



# Veterinary Surgeons Act 1966

## 1966 CHAPTER 36

An Act to make fresh provision for the management of the veterinary profession, for the registration of veterinary surgeons and veterinary practitioners, for regulating their professional education and professional conduct and for cancelling or suspending registration in cases of misconduct; and for connected purposes. [17th November 1966]

### Modifications etc. (not altering text)

C1 Act extended by [S.I. 1980/1951](#), [art. 5\(10\)](#)

### Commencement Information

II Act not in force at Royal Assent, see [s. 29\(3\)](#); Act wholly in force at 15.11.1967.

### *The Council*

## 1 The Council of the Royal College of Veterinary Surgeons.

- (1) For the purpose of managing the affairs of the Royal College of Veterinary Surgeons there shall continue to be a Council of the College consisting (subject to any Order in Council under section 21 of this Act) of the following persons, that is to say—
- twenty-four persons (hereafter in this Act referred to as “elected members of the Council”) elected from among themselves by members of the College . . .  
F1,
  - four persons appointed by the Privy Council;
  - for each university in the United Kingdom for which a recognition order is in force, two persons appointed by that university of whom at least one shall be a member of the College.

[<sup>F2</sup>(1A) A member of the College who, by virtue of article 3(1) or 3(2) of the Agreement with respect to veterinary surgeons made between Her Majesty’s Government in the United Kingdom and the Government of the Republic of Ireland and given effect to in the United Kingdom by the Veterinary Surgeons (Agreement with the Republic of

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Ireland) Order <sup>M1</sup>1988, is not required to pay a fee in respect of his membership of the College, may not vote, propose any candidate or stand as a candidate in any election of members of the Council which takes place after 31st May 1988 unless he has paid, in respect of every membership year that has occurred between that date and the date of the election, the fee prescribed by regulation of the Council under section 11(1) (b) of this Act on or before 31st March in every such year; and in this sub-section “membership year” means the membership year of the College running from the 1st day of April to the 31st day of March.]

- (2) There shall continue to be a President and two Vice-Presidents of the College elected from among themselves by members of the Council.
- (3) Schedule 1 to this Act shall have effect with respect to the tenure of office, election and appointment of the President and Vice-Presidents of the College and of the other members of the Council and with respect to other matters relating to the Council.
- (4) Where the Privy Council make an order under section 3 of this Act which will result in a change in the number of members appointed under subsection (1)(c) of this section, they may by order after consultation with the Council of the College—
  - (a) make such alteration in the number of elected members of the Council of the College as appears to them expedient in view of the making of the order under the said section 3 for the purpose of securing that there is a majority of elected members over all other members of the Council of the College; and
  - (b) make such consequential provision with respect to the term of office of the elected members (including provision modifying Schedule 1 to this Act) as appears to them necessary or expedient in consequence of the change in the total number of elected members.

#### Textual Amendments

- F1** Words repealed by [S.I. 1988/784, art. 4\(a\)](#)  
**F2** [S. 1\(1\)\(1A\)](#) inserted by [S.I. 1988/784, art. 4\(b\)](#)

#### Marginal Citations

- M1** [S.I. 1988/784](#).

### *Registration and qualification for registration*

## 2 Register of veterinary surgeons.

- (1) There shall continue to be a register known as the register of veterinary surgeons (hereafter in this Act referred to as “the register”) containing the names, addresses and qualifications of all persons who are entitled under the provisions of this Act to be registered therein.
- (2) The register shall consist of four lists—
  - (a) one, to be called the general list, of persons entitled to be registered in the register under [<sup>F3</sup>section 3, 4 or 5A] of this Act;
  - (b) one, to be called the Commonwealth list, of persons entitled to be so registered as holding some Commonwealth qualification;
  - (c) one, to be called the foreign list, of persons so registered as holding some foreign qualification;

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- (d) one, to be called the temporary list, of persons entitled to be so registered under section 7 of this Act.

**Textual Amendments**

**F3** Words substituted by [S.I. 1980/1951, art. 3\(1\)](#)

**3 Right of holders of university degrees to be registered.**

- (1) Where—
- (a) a university in the United Kingdom provides courses of study and examinations leading to a veterinary degree, and
  - (b) it appears to the Privy Council, after consultation with the Council of the College, that the courses of study and examinations are such as sufficiently to guarantee that holders of the degree will have acquired the knowledge and skill needed for the efficient practice of veterinary surgery,
- the Privy Council may by order (in this Act referred to as “a recognition order”) direct that any person on whom, during the continuance in force of the order, the degree is conferred after attending those courses at that university shall be entitled to be registered in the register and shall on being so registered become a member of the College.
- (2) If, while a recognition order is in force, it appears to the Council that the courses of study and examinations leading to the degree to which the order relates are no longer such as to justify the continuance in force of the order, the Council may make representations to that effect to the Privy Council.
- (3) Where any representations are made under the last foregoing subsection, the Privy Council shall give notice to the university in question that the representations have been made, together with such particulars thereof as may be requisite to enable the university to formulate their observations on or objections to the representations.
- (4) The Privy Council shall consider any such representations and any such observations or objections made within such time not less than two months from the giving of the notice under the last foregoing subsection as the Privy Council may determine, and may if they think fit by order revoke or suspend the recognition order.
- (5) An order under the last foregoing subsection suspending a recognition order may be revoked by a subsequent order of the Privy Council if it appears to them expedient in consequence of representations made by the Council of the College or by the university in question that the recognition order should be revived.

**4 Examination by the College of students of certain universities.**

- (1) On the application of any university in the United Kingdom for which no recognition order is in force the Privy Council may after consultation with the Council of the College direct the College to hold examinations in veterinary surgery for the students of veterinary surgery attending at that university; and any such student passing any such examination shall be entitled to be registered in the register and shall on being so registered become a member of the College.
- (2) A direction under the foregoing subsection with respect to any university shall cease to have effect on the coming into force or revival of a recognition order for that

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university or may be revoked by a subsequent direction of the Privy Council made after consultation with that university and with the Council of the College.

## 5 Supervisory functions of the Council.

- (1) The following provisions of this section shall have effect for the purpose of securing that the courses of study to be followed by students training to be veterinary surgeons and the standard of proficiency required for registration in the register shall be such as sufficiently to guarantee that persons registered in the register will have acquired the knowledge and skill needed for the efficient practice of veterinary surgery: and it shall be the duty of the Council to exercise the powers conferred on them by those provisions so far as necessary for that purpose.
- (2) The Council may appoint persons to visit the universities for which recognition orders are in force or are proposed to be made, and any other universities which for the time being provide or propose to provide courses leading to examination by the College, and to report on the courses of study, staffing, accommodation and equipment available for training in veterinary surgery and the other arrangements and facilities for such training.
- (3) The Council may appoint persons to attend at examinations in any aspect of veterinary surgery at universities for which recognition orders are in force or are proposed to be made and to report to the Council as to the sufficiency of the examinations and as to such other matters relating thereto as the Council may require:

Provided nothing in this subsection shall authorise a person appointed therein to interfere with the conduct of any examination.

- (4) On the receipt of any report made under this section—
  - (a) the Council shall send a copy of the report to the university concerned;
  - (b) the university may within the period of two months from the receipt of the copy make observations on or objections to the report to the Council;
  - (c) as soon as practicable after the expiration of that period the Council shall send the Privy Council a copy of the report and of any such observations or objections which are duly made, together with the comments of the former on the report and the observations or objections.
- (5) A university for which a recognition order is in force shall, on being requested in writing so to do by the Council, furnish the Council with such information as may be specified in the request as to the courses of study and examinations leading to the degree to which the recognition order relates; and a university for whose students of veterinary surgery examinations are held under the last foregoing section shall, on being so requested, furnish the Council with such information as may be so specified as to the courses of study preparing students for those examinations.

