;
- (iv) “the Directive table”;
- (v) “national”;
- (vi) “registration appeals committee”;
- (vii) “relevant European State”.

(14) Omit Schedules 1A and 1B <sup>M13</sup>.

**F1** Words in reg. 2(3)(b) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 2 para. 2(a)**

#### Commencement Information

**I1** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see reg. 1(1)

#### Marginal Citations

- M1** Section 1A was inserted by [S.I. 2008/1824](#).
- M2** Section 2(2) was amended by [S.I. 2003/2919](#), 2008/1824.
- M3** Section 3(1)(b) was amended by [S.I. 2008/1824](#).
- M4** Section 4(1) was amended by [S.I. 2008/1824](#).
- M5** Section 5(1) was amended by [S.I. 2008/1824](#).
- M6** Section 5A was inserted by [S.I. 1980/1951](#), substituted by [S.I. 2008/1824](#) and subsequently amended by [S.I. 2013/2985](#), 2015/2073. Section 5B was inserted by [S.I. 1980/1951](#), substituted by [S.I. 2008/1824](#) and subsequently amended by [S.I. 2015/2073](#).
- M7** Section 5ZBA was inserted by [S.I. 2015/2073](#).
- M8** Section 5BA was substituted, together with section 5B, by [S.I. 2008/1824](#) for section 5B as originally enacted. Section 5C was inserted by [S.I. 1980/1824](#) and substituted by [S.I. 2008/1824](#). Section 5CA was substituted, together with sections 5C, 5CB, 5CD and 5CE, by [S.I. 2008/1824](#) for section 5C as originally enacted and subsequently amended by [S.I. 2015/2073](#). Section 5CB was substituted, together with sections 5C, 5CA, 5CC, 5CD and 5CE, by [S.I. 2008/1824](#) for section 5C as originally enacted. Section 5CC was substituted, together with sections 5C, 5CA, 5CB, 5CD and 5CE, by [S.I. 2008/1824](#) for section 5C as originally enacted. Section 5CCA was inserted by [S.I. 2015/2073](#). Section 5CD was substituted, together with sections 5C, 5CA, 5CB, 5CC and 5CE, by [S.I. 2008/1824](#) for section 5C as originally enacted and subsequently amended by [S.I. 2015/2073](#). Section 5CE was substituted, together with sections 5C, 5CA, 5CB, 5CC and 5CD, by [S.I. 2008/1824](#) for section 5C as originally enacted and subsequently amended by [S.I. 2015/2073](#). Section 5D was inserted by [S.I. 2003/2919](#) and amended by [S.I. 2008/1824](#), 2015/2073.
- M9** Section 6 was amended by [S.I. 2003/2919](#), 2008/1824, 2015/2073.
- M10** Sections 7A, 10(3) and 11(7) were inserted by [S.I. 2008/1824](#).
- M11** Section 16(1) was amended by [S.I. 2008/1824](#).
- M12** Relevant amendments to section 27 were made by [S.I. 1980/1951](#), 2003/2919, 2007/1348, 2008/1824, 2011/1043, 2013/2985, 2015/2073.
- M13** Schedule 1A was inserted by [S.I. 1980/1951](#), substituted by 2008/1824 and amended by [S.I. 2013/2985](#), 2015/2073. Schedule 1B was inserted by [S.I. 2008/1824](#) and amended by [S.I. 2015/2073](#).

#### Applications under the Act: transitional provision

**3.—(1)** This regulation applies where before exit day an application under section 5A of the Act has been made but not determined.

(2) The provisions of the Act continue to apply to that application as if the Act were not amended by regulation 2 of these Regulations, but as if in section 27—

(a) for the definition of “Community rights entitled person” there were substituted—

““Community rights entitled person” means—

- (a) a person who on the day before [<sup>F2</sup>IP completion day] was a national of a relevant European State,
- (b) a person who on the day before [<sup>F2</sup>IP completion day] fell to be treated as a national of the United Kingdom for the purposes of the EU Treaties and who was seeking access to, or was pursuing, the profession of veterinary surgeon by virtue of an enforceable EU right, or
- (c) a person who on the day before [<sup>F2</sup>IP completion day] was not a national of a relevant European State but who was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession of veterinary surgeon, no less favourably than a national of a relevant European State,

but does not include a person who on the day before [<sup>F2</sup>IP completion day] was, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), not entitled to benefit from EU provisions relating to the free movement of persons and services;”;

(b) in the definitions of “Directive 2005/36/EC” and “the Directive table”, for “amended from time to time” there were substituted “it applied on the day before [<sup>F3</sup>IP completion day]”;

(c) for the definition of “national” there were substituted—

““national”, in relation to a relevant European State, includes any person who on the day before [<sup>F4</sup>IP completion day] was, by virtue of any enforceable EU right, entitled to be treated, for the purposes of access to the veterinary profession, no less favourably than a national of such a State, but does not include a person who, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), was not entitled to benefit from EU provisions relating to the free movement of persons and services;”.

