

1972 No. 1991

VETERINARY SURGEONS**The Veterinary Surgeons (Agreement with Republic of
Ireland) Order 1972**

<i>Made - - - -</i>	<i>20th December 1972</i>
<i>Laid before Parliament</i>	<i>29th December 1972</i>
<i>Coming into Operation</i>	<i>1st February 1973</i>

At the Court at Buckingham Palace, the 20th day of December 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 21 of the Veterinary Surgeons Act 1966(a), it is enacted that for the purpose of giving effect to any agreement with respect to veterinary surgeons entered into (whether before or after the commencement of the said 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 with respect to any of the matters referred to in the said section:

And Whereas Her Majesty's Government in the United Kingdom and the Government of the Republic of Ireland have entered into the agreement set forth in the Schedule to this Order, being an agreement relating to the matters referred to in the said section:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by the said section 21, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Veterinary Surgeons (Agreement with the Republic of Ireland) Order 1972, and shall come into operation on 1st February 1973.

2. The agreement set forth in the Schedule to this order is hereby confirmed, and the Veterinary Surgeons Act 1966 shall have effect subject to the provisions of the said agreement.

3.—(1) The Privy Council may, on the recommendation of the Council of the Royal College of Veterinary Surgeons make an order—

- (a) directing (pursuant to article 3 of the said agreement) that the holder of any university veterinary degree of the Republic of Ireland specified in the order shall be entitled, subject to any exemption so specified and on compliance with any conditions so specified, to be registered in the register of the said College and shall on being registered become a member of the College;
- (b) revoking or suspending any order made by virtue of the foregoing sub-paragraph.

(2) An order under sub-paragraph (b) of paragraph (1) of this article for the suspension of an order under sub-paragraph (a) of that paragraph may, on the recommendation of the Council of the said Royal College, be revoked by a subsequent order of the Privy Council, and the said order under sub-paragraph (a) of paragraph (1) of this article shall thereupon be deemed to be revived.

W. G. Agnew.

SCHEDULE

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF IRELAND WITH RESPECT TO VETERINARY SURGEONS

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland;

Desiring to modify the Agreements now binding them made in 1931 and 1954 with respect to the veterinary surgeons' profession, and (subject to such modification) to re-state their mutual obligations arising under those Agreements save in so far as the provisions thereof are now spent;

Hereby agree as follows:

ARTICLE 1

Interpretation

In this Agreement—

“the College” means the Royal College of Veterinary Surgeons;

“the Council” means the Council of the College;

“the Irish Council” means the Veterinary Council in the Republic of Ireland constituted by the Irish Act of 1931;

“the General Register” means the United Kingdom Register of Veterinary Surgeons;

“the Irish Act of 1931” means the Veterinary Surgeons Act, 1931 (No. 36 of 1931) of the Republic of Ireland as amended by the Veterinary Surgeons Act, 1960 (No. 34 of 1960) of the Republic of Ireland and “the Irish Act of 1952” means the Veterinary Surgeons Act, 1952 (No. 18 of 1952) of the Republic of Ireland;

“the Irish Register” means the Register of Veterinary Surgeons for the Republic of Ireland;

“Privy Council recognition order” has the meaning assigned to it in Article 3 of this Agreement;

“the United Kingdom Act” means the Veterinary Surgeons Act, 1966 (1966 c. 36);

“the 1931 Agreement” means the Agreement made in 1931 which is scheduled, as respects the United Kingdom of Great Britain and Northern Ireland, to the Veterinary Surgeons (Irish Free State Agreement) Act, 1932 (22 & 23 Geo. 5. c. 10), and as respects the Republic of Ireland, to the Irish Act of 1931;

“the 1954 Agreement” means the Agreement made in 1954 which is scheduled as, respects the United Kingdom of Great Britain and Northern Ireland, to the Veterinary Surgeons (Agreement with Republic of Ireland) Order, 1954 (S.I. 1954/550), and, as respects the Republic of Ireland, to the Veterinary Surgeons Order, 1954 (S.I. No. 68 of 1954).