### **[<sup>F4</sup>5A] Right of holders of recognised European qualifications to be registered**

- (1) Subject to the provisions of this Act and any Order in Council under section 2(2) of the European Communities Act 1972 a person who is a national of a member State and holds a recognised European qualification in veterinary surgery, that is to say—
  - (a) any scheduled European qualification in veterinary surgery granted in a member State on or after the date on which that State implemented the Training Directive; or

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- [ any European qualification in veterinary surgery granted in a member State before the date on which that State implemented the Training Directive or after that date in a case where the training of which the qualification is evidence commenced before that date.]
- (a) at the end of paragraph (b) of subsection (1) there shall be inserted<sup>F6</sup> or
- <sup>F6</sup>(c) any European qualification in veterinary surgery granted in a member State which, although not conforming to a scheduled European qualification, is treated by that State as equivalent to a scheduled European qualification]
- shall be entitled to be registered in the register and on being so registered shall become a member of the College.
- (2) A person holding a scheduled European qualification granted in a member State before it implemented the Training Directive shall not be entitled to be registered by virtue of that qualification unless, either—
- (a) he produces to the registrar a certificate of the competent authority of that State that the qualification guarantees that his training satisfies the requirements laid down by the Training Directive; or
- (b) he produces to the registrar a certificate of the competent authority of any member State that he has lawfully practised veterinary surgery for at least three consecutive years during the five years preceding the date of the certificate.
- (3) A person holding [<sup>F7</sup>such a European qualification as is mentioned in subsection (1) (b) above] which is not a scheduled European qualification shall not be entitled to be registered by virtue of that qualification unless he produces to the registrar such a certificate as is required by subsection (2)(b) above.
- [ A person holding a qualification as to training received in the territory of the former
- <sup>F8</sup>(3A) German Democratic Republic but which does not satisfy the requirements laid down by the Training Directive shall not be entitled to be registered by virtue of that qualification unless—
- (a) that qualification indicates that such training commenced before German unification,
- (b) that qualification indicates that the holder is entitled to practise as a veterinary surgeon throughout the territory of Germany to the same extent as the holder of the German State examination certificate in veterinary medicine, and
- (c) he produces to the registrar a certificate of the competent German authority that he has lawfully practised veterinary surgery in Germany for at least three consecutive years during the five years preceding the date of issue of the certificate.]
- [ A person holding a European qualification granted in a member State which is treated
- <sup>F9</sup>(3B) by that State as equivalent to a scheduled European qualification shall not be entitled to be registered by virtue of that qualification unless he produces to the registrar a certificate of the competent authority of that member State certifying that that qualification—
- (a) was granted to that person following his training in accordance with the provisions of the Training Directive; and
- (b) is treated by the competent authority which granted it as being equivalent to a scheduled European qualification.]
- (4) For purposes of this section a member State is to be regarded as having implemented the Training Directive on the date notified to the Commission as that on which it did so.

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(5) In this section—

“competent authority” means an authority or body designated by a member State in accordance with the Recognition Directive;

“the Recognition Directive” means Community Council Directive No. [78/1026/EEC](#) concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine;

“scheduled European qualification” means a qualification specified in Schedule 1A to this Act; and

“the Training Directive” means Community Council Directive No. [78/1027/EEC](#) concerning the co-ordination of provisions in respect of the activities of veterinary surgeons.]

#### Textual Amendments

**F4** S. 5A inserted by S.I. 1980/1951, art. 3(2)

**F5** Words substituted by S.I. 1982/1076, art. 5(a)

**F6** S. 5A(1)(c) and preceding word inserted (11.3.1993) by S.I. 1993/596, arts. 1, 2(1)(a).

**F7** Words substituted by S.I. 1982/1076, art 5(b)

**F8** S. 5A(3A) inserted (1.7.1991) by S.I. 1991/1218, art. 2(1)

**F9** S. 5A(3B) inserted (11.3.1993) by S.I. 1993/596, arts. 1, 2(1)(b).

#### Modifications etc. (not altering text)

**C2** S. 5A restricted by S.I. 1980/1951, art. 4(1)

## 6 Qualification for registration as a Commonwealth or foreign practitioner.

(1) A person who shows to the satisfaction of the registrar—

- (a) that he is of good character,
- (b) that he holds a Commonwealth or foreign qualification in veterinary surgery, and
- (c) that he has satisfied the Council that he has the requisite knowledge and skill to fit him for practising veterinary surgery in the United Kingdom,

shall be entitled to be registered in the register and on being so registered shall become a member of the College.

(2) Without prejudice to any other steps which the Council may take for the purpose of satisfying themselves that a person has the said knowledge and skill, the Council shall for that purpose, except in a case falling within the next following subsection, require him to sit for examinations held for the purposes of this section by or under arrangements made by the College.

(3) If a Commonwealth or foreign qualification held by a person is of a kind accepted for the time being by the Council as constituting, in itself, satisfactory proof of that person's possessing the requisite knowledge and skill to fit him for practising veterinary surgery in the United Kingdom, that person shall be taken to have satisfied the Council that he has the said knowledge and skill.

(4) The Council may make regulations as to the examinations to be held for the purposes of this section, and may include in the regulations provisions for withdrawing the right to sit for any such examinations from a person who has not paid the fee prescribed by the regulations for sitting for the examinations, or from a person who has previously

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failed to pass such examinations on such number of occasions as may be prescribed by the regulations.

- (5) The Council may direct that a particular person who has passed the examinations required to obtain a Commonwealth or foreign qualification shall be treated for the purposes of this section as a person holding a Commonwealth or foreign qualification, as the case may be.
- (6) For the purposes of this Act, a commonwealth qualification is a qualification granted in a place outside the United Kingdom which is within the Commonwealth, and a foreign qualification is a qualification granted in any other place outside the Commonwealth [F10, but no person shall be entitled to be registered under this section by virtue of a qualification granted in a member State if he is a national of that State and the qualification is a recognised European qualification which would entitle him to be registered under section 5A of this Act.]

**Textual Amendments**

**F10** Words substituted by [S.I. 1980/1951, art. 3\(3\)](#)

## 7 Temporary registration.

- (1) The Council may, with a view to permitting—
  - (a) a person who satisfies them that he has attended a course of study, and has passed the examinations, leading to a degree to which a recognition order relates; and
  - (b) a person holding a Commonwealth or foreign qualification in veterinary surgery,  
to practise veterinary surgery temporarily or otherwise subject to restrictions, direct that he be registered in the register subject to such restrictions as the Council may specify in the direction with respect to the period for which, the place or places at which and the circumstances in which he may practise veterinary surgery; and any person with respect to whom a direction is given under this subsection shall be entitled to be registered in the register subject to the entry against his name of the restrictions so specified.
- (2) Registration under this section shall not make it lawful for a person to practise veterinary surgery otherwise than subject to the said restrictions.
- (3) Where a person registered under this section fails to comply with any of the restrictions subject to which he is registered, the Council may cause his name to be removed from the register.
- (4) The Council may direct that a particular person who has passed the examinations required to obtain a Commonwealth or foreign qualification shall be treated for the purposes of this section as a person holding a Commonwealth or foreign qualification, as the case may be.

