

2008 No. 1824

VETERINARY SURGEONS

**The Veterinary Surgeons' Qualifications (European Recognition)
Regulations 2008**

<i>Made</i> - - - -	<i>8th July 2008</i>
<i>Laid before Parliament</i>	<i>11th July 2008</i>
<i>Coming into force</i> - -	<i>6th August 2008</i>

The Secretary of State is designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations. Exercising the powers conferred on the Secretary of State by section 2(2) of, as read with paragraph 1A of Schedule 2(c) to, the European Communities Act, the Secretary of State makes the following Regulations.

These Regulations make provision for purposes mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for the references to provisions of Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications(d) to be construed as references to those provisions as amended from time to time:

Citation and commencement

1. These Regulations may be cited as the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008 and come into force on 6th August 2008.

Amendments to the Veterinary Surgeons Act 1966

2. Amend the Veterinary Surgeons Act 1966(e) as set out in the Schedule.

(a) S.I. 2002/248.

(b) 1972 c. 68.

(c) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(d) OJ No L 255, 30.09.2005, p 22, as amended by Council Directive 2006/100/EC (OJ No L 363, 20.12.2006, p 141). Directive 2005/36/EC has been extended to the European Economic Area through Decision of the EEA Joint Committee No. 142/2007 on 26th October 2007 (OJ No L 100, 10.4.2008, p 70).

(e) 1966 c. 36; sections 2(2)(a), 6(6) and 27(1) and Schedule 1A were amended and sections 5A, 5B, 5C and 5D were inserted by the Schedule to S.I. 2003/2919; sections 5A, 5B and 27 and Schedule 1A were amended by the Schedule to S.I. 2007/1348.

Revocations

3.—(1) In the Veterinary Surgeons' Qualifications (European Recognition) Order 2003(a) the following are revoked—

- (a) articles 2 to 11;
- (b) paragraphs 2 to 4, 7(b) and 8 of the Schedule; and
- (c) in paragraph 7(c) of the Schedule, all of the definitions except the definition of “registration appeals committee”.

(2) The Veterinary Surgeons' Qualifications (European Recognition) Order 2007(b) is revoked.

Savings

4.—(1) In this regulation—

“the old law” means the Veterinary Surgeons Act 1966 and the Veterinary Surgeons' Qualifications (European Recognition) Order 2003 as they stood immediately before the coming into force of these Regulations;

“the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999 and which came into force on 1st June 2002(c).

(2) The old law continues (despite the amendment and revocations made by these Regulations) to have effect for the purpose of implementing the Swiss Agreement so far as that Agreement relates to Directive 78/1026/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services(d) and Directive 78/1027/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of veterinary surgeons(e).

Jeff Rooker

Minister of State

8th July 2008

Department for Environment, Food and Rural Affairs

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- (a) S.I. 2003/2919, as amended by the Veterinary Surgeons' Qualifications (European Recognition) Order 2007 (S.I. 2007/1348).
 - (b) S.I. 2007/1348.
 - (c) OJ No L 114, 30.04.2002, p 6.
 - (d) OJ No L 362, 23.12.1978, p 1, as amended by Council Directive 89/594/EEC (OJ No L 341, 23.11.1989, p 19), Council Directive 90/658/EEC (OJ No L 353, 17.12.1990, p 73), Directive 2001/19/EC of the European Parliament and of the Council (OJ No L 206, 31.7.2001, p 1), the Act of Accession of Greece (OJ No L 291, 19.11.1979, p 17), the Act of Accession of Spain and Portugal (OJ No L 302, 15.11.1985, p 23), the Act of Accession of Austria, Sweden and Finland (OJ No C 241, 29.8.1994, p 21, adapted by Council Decision 95/1/EC, OJ No L 1, 1.1.1995, p 1), the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ No L 236, 23.9.2003, p 33) and Council Directive 2006/100/EC (OJ No L 363, 20.12.2006, p 141).
 - (e) OJ No L 362, 23.12.78, p 7, as amended by Council Directive 89/594/EEC (OJ No L 341, 23.11.1989, p 19) and Directive 2001/19/EC of the European Parliament and of the Council (OJ No L 206, 31/7/2001, p 1).

Amendments to the Veterinary Surgeons Act 1966

Section 1A (functions of the College as competent authority)

1. After section 1 (the Council of the Royal College of Veterinary Surgeons) insert the following—

“The College’s European functions

1A Functions of the College as competent authority

(1) For the purposes of Directive 2005/36/EC the College is the competent authority in the United Kingdom as concerns veterinary surgeons.

(2) The designation of the College under subsection (1) does not extend to the awarding of veterinary degrees.

