
STATUTORY INSTRUMENTS

2004 No. 2143

VETERINARY SURGEONS

The Veterinary Surgeons (Registration Appeals) Rules Order of Council 2004

Made - - - - - *9th June 2004*

Coming into force - - - - - *1st January 2005*

At the Council Chamber, Whitehall, the 9th June 2004

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

The Council of the Royal College of Veterinary Surgeons having made the Veterinary Surgeons (Registration Appeals) Rules 2004 as set out in the Schedule to this Order under section 5D(4) of the Veterinary Surgeons Act 1966(1) and such Rules not having effect unless approved by the Privy Council under section 25(1) of the Act. Their Lordships having considered the Rules order as follows:

1. This Order may be cited as the Veterinary Surgeons (Registration Appeals) Rules Order of Council 2004 and shall come into force on 1st January 2005.
2. The Rules set out in the Schedule are approved.

A. K. Galloway
Clerk of the Privy Council

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SCHEDULE

THE VETERINARY SURGEONS (REGISTRATION APPEALS) RULES 2004

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

Citation

1. These Rules may be cited as the Veterinary Surgeons (Registration Appeals) Rules 2004.

Interpretation

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

Jurisdiction of the Committee

3. The Committee shall consider and decide appeals made to the Council under section 5C(1) of the Act in respect of a refusal to register the appellant under section 5A or 5B of the Act.

Procedure for making an appeal

4. A person wishing to appeal to the Council against a refusal to register him under section 5A or 5B of the Act shall do so by completing an appeal form obtainable from the registrar and sending it to the registrar to be received within three months of—

- (1) the receipt by him of the notice of the refusal; or
- (2) if section 5A(5) of the Act applies, the date of the deemed refusal of registration determined in accordance with that subsection.

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

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

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

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

9. The Committee may require the appellant to supply such additional documents or information as it considers may assist it in reaching its decision on the appeal, and may require that any such documents which are in a language other than English shall be translated into English in a translation

certified as correct by a notary public or authenticated in such other manner as the Committee shall think fit.

10. The Committee may adjourn the hearing of any appeal pending the supply of additional documents or information under Rule 9 of these Rules.

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

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

Powers of the Committee

13. On deciding any appeal under these Rules the Committee may—

(1) Dismiss the appeal;

(2) Allow the appeal and quash the decision appealed against;

(3) Substitute for the decision appealed against any other decision which could have been made;

or

(4) Remit the case to the registrar to dispose of in accordance with the directions of the Committee.

Notification of the Committee's decision

14. The registrar shall, within 28 days of the Committee reaching its decision on an appeal, notify the appellant in writing of the decision.

15. The notification of the decision shall give reasons for the decision and shall also refer to the appellant's right to appeal against that decision to the appropriate court as defined in section 5C(7) of the Act.

Constitution of the Committee

16. The Committee shall be appointed by the Council and shall consist of the following members:

(1) Three Council members who are members of the College, one of whom shall be Chairman of the Committee and one of whom shall be Vice-Chairman of the Committee; and

(2) Two Council members who are not members of the College.

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

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

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

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

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SCHEDULE

APPEAL FORM TO BE USED FOR THE VETERINARY SURGEONS (REGISTRATION APPEALS) RULES

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NOTES

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

- (1) This form is to be used by nationals of EEA Member States or Switzerland who have been refused registration in the register of veterinary surgeons under section 5A or 5B of the Veterinary Surgeons Act 1966.
- (2) No appeal can be dealt with unless this form, fully completed in accordance with the instructions and attaching all relevant documents, is received by the Registrar at the above address within **THREE MONTHS** of the date you received from the Registrar the notice that your application for registration had been refused.
- (3) All copies of correspondence, diplomas, and certificates and other documents sent with this form must, where appropriate be accompanied by a translation into English certified as correct by a notary public.
- (4) Your appeal will be dealt with by the Registration Appeals Committee of the College.

PURSUANT to a resolution passed at a meeting of the Council of the Royal College of Veterinary Surgeons on 4th March 2004, the Common Seal of the said Royal College was affixed hereto on the said 14th April 2004 in the presence of—

L.S.

R. E. W. Halliwell
S. Sare
R. Moore
PresidentMembers of Council

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order approves the Veterinary Surgeons (Registration Appeals) Rules 2004 (“the Rules”), made by the Royal College of Surgeons (“the RCVS”) under section 5D(4) of the Veterinary Surgeons Act 1966 (c. 36) (“the Act”). It comes into force on 1st January 2005.

2. The Rules regulate the procedures for appeals by nationals of EEA member States and Switzerland who have been refused registration in the register of veterinary surgeons (maintained under section 2 of the Act) under section 5A or 5B of the Act. The Schedule to the Rules contains an appeal form.