## 8 Supplementary veterinary register.

- (1) There shall continue to be a register known as the supplementary veterinary register containing the names and addresses of the following persons (to be known as veterinary practitioners), that is to say—

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- (a) the persons who immediately before the commencement of this Act were registered in that register;
  - (b) the persons who having been so registered at some previous time were not then so registered, but whose names are restored to that register under section 18 of this Act; and
  - (c) the persons entitled to be registered in that register under the next following subsection.
- (2) Any person who for an aggregate of not less than seven out of the ten years immediately preceding 2nd December 1965 held a licence under section 7 of the <sup>M2</sup>Veterinary Surgeons Act 1948 (licensing of employees of certain societies and institutions providing free treatment for animals) shall be entitled to be registered in the supplementary veterinary register, but shall not be entitled to practise veterinary surgery—
- (a) otherwise than as an employee of any society or institution mentioned in subsection (1) of that section; or
  - (b) except with permission granted by the Council and subject to such restrictions as the Council may impose.
- (3) Where a person is registered in the supplementary veterinary register under the last foregoing subsection, the entry against his name in the register shall state—
- (a) whether he is the employee of any such society or institution as aforesaid;
  - (b) whether he has been granted permission to practise veterinary surgery; and
  - (c) any restrictions subject to which he may practise it.
- (4) Where a person registered in the supplementary veterinary register under subsection (2) of this section fails to comply with any restrictions subject to which he is so registered, the Council may cause his name to be removed from the register.
- (5) A certificate purporting to be a certificate of the Minister of Agriculture, Fisheries and Food stating that any person held, or did not hold, a licence under section 7 of the <sup>M3</sup>Veterinary Surgeons Act 1948 for a period specified in the certificate shall be conclusive for the purposes of this section of the matters stated in the certificate.

#### **Marginal Citations**

**M2** 1948 c. 52.

**M3** 1948 c. 52.

### *Supplementary provisions as to the register and registration*

#### **9 Keeping, evidential effect and publication of the register.**

- (1) The register shall be kept by the registrar of the College who shall be appointed by the Council.
- (2) The registrar shall perform such other duties in connection with the register as the Council may direct, and in the execution of his duties he shall act on such evidence as in each case appears sufficient.
- (3) The Council shall cause the register to be printed and published as often as they think fit.



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- (4) If in any year the register is not published, the Council shall cause any alterations in the entries in that register which have been made since the last publication thereof to be printed and published within that year.
- (5) A copy of the register purporting to be printed and published by the Council shall, as altered by any alterations purporting to be printed and published by the Council, be evidence (and in Scotland sufficient evidence) that the persons specified in the register are registered therein; and the absence of a person's name from any such copy shall be evidence (and in Scotland sufficient evidence) that he is not registered in the register.
- (6) In the case of a person whose name does not appear in any such copy of the register as altered as aforesaid, a certified copy, under the hand of the registrar, of the entry relating to that person in the register shall be evidence (and in Scotland sufficient evidence) of the entry.
- (7) The registrar shall from time to time insert in the register any alteration which may come to his knowledge in the name or address of any registered person.
- (8) The foregoing provisions of this section shall apply in relation to the supplementary veterinary register as they apply in relation to the register of veterinary surgeons.

## 10 Procedure for registration.

- (1) Any right to registration in the register or the supplementary veterinary register shall be conditional on the making of an application supported by such evidence as is required by the following subsection and, in the case of registration in the supplementary veterinary register of persons mentioned in section 8(1)(c) of this Act, on the making of the application within six months of the commencement of this Act.
- (2) A person applying to be registered in either of the said registers shall produce or send to the registrar the document conferring or evidencing his qualification for registration, together with a statement of his name and address and such other particulars, if any, as may be required for registration.

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### Modifications etc. (not altering text)

C3 Ss. 10, 11 excluded by S.I. 1980/1951, art. 5(6)

## 11 Power to make regulations, etc., with respect to the register.

- (1) The Council may make regulations with respect to the form and keeping of the register, the making of entries therein and the removal of entries therefrom and, in particular,—
  - (a) prescribing a fee to be charged on the entry of a name in the register or on the restoration of any entry to the register;
  - (b) prescribing a fee to be charged in respect of the retention in the register of the name of a person in any year subsequent to the year in which he was first registered;
  - (c) authorising the registrar, notwithstanding anything in this Act, to refuse to make in, or restore to, the register any entry until a fee prescribed by regulations under this section has been paid.

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- (2) Regulations under this section may authorise the registrar to remove from the register the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed under paragraph (b) of the foregoing subsection.
- (3) If, within such period as may be prescribed by regulations under this section, any person whose name has been removed from the register in accordance with regulations made by virtue of the last foregoing subsection pays the fee due from him, together with such additional sum (if any) as may be so prescribed, his name shall be restored to the register and, if the Council so direct, shall be deemed for all purposes not to have been removed therefrom.
- (4) Regulations under this section prescribing fees may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in prescribed cases.
- (5) The Council may give directions authorising any additional qualifications specified in the directions to be entered in the register on the application of registered veterinary surgeons by whom they are held.
- (6) The foregoing provisions of this section shall apply in relation to the supplementary veterinary register as they apply in relation to the register of veterinary surgeons; but any regulations under this section may make different provision in relation to the two registers.

**Modifications etc. (not altering text)**

**C4** Ss. 10, 11 excluded by S.I. 1980/1951, art. 5(6)

**12 Abbreviations of qualifications granted abroad.**

Where a person's name is entered in the Commonwealth list or the foreign list, or an additional qualification granted in a place outside the United Kingdom is entered against a person's name in any part of the register, the registrar shall enter the qualification by virtue of which that person is registered or, as the case may be, the additional qualification, in such abbreviated form as the registrar, after consultation with the Council, may select as being convenient.

**13 Removal of names of deceased persons and of those who have ceased to practise.**

- (1) The registrar shall remove from the register the name of every deceased person and, on registering the death of a registered veterinary surgeon, a registrar of births and deaths shall, without charge, send forthwith by post to the registrar a copy certified under his hand of the entry in the register of deaths relating to the death.
- (2) If a registered veterinary surgeon has ceased to practise the registrar may at his request or with his consent remove his name from the register.
- (3) The registrar may send by post to a registered veterinary surgeon a notice inquiring whether he has ceased to practise or has changed his residence and, if no answer is received to the inquiry within six months from the posting of the notice, he may remove the name of the registered veterinary surgeon from the register.

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- (4) Where a person's name has been removed from the register under subsection (2) or (3) of this section, the name may be restored to the register on his application unless the original entry of his name was incorrectly or fraudulently made.
- (5) This section shall apply in relation to the supplementary veterinary register and persons registered in that register as it applies in relation to the register of veterinary surgeons and registered veterinary surgeons.

#### **14 Incorrect and fraudulent entries in the register.**

It shall be the duty of the Council to refer to the disciplinary committee any case in which it appears to the Council that an entry in the register of veterinary surgeons or the supplementary veterinary register has been fraudulently made and to remove from that register any other entry which has been incorrectly made.

#### *Disciplinary and similar proceedings*

#### **15 Preliminary investigation and disciplinary committees.**

- (1) The Council shall set up a committee of the Council to be known as the preliminary investigation committee which shall be charged with the duty of conducting a preliminary investigation into every disciplinary case (that is to say, a case in which it is alleged that a person is liable to have his name removed from the register or to have his registration suspended under the next following section) and of deciding whether the case should be referred to the disciplinary committee.
- (2) There shall continue to be a committee of the Council known as the disciplinary committee charged with the duty of considering and determining—
  - (a) any disciplinary case referred to them by the preliminary investigation committee; and
  - (b) any other case of which the disciplinary committee has cognizance under section 18 of this Act.
- (3) The provisions of Part I of Schedule 2 to this Act shall have effect with respect to the constitution of the preliminary investigation and disciplinary committees, and the provisions of Part II of that Schedule shall have effect with respect to the procedure of the disciplinary committee.