**F2** Words in reg. 3(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 2 para. 2(b)(i)**

**F3** Words in reg. 3(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 2 para. 2(b)(ii)**

**F4** Words in reg. 3(2)(c) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 2 para. 2(b)(iii)**

#### Commencement Information

**I2** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

## **Applications under the European Union (Recognition of Professional Qualifications) Regulations 2015: transitional provision**

4.—(1) This regulation applies where before exit day an application under Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015<sup>M14</sup> has been made but not determined.

(2) The provisions of the Act continue to apply to that application as if the Act were not amended by regulation 2 of these Regulations, but as if—

(a) in section 5B(1)—

(i) for paragraph (b) there were substituted—

“(b) on the day before [F5IP completion day] —

(i) the person's case fell within regulation 3(8)(a), (c) or (e) of the European Union (Recognition of Professional Qualifications) Regulations 2015, and

(ii) regulations 27 to 34 of those Regulations applied to the person by reason of the operation of regulation 3(5) of those Regulations;”;

(ii) paragraph (c) were omitted;

(iii) for paragraph (d) there were substituted—

“(d) the person—

(i) on the day before [F5IP completion day] was permitted to pursue the profession of veterinary surgeon in the United Kingdom by virtue of Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the person may be required to undertake pursuant to that Part of those Regulations), or

(ii) is permitted to pursue the profession of veterinary surgeon in the United Kingdom by virtue of the operation of [F6paragraph 44] of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019<sup>M15</sup> (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the person may be required to undertake pursuant to Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015);”;

(b) in section 27—

(i) for the definition of “Community rights entitled person” there were substituted—

““Community rights entitled person” means—

(a) a person who on the day before [F7IP completion day] was a national of a relevant European State,

(b) a person who on the day before [F7IP completion day] fell to be treated as a national of the United Kingdom for the purposes of the EU Treaties and who was seeking access to, or was pursuing, the profession of veterinary surgeon by virtue of an enforceable EU right, or

(c) a person who on the day before [F7IP completion day] was not a national of a relevant European State but who was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the

profession of veterinary surgeon, no less favourably than a national of a relevant European State,

but does not include a person who on the day before [<sup>F7</sup>IP completion day] was, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), not entitled to benefit from EU provisions relating to the free movement of persons and services;”;

(ii) in the definitions of “Directive [2005/36/EC](#)” and “the Directive table”, for “amended from time to time” there were substituted “it applied on the day before [<sup>F7</sup>IP completion day]”;

(iii) for the definition of “national” there were substituted—

““national”, in relation to a relevant European State, includes any person who on the day before [<sup>F7</sup>IP completion day] was, by virtue of any enforceable EU right, entitled to be treated, for the purposes of access to the veterinary profession, no less favourably than a national of such a State, but does not include a person who, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), was not entitled to benefit from EU provisions relating to the free movement of persons and services;”.

- F5** Words in reg. 4(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 2 para. 2(c)(i)**
- F6** Words in reg. 4(2)(a)(iii) substituted (31.12.2020) by [The Trade in Animals and Animal Products \(Legislative Functions\) and Veterinary Surgeons \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1225\)](#), regs. 1(3), **22**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 4(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 2 para. 2(c)(ii)**

#### Commencement Information

- I3** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

- M14** [S.I. 2015/2059](#).  
**M15** [S.I. 2019/312](#).

### Temporary and occasional provision of services: transitional provision

5.—(1) This regulation applies where, before exit day, a visiting practitioner—

- (a) has complied with paragraph 5(1) or 6(1) of Schedule 1B to the Act and is entitled to be registered in accordance with paragraph 3(1) of that Schedule, and
- (b) has not been so registered.

(2) The provisions of the Act continue to apply as if the Act were not amended by regulation 2 of these Regulations, but as if—

(a) in section 27—

- (i) for the definition of “Community rights entitled person” there were substituted—  
““Community rights entitled person” means—

- (a) a person who on the day before exit day was a national of a relevant European State,
- (b) a person who on the day before exit day fell to be treated as a national of the United Kingdom for the purposes of the EU Treaties and who was seeking access to, or was pursuing, the profession of veterinary surgeon by virtue of an enforceable EU right, or
- (c) a person who on the day before exit day was not a national of a relevant European State but who was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession of veterinary surgeon, no less favourably than a national of a relevant European State,

but does not include a person who on the day before exit day was, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), not entitled to benefit from EU provisions relating to the free movement of persons and services;;