(3) In consequence of its designation under subsection (1), the College shall in the United Kingdom carry out (in particular) the mutual-recognition functions as concerns veterinary surgeons.

(4) The carrying-out of the following functions in the United Kingdom is not entrusted to the College by subsection (3)—

- (a) the function of awarding veterinary degrees;
- (b) any other mutual-recognition functions the carrying-out of which, as concerns veterinary surgeons, is entrusted to any person by or under any enactment other than this section.

(5) Each university in the United Kingdom for which a recognition order is in force is for the purposes of Directive 2005/36/EC a competent authority in the United Kingdom as concerns the awarding of veterinary degrees.

(6) The College, in its capacity as a competent authority, shall—

- (a) work in close collaboration with competent authorities of other relevant European States;
- (b) provide assistance to competent authorities of other relevant European States in accordance with and in order to facilitate the application of Directive 2005/36/EC; and
- (c) ensure the confidentiality of the information which it sends to or receives from a competent authority in another relevant European State.

(7) The College shall exchange information with competent authorities of other relevant European States regarding—

- (a) disciplinary action taken;
- (b) criminal sanctions imposed; or
- (c) any other serious, specific circumstances,

where the action is, or the sanctions or circumstances are, likely to have consequences for the pursuit of activities under this Act or under Directive 2005/36/EC.

(8) In exchanging information under subsection (7), the College shall respect personal data protection legislation in the United Kingdom that implements—

- (a) Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data; or

- (b) Directive 2002/58/EC of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the electronic communications sector.

(9) In this section “mutual-recognition functions” means the functions specified in Directive 2005/36/EC that a relevant European State, in giving effect to that Directive, must or may cause to become functions of any of the authorities and bodies designated in that State as competent authorities for the purposes of that Directive.”.

Amendment of section 2 (register of veterinary surgeons)

2. In section 2(2)—

- (a) for “four”, substitute “five”; and
- (b) after paragraph (d) insert—
 - “; and
- (e) one, to be called the visiting European list, of persons entitled to be so registered under Schedule 1B to this Act”.

Amendment of section 3 (right of holders of university degrees to be registered)

3. In section 3(1)(b), for the words from “degree” to the end of the paragraph substitute—

“degree—

- (i) will have acquired the knowledge and skill needed for the efficient practice of veterinary surgery; and
- (ii) will have satisfied the requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of that Directive,”.

Amendment of section 4 (examination by the College of students of certain universities)

4. For section 4(1) substitute—

“(1) On the application of any university in the United Kingdom for which no recognition order is in force the Privy Council may—

- (a) after consultation with the Council of the College; and
- (b) if it is of the opinion that the training provided to students of veterinary surgery attending at that university satisfies the requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of that Directive,

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.”.

Amendment of section 5 (supervisory functions of the Council)

5. In section 5(1) after “veterinary surgery” insert “and will have satisfied the requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of that Directive”.

Amendment of section 5A (registration of Community rights entitled persons: European qualification)

6. For section 5A substitute—

“5A Registration of Community rights entitled persons: European qualifications

(1) A person who is a Community rights entitled person is entitled to be registered in the register if—

- (a) the person is an eligible European veterinary surgeon (see Schedule 1A);
 - (b) the person applies to be so registered by producing to the registrar the documentation specified in subsection (3); and
 - (c) the registrar, where the documentation produced under paragraph (b) shows that the person has been convicted of any criminal offence or offences (whether in the United Kingdom or elsewhere), is of the opinion that the person's having been convicted of the offence or offences does not render the person unfit to practise veterinary surgery.
- (2) A person shall become a member of the College on being registered under subsection (1).
- (3) The documentation referred to in subsection (1)(b) is—
- (a) evidence of the qualification by virtue of which the person is an eligible European veterinary surgeon and, if—
 - (i) that qualification is one listed in Table A of Schedule 1A; and
 - (ii) an accompanying certificate is specified in that Table for that qualification, that certificate;
 - (b) any additional documentation required pursuant to Schedule 1A;
 - (c) if the person is a national of a relevant European State other than the United Kingdom, proof of the person's nationality;
 - (d) if the person is not a national of a relevant European State other than the United Kingdom, proof that the person is a Community rights entitled person; and
 - (e) evidence of the person's character.
- (4) Subsection (5) applies where the registrar has a reasonable doubt as to the authenticity of documentation that—
- (a) is produced by a person under subsection (1)(b); and
 - (b) purports to be documentation specified in the person's case by subsection (3)(a) or (b).
- (5) Where this subsection applies, the registrar may, before deciding whether the person concerned is entitled under this section to be registered in the register, require from a competent authority of a relevant European State—
- (a) confirmation of the authenticity of the documentation; or
 - (b) confirmation that the person fulfils the minimum training conditions set out in Article 38 of Directive 2005/36/EC, as read with Article 22(a) of that Directive,
- for the purpose of resolving doubt.
- (6) Subsection (7) applies where—
- (a) the evidence of the qualification by virtue of which a person is an eligible European veterinary surgeon was issued after training that included training received in whole or part in an establishment legally established in a relevant European State ("the other training State") that is not the relevant European State in which the evidence of qualification was issued ("the issuing State"); and
 - (b) the registrar has a reasonable doubt as to whether the person is entitled under this section to be registered in the register.
- (7) Where this subsection applies, the registrar before deciding whether the person concerned is entitled under this section to be registered in the register may, for the purpose of resolving doubt, require verification from a competent authority in the issuing State as to—
- (a) whether the training course at the establishment in the other training State has been formally certified by the educational establishment based in the issuing State;