#### **16 Removal of names from register for crime or disgraceful conduct.**

- (1) If—
  - (a) a person registered in the register is convicted in the United Kingdom or elsewhere of a criminal offence which, in the opinion of the disciplinary committee, renders him unfit to practise veterinary surgery; or
  - (b) any such person is judged by the disciplinary committee to have been guilty of disgraceful conduct in any professional respect; or
  - (c) the disciplinary committee is satisfied that the name of any such person has been fraudulently entered in the register,

the committee may, if they think fit, direct that his name shall be removed from the register or (except in a case falling within paragraph (c) of this subsection) that his

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registration therein shall be suspended, that is to say, it shall not have effect during a period specified in the direction.

- (2) Where the disciplinary committee direct that a person's name shall be removed from the register or that his registration shall be suspended under this section, the registrar shall serve a notice of the direction on him.
- (3) This section shall apply in relation to the supplementary veterinary register and persons registered in that register as it applies in relation to the register of veterinary surgeons and registered veterinary surgeons.

## 17 Appeals in disciplinary and other cases.

- (1) A person in relation to whom a direction has been given under the last foregoing section may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to Her Majesty in Council in accordance with such rules as Her Majesty in Council may by order provide for the purposes of this section; and the <sup>M4</sup>Judicial Committee Act 1833 shall apply in relation to the disciplinary committee as it applies in relation to such courts as are mentioned in section 3 of that Act (reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council).
- (2) The Council of the College may appear as respondent on any such appeal and, for the purpose of enabling directions to be given as to the costs of any such appeal, shall be deemed to be a party thereto whether they appeared on the hearing of the appeal or not.
- (3) A direction under the last foregoing section shall take effect—
  - (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
  - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
  - (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and not otherwise.

### Marginal Citations

M4 1833 c. 41.

## 18 Restoration of name after removal or suspension.

- (1) Where a person's name has been removed from the register of veterinary surgeons or the supplementary veterinary register in pursuance of a direction under section 16 of this Act, the name of that person shall not again be entered in the register from which it was removed unless the disciplinary committee on application made to them in that behalf otherwise direct.
- (2) Where the registration of a person in either of the said registers is suspended in pursuance of any such direction, the name of that person shall not be entered in the register so long as the suspension has effect unless the disciplinary committee on application made to them in that behalf otherwise direct.

*Status:* Point in time view as at 01/07/1993. This version of this Act contains provisions that are not valid for this point in time.

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

- (3) An application under this section for the restoration of a name to either of the said registers or for the removal of a suspension of registration shall not be made to the disciplinary committee—
- (a) within ten months of the date of removal or suspension; or
  - (b) within ten months of a previous application thereunder.

*Restriction of practice of veterinary surgery*

**19 Restriction of practice of veterinary surgery by unqualified persons.**

- (1) Subject to the following provisions of this section, no individual shall practise, or hold himself out as practising or as being prepared to practise, veterinary surgery unless he is registered in the register of veterinary surgeons or the supplementary veterinary register, and an individual who acts in contravention of this subsection shall be liable—
- (a) on summary conviction to a fine not exceeding £100;
  - (b) on conviction on indictment to a fine.
- (2) ..... <sup>F11</sup>
- (3) The Council may make regulations exempting from subsection (1) of this section the carrying out or performance of any veterinary treatment, test or operation prescribed by the regulations, subject to compliance with prescribed conditions, by students of veterinary surgery of any prescribed class.
- (4) Subsection (1) of this section shall not prohibit—
- (a) the carrying out of [<sup>F12</sup>any procedure duly authorised under the Animals (Scientific Procedures) Act 1986];
  - (b) the doing of anything specified in Part I of Schedule 3 to this Act and not excluded by Part II of that Schedule;
  - (c) the performance by a registered medical practitioner of an operation on an animal for the purpose of removing an organ or tissue for use in the treatment of human beings;
  - (d) the carrying out or performance of any treatment, test or operation by a registered medical practitioner or a registered dentist at the request of a person registered in the register of veterinary surgeons or the supplementary veterinary register;
  - (e) the carrying out or performance of any minor treatment, test or operation specified in an order made by the Ministers after consultation with the Council, so long as any conditions so specified are complied with.
- (5) The Ministers may, after consultation with the Council and with persons appearing to the Ministers to represent interests so appearing to be substantially affected, by order amend the provisions of Schedule 3 to this Act.
- (6) Any order under subsection (4) or (5) of this section may be varied or revoked by a subsequent order of the Ministers under that subsection made after the like consultation.

**Subordinate Legislation Made**

**P1** S. 19: for previous exercises of this power see Index to Government Orders.

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**P2** S. 19(5)(6) power exercised by S.I. 1991/1412

**Textual Amendments**

**F11** Ss. 19(2), 20(6) repealed by Criminal Law Act 1977 (c. 45), Sch. 13

**F12** Words substituted by Animals (Scientific Procedures) Act 1986 (c. 14, SIF 4:5), s. 27(2), Sch. 3 para. 5

**Modifications etc. (not altering text)**

**C5** S. 19 extended (N.I.) by Welfare of Animals Act (Northern Ireland) 1972 (c. 7), s. 14(2)

**C6** S. 19 excluded by S.I. 1980/1951, art. 5(9)(a)

**C7** S. 19: transfer of functions (27.3.2002) by S.I. 2002/794, art. 3(1)(2) (with art. 6)

**20 Prohibition of use of practitioners' titles by unqualified persons.**

- (1) If a person not registered in the register takes or uses the title of veterinary surgeon or any name, title, addition or description implying that he is so registered, he shall be guilty of an offence.
- (2) If any person not registered in the register of veterinary surgeons or the supplementary veterinary register takes or uses the title of veterinary practitioner or any name, title, addition or description implying that he is a practitioner of, or qualified to practise, veterinary surgery to any greater extent than is authorised by or under subsection (3) of the last foregoing section, he shall be guilty of an offence.
- (3) Without prejudice to the foregoing provisions of this section, if any person uses, in connection with any business carried on by him or at any premises at which such a business is carried on, a description implying that he or any person acting for the purposes of the business possesses Veterinary qualifications which he does not in fact possess he shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction to a fine not exceeding £100;
  - (b) on conviction on indictment to a fine.
- (5) Where an offence by a body corporate under this section is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he, as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (6) . . . . . **F13**

**Textual Amendments**

**F13** Ss. 19(2), 20(6) repealed by Criminal Law Act 1977 (c. 45), Sch. 13

**Modifications etc. (not altering text)**

**C8** S. 20 excluded by S.I. 1980/1951, art. 5(9)(b)

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### *Agreements with the Republic of Ireland*

#### **21 Power to give effect to agreements with the Republic of Ireland.**

- (1) For the purpose of giving effect to any agreement with respect to veterinary surgeons entered into (whether before or after the commencement of this Act) between Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland Her Majesty may by Order in Council make such provision as appears to Her to be expedient—
  - (a) for the appointment or election of additional members of the Council to represent the Republic of Ireland;
  - (b) for empowering the Privy Council, on the recommendation of the Council, to make an order—
    - (i) directing that the holders of any university veterinary degree of the Republic of Ireland specified in the order shall be entitled, subject to any exception so specified and on compliance with any conditions so specified, to be registered in the register and shall on being so registered become a member of the College; and
    - (ii) revoking or suspending any order made by virtue of the foregoing sub-paragraph;
  - (c) for imposing duties on the Council with respect to any reports received by them in pursuance of any such agreement;
  - (d) without prejudice to the last foregoing sub-paragraph, for requiring or enabling the disciplinary committee to act on any report made to the Council in pursuance of any such agreement by any committee of the Veterinary Council of the Republic of Ireland in connection with a disciplinary case as if the facts stated in the report had been found by the disciplinary committee on inquiring into the case under this Act.
- (2) Any Order in Council under this section may contain such incidental, consequential, transitional or supplementary provision as may appear to Her Majesty to be necessary or proper in consequence of the provisions of any such agreement or for giving full effect thereto (including provision amending this Act or any instrument thereunder).
- (3) Any Order in Council under this section may be varied or revoked by a subsequent Order thereunder.