- (ii) in the definitions of “Directive [2005/36/EC](#)” and “the Directive table”, for “amended from time to time” there were substituted “ it applied on the day before exit day ”;
- (iii) for the definition of “national” there were substituted—

““national”, in relation to a relevant European State, includes any person who on the day before exit day was, by virtue of any enforceable EU right, entitled to be treated, for the purposes of access to the veterinary profession, no less favourably than a national of such a State, but does not include a person who, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), was not entitled to benefit from EU provisions relating to the free movement of persons and services;;

- (b) in Schedule 1B—

- (i) in paragraph 2(1)(b), the words “other than the United Kingdom” were omitted;
- (ii) in paragraph 4(b)—
  - (aa) after “where” there were inserted “ on the day before exit day ”;
  - (bb) for “falls” there were substituted “ fell ”;
  - (cc) for “is in” there were substituted “ would have been in ”.

(3) In paragraph (1), “visiting practitioner” means a person to whom, on the day before exit day, Schedule 1B to the Act applied.

#### Commencement Information

**I4** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### [<sup>F8</sup> Applications under the Act: Swiss citizens’ rights agreement entitled persons

**5A.**—(1) In this regulation, “qualifying applicant” has the meaning given by paragraph 51 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 (qualifications begun before IP completion day – extended period for applications under the Swiss citizens’ rights agreement).

(2) In relation to a qualifying applicant, the Act has effect as if the amendments made by regulation 2 did not apply, and as if—

- (a) in section 2(2)(a), for “, 5A or 5B” there were substituted “or 5A”;
- (b) for the heading to section 5A there were substituted “Registration of Swiss citizens’ rights agreement entitled persons”;
- (c) in section 5A—
  - (i) in subsection (1)—
    - (aa) for “Community rights” there were substituted “Swiss citizens’ rights agreement”;
    - (bb) in paragraph (a), “European” were omitted;
  - (ii) in subsection (3)—
    - (aa) in paragraph (a), “European” were omitted;
    - (bb) in paragraph (c), for “a relevant European State” there were substituted “Switzerland”;
    - (cc) for paragraph (d) there were substituted—
      - “(d) if the person is not a national of the United Kingdom or Switzerland, proof that the person is a Swiss citizens’ rights agreement entitled person;”;
  - (iii) in subsection (5), for “a competent authority of a relevant European State” there were substituted “the Swiss competent authority”;
  - (iv) in subsection (6)(a)—
    - (aa) “European”, in the first place it occurs, were omitted;
    - (bb) for “that is not the relevant European State in which the evidence of qualification was issued” there were substituted “other than Switzerland”;
  - (v) in subsection (7), for “a competent authority in the issuing State” there were substituted “the Swiss competent authority”;
  - (vi) in subsection (10), for paragraph (a)(i) there were substituted—
    - “(i) Switzerland; or”;
- (d) section 5B (and the references to it in sections 5ZBA(1)(a), 5BA(1), 6(1)(b)(ii) and (6) and 10(3), and, where it occurs, the word “or” immediately preceding any such reference) were omitted;
- (e) in the heading to section 5BA, for “Community rights” there were substituted “Swiss citizens’ rights agreement”;
- (f) in section 5BA, in subsections (1) and (2), for “Community rights”, in both places it occurs, there were substituted “Swiss citizens’ rights agreement”;
- (g) section 5CA (and the references to it in sections 5CD(1) and (2), 5CE(1) and 5D(1), and in the headings to sections 5CD and 5CE) were omitted;
- (h) section 5CB (and the references to it in sections 5CD(1) and (2), 5CE(1) and 5D(1), and in the headings to sections 5CD and 5CE) were omitted;
- (i) in section 27—
  - (i) in the definitions of “[Directive 2005/36/EC](#)” and “the Directive table”, for “amended from time to time” there were substituted “it applied immediately before IP completion day”;
  - (ii) immediately before the definition of “veterinary surgery” there were inserted—
    - ““Swiss citizens’ rights agreement entitled person” means a person within the meaning of paragraph 51 of Schedule 1 to the Recognition of Professional

Qualifications (Amendment etc.) (EU Exit) Regulations 2019 (qualifications begun before IP completion day – extended period for applications under the Swiss citizens’ rights agreement);”;

(j) in Schedule 1A—

- (i) for the heading there were substituted “REGISTRATION OF SWISS CITIZENS’ RIGHTS AGREEMENT ENTITLED PERSONS”;
- (ii) in paragraphs 1(1), 2(1) and (3), 3(1), and 4, in each place it precedes “veterinary surgeon”, “European” were omitted.]

**F8** Reg. 5A inserted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 2 para. 3**

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**Commencement Information**

**I5** Reg. 5A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)



**Changes to legislation:**

There are currently no known outstanding effects for the The Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019, PART 2.