

SCHEDULE 2

Regulation 6

Amendment of the Farriers (Registration) Act 1975

1. In section 7(1), after paragraph (b) insert—
 - “(ba) that he is the holder of a qualification obtained in another EEA State which demonstrates a level of knowledge and skill in farriery which substantially corresponds to that of a person falling within paragraph (b) ; or
 - (bb) that he is the holder of a qualification obtained in another EEA State which does not fall within paragraph (ba), but he has acquired or demonstrated the required level of knowledge and skill in accordance with section 7A(3); or
 - (bc) that he possesses appropriate experience in shoeing horses obtained in another EEA State as set out in section 7A; or
 - (bd) that he is registered in Part II or Part IV of the Register and possesses appropriate experience in shoeing horses obtained in the United Kingdom as set out in section 7A; or”.
2. In section 7(1)(e), for the words “outside the United Kingdom” substitute “other than in an EEA State”.
3. After section 7(1), insert—

“(1A) For the purposes of this section and section 7A, “EEA State” means any State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993.”
4. After section 7, insert—

“Corresponding qualifications, etc

7A.—(1) A person (“the applicant”) who—

- (a) holds any qualification in farriery obtained in another EEA State and intends to apply for registration under section 7(1)(ba) or (bb); or
- (b) has experience in shoeing horses and intends to apply for registration under section 7(1)(bc); or
- (c) has experience in shoeing horses and intends to apply for registration under section 7(1)(bd).

shall, before applying for registration, apply to the Council for a determination under subsection (2).

(2) On an application under sub-section (1), the Council shall determine whether—

- (a) (in the case of an applicant falling within subsection (1)(a)), the qualification demonstrates a level of knowledge and skill in farriery which substantially corresponds to that of a person falling within paragraph (b) of section 7(1); or
- (b) (in the case of an applicant falling within subsection (1)(b) or (1)(c)), the applicant has appropriate experience.

(3) If in the case of an applicant falling within subsection (1)(a) the Council determine that the qualification does not demonstrate a level of knowledge and skill in farriery which substantially corresponds to that of a person falling within section 7(1)(b), the Council may for the purposes of registration under section 7(1)(bb) require the applicant—

Status: This is the original version (as it was originally made).

- (a) to acquire that level of knowledge and skill during a period of engagement in the shoeing of horses under the supervision of a person who is registered in Part 1 of the Register, in accordance with such rules as the Council may make from time to time as to the provision of training for persons intending to seek registration under section 7(1)(b); or
 - (b) to demonstrate that level of knowledge and skill by passing such test or examination as the Council may require for the purpose.
- (4) An applicant to whom subsection (3) applies may choose to comply either with paragraph (a) or paragraph (b) of that subsection.
- (5) An applicant has “appropriate experience” in the shoeing of horses if—
- (a) he has worked in that activity during a period ending not more than 10 years prior to his application under subsection (1), for at least six consecutive years in either a self-employed capacity or as a manager of a farriery undertaking; or
 - (b) he has worked in that activity for at least three consecutive years in a self-employed capacity or as a manager of an undertaking and he has received at least three years' prior training in the shoeing of horses; or
 - (c) he has worked in that activity, during a period ending not more than 10 years prior to his application under subsection (1), for three consecutive years in a self-employed capacity and for at least five years in an employed capacity; or
 - (d) he has worked in that activity for at least five consecutive years in a managerial capacity of which at least three years were spent in technical posts with responsibility for one or more departments of the undertaking and he received at least three years' prior training in shoeing horses.
- (6) For the purposes of subsection (5)(b) and (d), the training must be attested by a nationally recognised certificate or regarded by a competent professional or trade body as fully satisfying its requirements.
- (7) If an applicant has worked as mentioned in paragraph (b) or (d) of subsection (5), and has received at least two years but less than three years prior training, he falls within the paragraph if the time he has spent working and the time during which he has received training together equal—
- (a) at least six years (in respect of paragraph(b));
 - (b) at least eight years (in respect of paragraph (d)).
- (8) For the purposes of this section, a certificate issued by a competent authority of an EEA State in accordance with Article 8 of the Directive 1999/42 of the European Parliament and of the Council is proof of the matter which it certifies.
- (9) The Directive referred to in subsection (8) is the Directive of 7 June 1999 establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by Directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications.
- (10) A person shall be regarded as having pursued an activity as a manager of an undertaking within the meaning of this section if he has pursued such an activity in an undertaking engaged in the shoeing of horses—
- (a) as a manager of an undertaking or a manager of a branch of an undertaking;
 - (b) as a deputy to the proprietor or the manager of an undertaking where that post involves responsibility equivalent to that of the proprietor or manager represented; or

- (c) in a managerial post in the undertaking with duties of a commercial or technical nature and with responsibility for one or more departments of the undertaking.”.

5. After section 7A insert—

“Determination of applications.

7B.—(1) The Council must determine an application under section 7 or 7A as soon as reasonably practicable and no later than four months after the date on which the application is received.

(2) The Council must notify a person who makes an application under section 7 or 7A of the Council’s decision in respect of the application and the reasons for the decision.”.

6.—(1) Section 9 (Determination of questions as to qualifications) shall be renumbered as subsection (1) of that section.

(2) After that subsection insert—

“(2) A person who makes an application under section 7A may appeal to the Disciplinary Committee in respect of—

- (a) a failure by the Council to make a decision in respect of the application; or
- (b) a determination or decision of the Council in respect of the application.

(3) On an appeal under subsection (2) the Committee shall have the power to direct the Council to make any determination, or to take any decision, which the Council has power to make or take under section 7A.”.