### *Miscellaneous and general*

#### **22 Default powers of the Privy Council.**

- (1) If it appears to the Privy Council that the Council of the College have failed, but ought, to discharge any of their functions under this Act, the Privy Council may notify their opinion to the Council of the College and may direct them to discharge that function in such a manner and within such a period as may be specified in the direction.
- (2) If the Council of the College fail to comply with a direction under the foregoing subsection with respect to any function of theirs, the Privy Council may themselves discharge that function.

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## 23 Exercise of powers conferred on the Privy Council.

- (1) For the purpose of exercising any powers of this Act conferred on the Privy Council a quorum of the Privy Council shall be two.
- (2) Any document purporting to be—
  - (a) an instrument of appointment or approval made by the Privy Council under this Act or any other instrument so made; and
  - (b) signed by the Clerk of the Privy Council or any other person authorised by the Privy Council in that behalf, shall be evidence (and in Scotland sufficient evidence) of the fact that the instrument was so made and of the terms of the instrument.

## 24 Exemption from jury service.

[<sup>F14</sup>(1) No person registered in the register of veterinary surgeons or the supplementary veterinary register shall if actually practising veterinary surgery be liable to serve on any jury in Great Britain.]

[<sup>F15</sup>(2) For section 10(1) of the <sup>M5</sup> Juries Act (Northern Ireland) 1953 there shall be substituted the following subsection:—

“(1) No person registered in the register of veterinary surgeons or the supplementary veterinary register shall, if actually practising veterinary surgery, be liable to serve on any jury, and accordingly there shall be added at the end of Schedule 3 to the Jury Laws Amendment Act (Northern Ireland) 1926 (exemption from serving on juries) the words “ persons registered in the register of veterinary surgeons or the supplementary veterinary register, if actually practising.””]

### Textual Amendments

- F14** S. 24(1) repealed (E.W.) by Criminal Justice Act 1972(c. 71), Sch. 6 Pt. I; repealed (S. ) by [Law Reform \(Miscellaneous Provisions\) Act 1980 \(c. 55, SIF 72:2\)](#), s. 28(2), [Sch. 3](#)
- F15** S. 24(2) repealed (N.I.) by [S.I. 1974/2143 \(N.I. 6\)](#), [Sch. 5](#)

### Modifications etc. (not altering text)

- C9** The text of ss. 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991

### Marginal Citations

- M5** 1953 c. 19.

## 25 Regulations, rules and orders.

- (1) No regulation or rules of the Council under this Act shall have effect unless approved by order of the Privy Council.
- (2) Any order under the foregoing subsection may be revoked by a subsequent order of the Privy Council.



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- (3) Any power to make orders conferred by this Act on the Privy Council or the Ministers, and any power to make rules so conferred on the Lord Chancellor, shall be exercisable by statutory instrument.
- (4) The Ministers shall not make an order under section 19(5) of this Act unless a draft of the order has been approved by both Houses of Parliament.
- (5) Any statutory instrument made under this Act in the exercise of powers conferred by section 1(4), 3, 19(4) or 21 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## 26 Notices.

- (1) In this Act “notice” means a notice in writing.
- (2) Any notice or other document authorised or required to be served under this Act on a person registered in the register of veterinary surgeons or the supplementary veterinary register may, without prejudice to any other method of service, be served on him by post in a letter addressed to him at his address in the relevant register, or at his last known address if that address differs from his address in the relevant register and it appears to the registrar that such service will be more effective.

## 27 Interpretation.

- (1) In the Act, except so far as the context otherwise requires,—
  - “animals” includes birds and reptiles;
  - “College” means the Royal College of Veterinary Surgeons;
  - “Commonwealth qualification” and “foreign qualification” have the meanings respectively assigned to them by section 6 of this Act;
  - “Council” means the Council of the College;
  - “disciplinary case” has the meaning assigned to it by section 15 of this Act;
  - “elected members of the Council” has the meaning assigned to it by section 1 of this Act;
  - “the Ministers” means the Minister of Agriculture, Fisheries and Food, [<sup>F16</sup>The Secretary of State for Scotland and the Secretary of State for Wales,] and the Minister of Agriculture for Northern Ireland acting jointly;
  - [<sup>F17</sup>“national”, in relation to a member State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;]
  - “qualification” means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place;
  - “recognition order” has the meaning assigned to it by section 3 of this Act;
  - “register” means the register of veterinary surgeons;
  - “veterinary surgery” means the art and science of veterinary surgery and medicine and, without prejudice to the generality of the foregoing, shall be taken to include—

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- (a) the diagnosis of diseases in, and injuries to, animals including tests performed on animals for diagnostic purposes;
  - (b) the giving of advice based upon such diagnosis;
  - (c) the medical or surgical treatment of animals; and
  - (d) the performance of surgical operations on animals.
- (2) Anything required by this Act to be done by or to the registrar may be done by or to any assistant registrar appointed by the Council.
- (3) References in this Act to any other enactment shall be construed as references thereto as amended, and as including references thereto as extended, by or under any subsequent enactment.

#### Textual Amendments

**F16** Words substituted by [S.I. 1978/272, Sch. 5](#)

**F17** Definition inserted by [S.I. 1980/1951, art. 3\(4\)](#)

## 28 Repeal, saving and transitional provisions.

- (1) The enactments described in Schedule 4 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.
- (2) Nothing in this Act shall be construed as derogating from so much of the charter of the College dated 8th March 1844 as incorporates the College, recognises the veterinary art as a profession, authorises the College to have a common seal, to hold property, to sue and be sued and to appoint officers and servants and provides for the vesting of the property of the College.
- (3) In so far as any Order in Council, regulation, rule, order or other instrument made or issued under any enactment repealed or any charter provision superseded by this Act or any other thing done under any such enactment or provision could have been made, issued or done under a corresponding provision of this Act it shall not be invalidated by the repeals effected by this section or by any other provision of this Act but shall have effect as if made, issued or done under that corresponding provision.
- (4) Without prejudice to the last foregoing subsection—
- (a) any person registered in the register immediately before the commencement of section 2 of this Act by reason of his having obtained a diploma granted on examination by the College shall be treated as if he had been registered in that register in the general list;
  - (b) any person registered in the register under section 13 of the <sup>M6</sup>Veterinary Surgeons Act 1881 as a colonial practitioner or a foreign practitioner immediately before the commencement of the said section 2 shall be treated as if he had been registered in the register in the Commonwealth list or the foreign list, as the case may require;
  - (c) any order made under section 1 of the <sup>M7</sup>Veterinary Surgeons Act 1948 and in force immediately before the commencement of section 3 of this Act shall have effect as if it had been made under the said section 3.
- (5) Without prejudice to subsection (3) of this section, any provision of this Act relating to anything done or required or authorised to be done under, or by reference to, that provision or any other provision of this Act shall have effect as if any reference to that

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provision or to that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act or the corresponding charter provision superseded by this Act, as the case may require.