ARTICLE 2

Representatives of the Republic of Ireland as additional members of the Council

(1) In addition to the members of the Council specified in Section 1 of the United Kingdom Act, there shall continue to be such additional members (hereinafter referred as to the “representatives of the Republic of Ireland”) of the Council as are provided for in this Article.

(2) The representatives of the Republic of Ireland shall consist of—

- (a) one member appointed by the Minister of Agriculture and Fisheries of the Republic of Ireland;
- (b) one member appointed by each university in the Republic of Ireland granting a degree in the case of which a Privy Council recognition order is for the time being in force;
- (c) two elected members.

(3)(a) Each of the appointed members shall be appointed to hold office for a period, as near as may be, of four years and shall be eligible for re-appointment.

(b) The appointing authority may remove an appointed member from office if, in the opinion of the authority, he is unable to perform or is unsuited to continue to discharge, his duties.

(c) Where an appointed member ceases to hold office otherwise than by effluxion of time, the vacancy shall be filled by the appointment, by the same authority, of a member to fill his place for the remainder of the period for which he had been appointed.

(4)(a) The elected members shall be elected in accordance with such provisions as may be made under the Irish Act of 1952. They shall be persons who are for the time being registered in the General Register and members of the Irish Council. The term of office of an elected member shall be, as near as may be, four years. A retiring elected member shall be eligible for re-election.

(b) An elected member shall cease to hold office if he ceases to be a member of the Irish Council or if he ceases to be registered in the General Register.

(c) A casual vacancy amongst the elected members shall be filled in accordance with, and a member filling a casual vacancy shall hold office for the term appointed by, such provisions as may be made under the Irish Act of 1952.

(d) An elected member shall cease to hold office at the annual general meeting of the Council in the year in which his term of office is due to expire and his successor shall take up office on the same day.

(5) Without prejudice to Article 10(3) of this Agreement any member of the Council appointed or elected under Article 5 of the 1954 Agreement and holding office on the coming into operation of this Agreement shall continue to hold office as if he had been appointed or elected under this Article, but nothing in this Article shall be construed as extending his term of office.

ARTICLE 3

Holders of certain university degrees eligible for membership of College and for registration in the General Register

Where a university in the Republic of Ireland grants a veterinary degree in the case of which an order under Section 2(1) of the Irish Act of 1952 is for the time being in force, and it appears to the Council that the courses of study and examinations leading to the degree 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 Council may recommend to the Privy Council that the Privy Council should by order give a direction (in this Agreement referred to as "a Privy Council recognition order") that any person on whom the degree is conferred during the continuance in force of that order shall thereby be qualified to be a member of the College, and that any such person shall, on application in accordance with Article 6 of this Agreement, be registered in the General Register and become a member of the College accordingly.

ARTICLE 4

Revocation and suspension of Privy Council recognition orders

(1) If, where a Privy Council 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 give notice to the university concerned that it appears to the Council as aforesaid, together with such particulars as may be requisite to enable the university to formulate their observations thereon or objections thereto.

(2) The Council shall consider any such observations or objections made by the university concerned within such time, not less than two months from the giving of the said notice, as the Council may determine, and they may if they think fit recommend to the Privy Council that the Privy Council should by order direct the revocation or suspension of the Privy Council recognition order.

(3) A copy of the said notice and of any observations thereon or objections thereto by the university concerned shall be sent to the Minister for Agriculture and Fisheries of the Republic of Ireland as soon as may be after the expiration of two months from the giving of the notice.

ARTICLE 5

Visits to universities, etc.

(1) The Council shall have power to appoint persons to visit any university, college or other institution in the Republic of Ireland at which are pursued courses of study leading to a degree in the case of which a Privy Council recognition order is for the time being in force or is proposed to be made, and to report upon the courses of study, staffing, accommodation and equipment available for training in veterinary surgery and the other arrangements and facilities for such training.

(2)(a) The Council may appoint persons to attend at examinations leading to such a degree as aforesaid, 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.