- (b) whether the evidence of qualification issued is the same as that which would have been issued if the course had been followed entirely in the issuing State; and
 - (c) whether the evidence of qualification confers the same professional rights in the territory of the issuing State as evidence of a qualification issued where the course had been followed entirely in the issuing State.
- (8) The registrar shall, within one month of receiving documentation from a person under subsection (1)(b)—
- (a) acknowledge receipt of the documentation; and
 - (b) inform the person of any missing documentation which is required to establish that the person is entitled under this section to be registered in the register.
- (9) Where the registrar has received documentation from a person under subsection (1)(b), the registrar shall, within three months of receiving all the documentation and information required under this section in the person’s case, give the person notice in writing—
- (a) of the registrar’s decision as to whether the person is entitled under this section to be registered in the register;
 - (b) of the reasons for that decision; and
 - (c) if the registrar’s decision is that the person is not so entitled, of the person’s right of appeal to the registration appeals committee.
- (10) In subsection (3)(d) “evidence”, in relation to a person’s character, means—
- (a) a document stating the person’s character issued by a competent authority in—
 - (i) the relevant European State in which the person obtained the person’s qualification in veterinary science; or
 - (ii) (if different) the relevant European State from which the person comes to the United Kingdom; or
 - (b) where a document stating the person’s character is not issued by a competent authority in a relevant European State mentioned in paragraph (a), a certificate—
 - (i) attesting to the authenticity of a declaration stating the person’s character made by the person on oath, or in solemn form, before a competent judicial or administrative authority, or notary, of that State; and
 - (ii) issued by the authority or notary mentioned in sub-paragraph (i),
 being a document or (as the case may be) certificate that is not more than three months old when produced to the registrar.
- (11) For the purposes of subsection (10), a document or declaration states a person’s character if it shows—
- (a) that the person has not been held to have been guilty of serious professional misconduct (in the United Kingdom or elsewhere);
 - (b) whether or not the person has been convicted (in the United Kingdom or elsewhere) of any criminal offences; and
 - (c) the criminal offence or offences (if any) of which the person has been convicted (whether in the United Kingdom or elsewhere).”.

Amendment of section 5B (registration of Community rights entitled persons: knowledge and skill)

7. For section 5B substitute—

“5B Registration of Community rights entitled persons: knowledge and skill

(1) A person who is a Community rights entitled person is entitled to be registered in the register if—

- (a) the person is not entitled under section 5A of this Act to be registered;
- (b) the person's case falls within regulation 3(9)(a) or (e) of the European Communities (Recognition of Professional Qualifications) Regulations 2007;
- (c) regulations 20 to 26 of those Regulations apply to the person by reason of the operation of regulation 3(4) of those Regulations; and
- (d) the person is permitted to pursue the profession of veterinary surgeon in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the person may be required to undertake pursuant to that Part of those Regulations).

(2) A person shall become a member of the College on being registered under this section.

5BA Removal from the register of names of persons who cease to be Community rights entitled persons

(1) If a person registered in the register pursuant to section 5A or 5B ceases to be a Community rights entitled person, the registrar may remove that person's name from the register.

(2) Where the registrar removes a person's name from the register pursuant to subsection (1), the registrar shall give that person notice that the person's name has been removed from the register under this section on the ground that the registrar considers that the person has ceased to be a Community rights entitled person.”.

Amendment of section 5C (appeals on refusal to register)

8. For section 5C substitute—

“5C Appeals in connection with registration under section 5A

(1) If a person who has applied for registration under section 5A is given notice under (and within the period specified in) subsection (9) of that section that the application is refused, the person may appeal to the Council.