- (6) Without prejudice to subsection (3) of this section, the tenure of office of a person elected or appointed a member of the Council, or President or Vice-President of the College, before the day appointed for the commencement of Schedule 1 to this Act, or of any person thereafter elected or appointed to fill a casual vacancy in the office of a person of the former description, shall be computed as if the said Schedule 1 had come into operation on the day on which the person of the former description was elected or appointed a member of the Council or President or Vice-President of the College, as the case may be.
- (7) Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of sections 19 and 20 of this Act.
- (8) Any enactment passed before this Act referring, whether specifically or by means of a general description, to an enactment repealed or a charter provision superseded by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act, and any document made or issued (whether before or after the passing of this Act) referring whether specifically or by means of a general description, to an enactment repealed or a charter provision superseded by this Act shall, unless the contrary intention appears, be similarly construed.
- (9) In this section “charter provision” means a provision of a charter of the College.

**Modifications etc. (not altering text)**

**C10** The text of ss. 24(2), 28(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991

**Marginal Citations**

**M6** 1881c. 62.

**M7** 1948 c. 52.

**29 Short title, extent and commencement.**

- (1) This Act may be cited as the Veterinary Surgeons Act 1966.
- (2) It is hereby declared that this Act extends to Northern Ireland, . . . <sup>F18</sup>
- (3) This Act shall come into operation on such day as Her Majesty may by Order in Council appoint and different days may be appointed under this subsection for different purposes; and any reference in this Act to the commencement of any provision thereof shall be construed as a reference to the day appointed under this subsection for the coming into operation of that provision.
- (4) Any Order under this section may make such transitional provision as appears to Her Majesty to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions, of any provisions of this Act then in force or of any provisions then in force of the enactments described in Schedule 4 to this Act as appear to Her to be necessary or expedient in consequence

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of the partial operation of this Act (whether before or after the day appointed by the Order).

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**Textual Amendments**

**F18** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

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**Modifications etc. (not altering text)**

**C11** [S. 29\(3\)](#)power of appointment conferred by s. 29(3) fully exercised: [S.I. 1967/251](#), 1972/1990

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## SCHEDULES

### SCHEDULE 1

Section 1(3).

#### PROVISIONS AS TO THE COUNCIL

##### *Tenure of office of members and of President and Vice-Presidents*

- 1 (1) Subject to the provisions of this Schedule, the term of office of any member of the Council shall be, as near as may be, four years and the day on which a member of the Council ordinarily retires shall be the day of the annual general meeting of the College in the year in which he retires.
- (2) Subject to the provisions of this Schedule, six of the elected members of the Council, being those who have been such members for the longest time without re-election, shall retire in each year.
- (3) If on the coming into force of a recognition order for any university a member of the Council is appointed by the university between two annual general meetings of the College, then, subject to the following provisions of this Schedule, the term of office of that member shall not expire until the fourth annual general meeting after it began.
- 2 Subject to the provisions of this Schedule, the term of office of the President or a Vice-President of the College shall be, as near as may be, one year, and he shall retire at the next meeting of the Council after the annual general meeting, but shall hold office until that next meeting notwithstanding that he has ceased to be a member of the Council, unless he resigns office as President or Vice-President or ceases to be a member of the Council under paragraph 3, 4 or 5 of this Schedule.
- 3 A member of the Council may at any time, by notice in writing addressed to the registrar, resign his office as member and the President or a Vice-President of the College may at any time by a like notice resign his office as such.
- 4 An elected member of the Council, or a member of the Council appointed by a university as being a member of the College, shall cease to hold office if he ceases to be a member of the College.
- 5 If a recognition order ceases to be in force for any university, any member appointed to the Council by that university shall thereupon cease to hold office.

##### *Elections, appointments and casual vacancies*

- 6 (1) Elections or appointments to fill any vacancy occurring under paragraph 1 of this Schedule shall be held or made before the annual general meeting of the College at which the vacancy occurs.
- (2) Elections to fill an ordinary vacancy in the office of President or Vice-President shall be held at the meeting of the Council at which the vacancy occurs.
- 7 (1) Where a casual vacancy occurs among the elected members of the Council, the vacancy shall be filled—

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- (a) by the unsuccessful candidate at the last previous ordinary election of such members who at that election received the greatest number of votes and has not since become a member, or
  - (b) if two or more such candidates received an equal number of votes, by the candidate who has been registered longest on the register or, if two or more such candidates have been registered longer than any other but for the same period as each other, by one of them chosen by lot, or
  - (c) if there were no unsuccessful candidates at that election, by a person appointed by the Council.
- (2) Where a casual vacancy occurs among members of the Council appointed by the Privy Council or a university, the vacancy shall be filled by the Privy Council or that university, as the case may be.
- (3) Where a casual vacancy occurs in the office of President or Vice-President of the College, the vacancy shall be filled by an election held at the first meeting of the Council after the vacancy occurs.
- (4) A person filling a casual vacancy among the elected members of the Council or in the office of President or Vice-President of the College shall hold office until the date on which the person whose vacancy he fills would have regularly retired.
- 8        A person ceasing to be a member of the Council or President or Vice-President of the College shall be eligible to be re-elected or re-appointed.
- 9        Elections of elected members of the Council shall be conducted in accordance with a scheme made by the Council and approved by the Privy Council.
- 10       A scheme under the last foregoing paragraph may be amended by the Council, but no amendment of the scheme shall have effect unless approved by the Privy Council.

#### *Supplementary*

- 11       The powers of the Council and any of its committees may be exercised notwithstanding any vacancy, and no proceedings of the Council or any of its committees shall be invalidated by any defect in the election or appointment of a member.
- 12       The additional elected members of the Council required to bring the number of such members up to twenty-four shall be elected before, and shall come into office at, the annual general meeting of the College in 1968.
- 13       Of the persons elected members of the Council at the election of such members in 1968 one shall retire in each of the three next following years, being—
- (a) that one of the successful candidates who at that election received the smallest number of votes and remains a member by virtue of being so elected, or
  - (b) if two or more such candidates received an equal number of votes, the candidate who has been registered on the register for the shortest period or, if two or more such candidates have been registered for a shorter period than any other but for the same period as each other, one of them chosen by lot.

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## [<sup>F19</sup>SCHEDULE 1A

### RECOGNISED EUROPEAN QUALIFICATIONS IN VETERINARY SURGERY

#### Textual Amendments

**F19** Sch. 1A inserted by S.I. 1980/1951, art. 3(5)

#### *Belgium*

Diplôme légal de docteur en médecine vétérinaire–het wettelijke diploma van doctor in de veeartsenijkunde of doctor in de diergeneeskunde (diploma of doctor of veterinary medicine, required by law) awarded by the State Universities, the Central Examining Board, or the State University Education Examining Boards.

#### *Denmark*

Bevis for bestået kandidateksamen i veterinærvidenskab (cand. med. vet) (the certificate proving the passing of the examination for candidates in veterinary medicine) awarded by the 'Kongelige Veterinaer–og Landbohøjskole'.

#### *France*

Diplôme de docteur vétérinaire d'état (State degree in veterinary medicine).

#### *Germany*

<sup>F20</sup>0. ... Zeugnis über die tierärztliche Staatsprüfung (the State examination certificate in veterinary medicine) awarded by the competent authorities.

#### Textual Amendments

**F20** Sch. 1A para. 1: figure "1" omitted (1.7.1991) by virtue of S.I. 1991/1218, art. 2(2)

<sup>F21</sup>2 . . . . .