(b) Nothing in this paragraph shall authorise a person appointed thereunder to interfere with the conduct of any examination.

(3) The number of persons who may be appointed by the Council for the purpose of this Article shall, as from the coming into operation of this Agreement, be not less than four and not more than seven, at least one and not more than three of whom shall be selected from a panel nominated by the Irish Council.

(4) On receipt of any report made under this Article—

(a) the Council shall send a copy thereof to the university concerned;

(b) the university may within two months of the receipt of the copy make to the Council observations on the report or objections thereto;

(c) as soon as may be after the expiration of the said two months the Council shall send a copy of the report and of any observations thereon or objections thereto duly made, together with the Council's comments on the report and on any such observations or objections, to the Privy Council and the Minister for Agriculture and Fisheries of the Republic of Ireland.

(5) Every university granting a degree in the case of which a Privy Council recognition order is for the time being in force or is proposed to be made shall, on a request in writing in that behalf made 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.

ARTICLE 6

Registration of graduates of universities

(1) All veterinary graduates of a university in the Republic of Ireland which is the subject to a Privy Council recognition order shall be entered first in the Irish Register on application in the prescribed manner and payment of the required fee for such registration.

(2) At the time of applying for entry in the Irish Register, each such graduate shall also, for the purpose of registration in the General Register, forward to the Irish Council, for transmission to the Council, an application for registration in the General Register in such form and accompanied by such fee as may be prescribed by regulations of the Council.

ARTICLE 7

Fees

(1) Veterinary surgeons practising solely within the Republic of Ireland shall pay no retention fee to the Council.

(2) A veterinary surgeon who practises in Ireland both within and outside the Republic of Ireland shall pay his annual or retention fee to the Irish Council or to the Council according to whether his normal place of residence is within or outside the Republic of Ireland.

(3) Subject as provided for in paragraphs (2) and (5) of this Article, a veterinary surgeon who, having paid his annual fee to the Irish Council, practises anywhere outside the Republic of Ireland shall pay to the Council the required retention fee on the next following date on which such fee falls due.

(4) Subject as provided for in paragraphs (2) and (5) of this Article, a veterinary surgeon who, having paid his retention fee to the Council, practises within the Republic of Ireland shall pay to the Irish Council the required annual fee on the next following date on which such fee falls due.

(5) A veterinary surgeon from either of the following areas, that is to say, the United Kingdom of Great Britain and Northern Ireland or the Republic of Ireland, shall not be required to pay an annual or retention fee for short professional visits to the other area and, where such visit is to the Republic of Ireland, registration in the Irish Register shall not be required.

(6) A veterinary surgeon who is required to pay his retention fee to the Council under the provisions of this Article shall be subject to the provisions of Section 11 of the United Kingdom Act and to regulations made or having effect thereunder.

(7) In this Article the term "veterinary surgeon" means a person for the time being registered in the Irish Register or the General Register; and the term "short professional visits" means professional visits not exceeding seven consecutive days up to a total of fourteen days in any period of twelve months beginning on the first day of April.

ARTICLE 8

Report of conviction for criminal offence

(1) Whenever the name of any person registered in both the General Register and the Irish Register is erased from the Irish Register on the grounds that such person has been convicted of a criminal offence, the Irish Council shall report such erasure to the Council.

(2) Whenever the name of any person whose name has been erased from the Irish Register on the grounds mentioned in paragraph (1) of this Article is restored to the Irish Register, the Irish Council shall report such restoration to the Council.

(3) Whenever the name of any person registered in both the General Register and the Irish Register is removed or suspended from the General Register on the grounds that such person has been convicted of a criminal offence, the Council shall report such removal or suspension to the Irish Council.

(4) Whenever the name of any person which has been removed or suspended from the General Register on the grounds mentioned in paragraph (3) of this Article is restored to the General Register, the Council shall report such restoration to the Irish Council.