(2) If a person who has applied for registration under section 5A is not given notice of the decision on the application within the period specified in subsection (9) of that section—

- (a) the application is deemed to have been refused at the end of that period; and
- (b) the person may appeal to the Council.

(3) The deadline for bringing an appeal under subsection (1) is the end of the four months beginning with the day on which the notice is received by the person.

(4) The deadline for bringing an appeal under subsection (2) is the end of the four months beginning with the last day of the period specified in section 5A(9).

5CA Appeals in connection with registration under section 5B

(1) Subsections (2) to (4) apply if a person has made an application for authorisation under Part 3 of the European Communities (Recognition of Professional Qualifications) Regulations 2007 to pursue the profession of veterinary surgeon in the United Kingdom.

(2) If the person is given notice under (and within the period specified in) regulation 34(2) of those Regulations that the application is refused, the person may appeal to the Council.

(3) If the person is not given notice of the decision on the application within that period—

- (a) the application is deemed to have been refused at the end of that period; and
- (b) the person may appeal to the Council.

(4) If the person has not by the end of that period been registered in the register on the basis of entitlement under section 5B, the person may appeal to the Council.

(5) The deadline for bringing an appeal under subsection (2) is the end of the four months beginning with the day on which the notice is received by the person.

(6) The deadline for bringing an appeal under subsection (3) or (4) is the end of the four months beginning with the last day of the period referred to in subsection (2).

5CB Appeals in connection with the visiting European list

If a person claims to be entitled to be registered in the visiting European list, but the person is not registered in that list, the person may appeal to the Council.

5CC Appeals in connection with removal under section 5BA

(1) If under section 5BA a person's name has been removed from the register, that person may appeal to the Council.

(2) The deadline for bringing an appeal under subsection (1) is the end of the four months beginning with—

- (a) the date of removal of the person's name from the register; or
- (b) if later, the date when the person receives notification, under section 5BA(2), of the removal.

5CD Appeals under sections 5C, 5CA 5CB and 5CC

(1) An appeal to the Council under section 5C, 5CA, 5CB or 5CC shall be referred to the registration appeals committee which may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against;
- (c) substitute for the decision appealed against any other decision which could have been made; or
- (d) remit the case to the registrar to dispose of in accordance with the directions of the registration appeals committee.

(2) The registration appeals committee shall, within 28 days of making a decision on an appeal under section 5C, 5CA, 5CB or 5CC, give notice of its decision to the appellant.

(3) A notice under subsection (2) shall—

- (a) give reasons for the decision of the registration appeals committee; and
- (b) refer to the appellant's right to appeal to the appropriate court against the decision of the registration appeals committee.

5CE Appeals from decisions on appeals under sections 5C, 5CA, 5CB and 5CC

(1) A person who has appealed under section 5C, 5CA, 5CB or 5CC may appeal to the appropriate court against a decision of the registration appeals committee on the appeal.

(2) The deadline for bringing an appeal under subsection (1) is the end of the 28 days beginning with the day on which the person is under section 5CD(2) notified of that decision.

(3) The Council may appear as respondent on an appeal under subsection (1) and, for the purpose of enabling directions to be given as to costs (or in Scotland, expenses) of any such appeal, shall be deemed to be a party to the appeal whether they appeared at the hearing or not.

(4) On an appeal under subsection (1), the appropriate court may—

- (a) dismiss the appeal;

- (b) allow the appeal and quash the decision of the registration appeals committee;
- (c) substitute for the decision appealed against any other decision which could have been made by the registration appeals committee; or
- (d) remit the case to the registration appeals committee to dispose of in accordance with the directions of the court,

and may make such order as to costs (or in Scotland, expenses) as it thinks fit.

(5) In this section “appropriate court” means—

- (a) a county court; or
- (b) in the case of a person whose address in the register would, if the person were registered, be in Scotland, the sheriff in whose sheriffdom the address is situated.”.

Amendment for section 5D (registration appeals committee)

9. In section 5D(1), for “section 5C(1)” substitute “sections 5C, 5CA, 5CB and 5CC”.

Amendment of section 6 (qualification for registration as a Commonwealth or foreign practitioner)

10.—(1) In section 6, after subsection (1) insert—

“(1A) The Council, when deciding for the purposes of this section what standard of knowledge and skill is required to fit a person for practising veterinary surgery in the United Kingdom, must select a standard that is the same as, or exceeds, the standard of knowledge and skill that would be possessed by a person holding qualifications satisfying the minimum training requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of Directive 2005/36/EC.”.

(2) In section 6(2), for “the said knowledge and skill” substitute “the requisite knowledge and skill to fit the person for practising veterinary surgery in the United Kingdom”.