#### Textual Amendments

**F21** Sch. 1A para. 2 repealed (1.7.1991) by virtue of S.I. 1991/1218, art. 2(2)

#### *[Greece*

<sup>F22</sup>Πτυχίο κτην&1gr;τρ1κεφ (diploma of veterinary surgeon) from the faculty of geotechnical sciences of the Aristotle University of Saloniki or the School of veterinary medicine of the Aristotle University of Saloniki]

#### Textual Amendments

**F22** Entry in Sch. 1A relating to Greece substituted (11.3.1993) by S.I. 1993/596, art. 2(2)(a).

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### Textual Amendments

**F22** Entry in Sch. 1A relating to Greece substituted (11.3.1993) by S.I. 1993/596, art. 2(2)(a).

### *Republic of Ireland*

- 1 Degree of bachelor in or of veterinary medicine (MVB).
- 2 Diploma of membership of the Royal College of Veterinary Surgeons (MRCVS, gained by examination after a full course of study at a veterinary school in Ireland).

### *Italy*

Diploma di laurea di dottore in medicina veterinaria accompagnato dal diploma d'abilitazione all'esercizio della medicina veterinaria awarded by the Minister of Education on the basis of the findings of the competent State Examining Board.

### *Luxembourg*

- 1 Diplôme d'État de docteur en médecine vétérinaire (the State diploma in veterinary medicine) awarded by the State Examining Board and endorsed by the Minister of Education.
- 2 Diploma conferring a higher education degree in veterinary medicine awarded in a member State and—
  - (a) giving the right to take up training but not to practise the profession; and
  - (b) officially recognised by the Minister of Education in accordance with the law of 18th June 1969 on higher education and recognition of foreign degrees and diplomas,
 if the diploma is accompanied by a certificate of practical training endorsed by the Minister of Public Health.
- 3 Final diploma of studies in veterinary medicine conferred on a Luxembourg national elsewhere than in a member State and officially recognised by the Minister of Education in accordance with the law of 18th June 1969 above-mentioned.

### *The Netherlands*

- 1 Het getuigschrift van met goed gevolg afgelegd diergeneeskundig examen (certificate proving the passing of the examination in veterinary medicine).
- 2 Het getuigschrift van met goed gevolg afgelegd veeartsenijkundig examen (certificate proving the passing of the examination in veterinary medicine).

### *[<sup>F23</sup> Portugal*

### Textual Amendments

**F23** Paras. added by S.I. 1987/447, art. 2

Carta de curso de licenciatura em medicina veterinaria (diploma conferring official recognition of completion of studies in veterinary medicine) awarded by a University.]



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[ Spain

<sup>F24</sup>Titulo de Licenciado en Veterinaria (university degree in veterinary medicine) awarded by the Ministry of Education and Science or by the rector of a university.]]

**Textual Amendments**

**F24** Entry in Sch. 1A relating to Spain substituted (11.3.1993) by S.I. 1993/596, art. 2(2)(b).

SCHEDULE 2

Section 15(3).

PRELIMINARY INVESTIGATION AND DISCIPLINARY COMMITTEES

**PART I**

CONSTITUTION OF THE COMMITTEES

- 1 (1) The preliminary investigation committee shall consist of the President and Vice-Presidents of the College and three other members of the Council elected from among themselves by the members of the Council.
- (2) Ordinary elections of the members of the preliminary investigation committee, other than the President or the Vice-Presidents, shall be held at the first meeting of the Council following the annual general meeting of the College and any election to fill a casual vacancy occurring among those members shall be held at the next meeting of the Council after the vacancy occurs.
- (3) The quorum for a meeting of the preliminary investigation committee shall be three, of whom at least one shall be the President or a Vice-President of the College.
- 2 (1) The disciplinary committee shall consist of a chairman elected by the Council and of eleven other members so elected.
- (2) A person shall not be qualified to be a member of the disciplinary committee unless he is a member of the Council.
- (3) Not less than six members of the disciplinary committee shall be elected members of the Council, and not less than one member of the disciplinary committee shall be a member of the Council appointed to the Council by the Privy Council.
- (4) For the purpose of any proceedings relating to the supplementary veterinary register there shall be added to the disciplinary committee four persons appointed by the Ministers, being persons registered in the supplementary veterinary register.
- (5) No person who acted as a member of the preliminary investigation committee with respect to any case shall act as a member of the disciplinary committee with respect to that case.
- (6) The quorum for a meeting of the disciplinary committee shall be five, of whom at least one shall be an elected member of the Council, except that a quorum for a meeting of the committee to hear a disciplinary case against a person registered in

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the supplementary veterinary register shall be seven, of whom at least one shall be an elected member of the Council and at least two shall be persons so registered.

- 3 The members of the preliminary investigation committee and the disciplinary committee shall hold office for such term as may be determined from time to time by the Council.

## 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 [F25]36 of the Supreme Court Act 1981[F26], of section 67 of the M8Judicature (Northern Ireland) Act 1978] or of the M9Attendance 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

**F25** Words substituted by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), [Sch. 5](#)

**F26** Words inserted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), [Sch. 5](#)

#### Marginal Citations

**M8** 1978 c. 23.

**M9** 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—
- (a) 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;
  - (b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the committee;

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- (c) 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;
    - (d) for requiring proceedings before the committee to be held in public except so far as may be provided by the rules;
    - (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
- [<sup>F27</sup>(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 solicitor of the Supreme Court 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.

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#### Textual Amendments

- F27** 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**

## [<sup>F28</sup>SCHEDULE 3

### EXEMPTIONS FROM RESTRICTIONS ON PRACTICE OF VETERINARY SURGERY]

#### Textual Amendments

- F28** Sch. 3 substituted by [S.I. 1988/526](#), **art. 2**

#### Modifications etc. (not altering text)

- C12** Sch. 3 extended (N.I) by [Welfare of Animals Act \(Northern Ireland\) 1972 \(c. 7\)](#), s. 14(2)

## PART I

### TREATMENT AND OPERATIONS WHICH MAY BE GIVEN OR CARRIED OUT BY UNQUALIFIED PERSONS

- 1 Any minor medical treatment given to an animal by its owner, by another member of the household of which the owner is a member or by a person in the employment of the owner.
- 2 [<sup>F29</sup>Any medical treatment or any minor surgery] (not involving entry into a body cavity) given, otherwise than for reward, to an animal used in agriculture, as defined in the Agriculture Act 1947, by the owner of the animal or by a person engaged or employed in caring for animals so used.

#### Textual Amendments

- F29** Words in [Sch. 3 Pt. I para. 2](#) substituted by [S.I. 1991/1412](#), **art. 2(a)**

- 3 The rendering in an emergency of first aid for the purpose of saving life or relieving pain or suffering.
- 4 The performance by any person of or over the age of eighteen of any of the following operations, that is to say—
  - (a) the castration of a male animal or the caaponising of an animal, whether by chemical means or otherwise;
  - (b) the docking of the tail of a lamb;
  - <sup>F30</sup>(c) .....
  - (d) the amputation of the dew claws of a dog before its eyes are open.

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### Textual Amendments

**F30** Sch. 3 Pt I para. 4(c) ceased to have effect (1.7.1993) by virtue of S.I. 1991/1412, art. 2(c)

5 The performance, by any person of the age of seventeen undergoing instruction in animal husbandry, of any operation mentioned in paragraph 4(a) or (b) above and the disbudding of a calf by any such person or by a person of or over the age of eighteen undergoing such instruction, if, in each case, either of the following conditions is complied with, that is to say—

- (a) the instruction in animal husbandry is given by a person registered in the register of veterinary surgeons or the supplementary veterinary register and the operation is performed under his direct personal supervision;
- (b) the instruction in animal husbandry is given at a recognised institution and the operation is performed under the direct personal supervision of a person appointed to give such instruction at the institution.