ARTICLE 9

Report of finding of professional misconduct

(1) Whenever a person registered in both the General Register and the Irish Register is alleged to have been guilty of disgraceful conduct in any professional respect, then—

- (a) if such person practises as a veterinary surgeon exclusively outside the Republic of Ireland, or such person practises as a veterinary surgeon both outside and within the Republic of Ireland, and the disgraceful conduct is alleged to have been committed, or (in the case of continuing conduct) begun, outside the Republic of Ireland, the powers of investigating such allegation shall be exercisable by the Council under Section 15 of the United Kingdom Act, and the Council shall report to the Irish Council every case in which it is determined to remove or suspend from the General Register the name of any person registered in the Irish Register, and such report shall be conclusive as to the facts, but so that the Irish Council shall form their own opinion on the case independently of any opinion of the Council and act accordingly; and
- (b) if such person practices as a veterinary surgeon exclusively within the Republic of Ireland, or such person practices as a veterinary surgeon both within and outside the Republic of Ireland, and the disgraceful conduct is alleged to have been committed, or (in the case of continuing conduct) begun, within the Republic of Ireland, the powers of investigating such allegation shall be exercisable by the Irish Council through a committee under Section 35 of the Irish Act of 1931, and the Irish Council shall report to the Council every case in which it is determined to erase or suspend from the Irish Register the name of any person registered in the General Register, and such report shall be conclusive as to the facts, but so that the Disciplinary Committee of the Council shall form their own opinion on the case independently of any opinion of the Irish Council and act accordingly.

(2) Where, as a result of an investigation held under paragraph (1)(a) of this Article, the name of any person is removed or suspended from the General Register and such person applies to have his name restored to that register, or that it shall cease to be suspended, the Council shall report such application to the Irish Council and its determination thereon.

(3) Where, as a result of an investigation held under paragraph (1)(b) of this Article, the name of any person is erased or suspended from the Irish Register and such person applies to have his name restored to that register, or that it shall cease to be suspended, the Irish Council shall report such application to the Council and its determination thereon.

(4) In this Article, and in Article 8 of this Agreement, “suspending” in relation to the name of any person, means directing that during a specified period the registration of such name in the General Register or the Irish Register (as the case may be) shall not have effect, and “suspension” and “suspended” shall be construed accordingly.

ARTICLE 10

Entry into Force

(1) The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland shall, as soon as possible, take such steps as may be necessary under the laws of their respective countries to enable effect to be given to the preceding provisions of this Agreement which shall enter into force on whichever date is the later of the following:

- (a) the date on which full effect is given to this Agreement by a provision made by Order in Council under Section 21 of the United Kingdom Act;
 - (b) the date on which full effect is given to this Agreement by order made under Sub-section (2) of Section 4 of the Irish Act of 1952;
- and thereupon (subject to paragraph (2) of this Article) the 1931 and the 1954 Agreements shall terminate.

(2) Notwithstanding anything in Article 2 of the 1954 Agreement, the powers and duties of the College arising under clauses 2, 8 and 9 of the 1931 Agreement to provide for the examination of students attending a veterinary college within the Republic of Ireland and for their admission to membership of the College and registration in the General Register shall, on the coming into operation of this Agreement, terminate.

(3) In so far as anything done under the 1931 Agreement or the 1954 Agreement could have been done under a corresponding provision of this Agreement, it shall not be invalidated by the termination of those Agreements, but shall have effect as if it had been done under such corresponding provision.

IN WITNESS WHEREOF the undersigned, duly authorised thereto by their respective Governments, have signed the present Agreement.

DONE in two originals at London this 1st day of December 1972.

A. Royle

D. O'Sullivan

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

For the Government of the Republic of Ireland:

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, made under section 21 of the Veterinary Surgeons Act 1966, gives effect to an agreement recently signed between the Governments of the United Kingdom and the Republic of Ireland making provisions for additional members of the Council of the Royal College of Veterinary Surgeons, being representatives of the Republic of Ireland, and for facilitating the registration in the United Kingdom Register of Veterinary Surgeons of holders of veterinary degrees of certain universities in the Irish Republic, and their membership of the Royal College of Veterinary Surgeons; and for matters supplemental to or consequential on those matters.

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