[<sup>F31</sup>In this paragraph “recognised institution” means—

- (i) as respects Great Britain, an institution maintained or assisted (in England and Wales) by a local education authority or (in Scotland) by an education authority or in either case an institution for the giving of further education as respects which a grant is paid by the Secretary of State or an institution recognised for the purposes of this paragraph by the Secretary of State; and
- (ii) as respects Northern Ireland, an agricultural college maintained by the Ministry of Agriculture for Northern Ireland.]

[<sup>F31</sup>In the foregoing paragraph “recognised institution” means—

- (a) as respects England and Wales—
  - (i) an institution maintained or assisted by a local education authority; [an institution within the further education sector within the <sup>F32</sup>(iA) meaning of section 91(3) of the Further and Higher Education Act 1992]
  - (ii) any other institution which provides higher education or further education (or both) and as respects which a grant is paid by the Secretary of State; or
  - (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph;
- (b) as respects Scotland—
  - [any educational establishment (not being a school) within the <sup>F33</sup>(i) meaning of section 135(1) of the Education (Scotland) Act 1980 for the provision of any form of further education for the management of which establishment an education authority is responsible;
  - (iA) any college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 which is managed by a board of management established under that Act;]
  - (ii) a central institution within the meaning of the Education (Scotland) Act 1980; <sup>F34</sup> . . .

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- (iii) an institution recognised by the Secretary of State for the purposes of the foregoing paragraph; [<sup>F35</sup>or  
 (iv) a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992;] and  
 (c) as respects Northern Ireland, an agricultural college maintained by the Department of Agriculture for Northern Ireland;  
 and expressions used in paragraph (a) of this paragraph and in the Education Act 1944 have the same meanings as in that Act.]

#### Textual Amendments

- F31** Words in [Sch. 3](#) beginning "In the foregoing" expressed to be substituted for words beginning "and in this paragraph "recognised institution" (which latter words were to be found in [Sch. 3](#) as originally enacted) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 237(1), [Sch. 12 Pt. III para. 66](#)
- F32** [Sch. 3](#): in the definition of "recognised institution" para. (a)(iA) inserted (1.4.1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), [Sch. 8 Pt. II para.70](#); S.I. 1992/831, art. 2, [Sch.3](#).
- F33** [Sch. 3](#): sub-para. (i)(iA) in para. (b) of the definition of "recognised institution" for the purposes of para. 5 substituted (1.4.1993) for sub-para. (i) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), [Sch. 9 para. 2\(a\)](#); S.I. 1992/817, art. 3(2), [Sch.4](#).
- F34** [Sch. 3](#): word after sub-para. (ii) in para. (b) of the definition of "recognised institution" for the purposes of para. 5 omitted (16.5.1992) by virtue of [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), [Sch. 9 para. 2\(b\)](#); S.I. 1992/817, art. 3(2), [Sch. 1](#).
- F35** [Sch. 3](#): words after sub-para. (iii) in para. (b) of the definition of "recognised institution" for the purposes of para. 5 inserted (16.5.1992) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), [Sch. 9 para. 2\(c\)](#); S.I. 1992/817, art. 3(2), [Sch. 1](#).

[<sup>F36</sup> Any medical treatment or any minor surgery (not involving entry into a body cavity) to a companion animal by a veterinary nurse if the following conditions are complied with, that is to say—

- (a) the companion animal is, for the time being, under the care of a registered veterinary surgeon or veterinary practitioner and the medical treatment or minor surgery is carried out by the veterinary nurse at his direction; and  
 (b) the registered veterinary surgeon or veterinary practitioner is the employer or is acting on behalf of the employer of the veterinary nurse.

In this paragraph—

“companion animal” means an animal kept as a pet or for companionship, not being a horse, pony, ass or mule, nor an animal used in agriculture, as defined in the [Agriculture Act 1947](#);

“veterinary nurse” means a nurse whose name is entered in the list of veterinary nurses maintained by the College.]

#### Textual Amendments

- F36** [Sch. 3 Pt. I para. 6](#) added (1.7.1991) by S.I. 1991/1412, [art. 2\(b\)](#)

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VALID FROM 10/06/2002

[<sup>F37</sup> Any medical treatment or any minor surgery (not involving entry into a body cavity) to any animal by a student veterinary nurse if the following conditions are complied with, that is to say—

- (a) the animal is, for the time being, under the care of a registered veterinary surgeon or veterinary practitioner and the medical treatment or minor surgery is carried out by the student veterinary nurse at his direction and in the course of the student veterinary nurse's training;
- (b) the treatment or surgery is supervised by a registered veterinary surgeon, veterinary practitioner or veterinary nurse and, in the case of surgery, the supervision is direct, continuous and personal; and
- (c) the registered veterinary surgeon or veterinary practitioner is the employer or is acting on behalf of the employer of the student veterinary nurse.

In this paragraph—

“student veterinary nurse” means a person enrolled under bye-laws made by the Council for the purpose of undergoing training as a veterinary nurse at an approved training and assessment centre or a veterinary practice approved by such a centre;

“approved training and assessment centre” means a centre approved by the Council for the purpose of training and assessing student veterinary nurses.]

#### Textual Amendments

**F37** Sch. 3 Pt. I para. 7 added (10.6.2002) by S.I. 2002/1479, art. 2(b)

## PART II

### EXCLUSIONS FROM PROVISIONS OF PART I

Nothing in section 19(4)(b) of this Act shall authorise—

- (a) the castration of a male animal being—
  - (i) a horse, pony, ass or mule,
  - (ii) a bull, boar or goat which has reached the age of two months,
  - (iii) a ram which has reached the age of three months, or
  - (iv) a cat or dog;
- (b) the spaying of a cat or dog;
- (c) the removal (otherwise than in an emergency for the purpose of saving life or relieving pain or suffering) of any part of the antlers of a deer before the velvet of the antlers is frayed and the greater part of it has been shed;
- (d) the desnooding of a turkey which has reached the age of 21 days;
- (e) the removal of the combs of any poultry which have reached the age of 72 hours;
- (f) the cutting of the toes of a domestic fowl or turkey which has reached the age of 72 hours;
- (g) the performance of a vasectomy or the carrying out of electro-ejaculation on any animal or bird kept for production of food, wool, skin or fur or for use in the farming of land;

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- (h) the removal of the supernumerary teats of a calf which has reached the age of 3 months;  
or
- (i) the dehorning or disbudding of a sheep or goat, except the trimming of the insensitive tip of an ingrowing horn which, if left untreated, could cause pain or distress.

## SCHEDULE 4

Section 28(1).

### ENACTMENTS REPEALED

#### **Modifications etc. (not altering text)**

**C13** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991

#### SCHEDULE 4 ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
44 & 45 Vict. c. 62.	The Veterinary Surgeons Act 1881.	The whole Act.
22 & 23 Geo. 5. c. 10.	The Veterinary Surgeons (Irish Free State Agreement) Act 1932.	The whole Act.
11 & 12 Geo. 6. c. 52.	The Veterinary Surgeons Act 1948.	The whole Act, except sections 23, 30 and 31(1) and Schedule 2.
10 & 11 Eliz. 2. c. 23.	The South Africa Act 1962.	In Schedule 3, paragraph 2.



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**Changes to legislation:**

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