Section 7A (visiting European veterinary surgeons)

11. After section 7 insert—

“7A Visiting European veterinary surgeons

Schedule 1B (provision for registration in the visiting European list of the register in connection with services provided on a temporary and occasional basis) shall have effect.”.

Amendment of section 10 (procedure for registration)

12. In section 10, after subsection (2) insert—

“(3) Subsections (1) and (2) do not apply in relation to registration pursuant to section 5A or 5B or Schedule 1B.”.

Amendment of section 11 (power to make regulations, etc., with respect to the register)

13. In section 11, after subsection (6) insert—

“(7) Regulations under this section may not prescribe fees in connection with registration in, or restoration or retention of registration in, the visiting European list of the register.”.

Amendment of section 16 (removal of names from register for crime or disgraceful conduct)

14. In section 16(1), for “register” in paragraph (c), substitute—

“register; or

- (d) a person registered in the register otherwise than under Schedule 1B misconducts himself in a professional respect, and as a result—
 - (i) ceases, in any relevant European State other than the United Kingdom, to be registered or recognised as a veterinary surgeon; or
 - (ii) is prohibited, in any relevant European State other than the United Kingdom, from practising (whether on a permanent or temporary basis) as a veterinary surgeon.”.

Amendment of section 27 (interpretation)

15.—(1) Amend section 27(1) as follows.

(2) For the definition of “Commonwealth qualification” substitute—

““Commonwealth qualification” means a qualification granted in a place that is not within a relevant European State but is within the Commonwealth;”.

(3) For the definition of “foreign qualification” substitute—

““foreign qualification” means a qualification granted in a place that is neither within a relevant European State nor within the Commonwealth;”.

(4) Omit the definition of “member State”.

(5) Omit the definition of “national”.

(6) In the appropriate places, insert—

““Community rights entitled person” means—

- (a) a national of a relevant European State other than the United Kingdom;
- (b) a person who falls to be treated as a national of the United Kingdom for the purposes of the Community Treaties and who is seeking access to, or is pursuing, the profession of veterinary surgeon by virtue of an enforceable Community right; or
- (c) a person who is not a national of a relevant European State but who is, by virtue of any enforceable Community right, entitled to be treated, for the purposes of access to and pursuit of the profession of veterinary surgeon, no less favourably than a national of a relevant European State,

but does not include a person who, 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;”;

““competent authority” (except in section 1A(1), (5) and (9)) means, in relation to a relevant European State, any authority or body designated in that State as a competent authority for the purposes of Directive 2005/36/EC as concerns veterinary surgery;”;

““Directive 2005/36/EC” means Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications, as amended from time to time;”;

““relevant European State” means EEA state;”.

Schedule 1A

16. For Schedule 1A substitute—

REGISTRATION OF COMMUNITY RIGHTS ENTITLED
PERSONS: EUROPEAN QUALIFICATION

Recognised European qualifications

1.—(1) A person who holds a qualification referred to in Table A is an eligible European veterinary surgeon.

(2) If the relevant qualification of such a person fulfilled the training requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of Directive 2005/36/EC, no additional documentation (see section 5A(3)(b)) is required to be produced to the registrar under section 5A(1)(b).

(3) If the relevant qualification of such a person—

- (a) does not fulfil the requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of Directive 2005/36/EC, and
- (b) the qualification is in respect of training commenced before the reference date referred to in Table A,

the required additional documentation is a certificate from a competent authority of any relevant European State which states that the person has effectively and lawfully practised veterinary surgery for at least three consecutive years during the five years preceding the date of the certificate.

Other qualifications acquired prior to member State membership of the European Union

2.—(1) A person who holds a qualification of a kind referred to in Table B is an eligible European veterinary surgeon.

(2) In relation to such a person, the required additional documentation is the documentation referred to in column 3 of the entry in Table B for the relevant qualification.

(3) This paragraph does not apply to a person who is an eligible European veterinary surgeon under paragraph 1.

Other qualifications granted in relevant European States

3.—(1) A person who holds a qualification in veterinary surgery granted in a relevant European State that is not the United Kingdom, other than a qualification in either Table A or Table B, is an eligible European veterinary surgeon.

(2) The required additional documentation is a certificate from the competent authority of that State which states that the relevant qualification meets the requirements of Article 38 of Directive 2005/36/EC, as read with Article 22(a) of Directive 2005/36/EC, and is treated by that State as equivalent to a qualification of a kind referred to in Table A.

4. In this Schedule, “relevant qualification” means the qualification by virtue of which a person is an eligible European veterinary surgeon.

5. Any reference in this Schedule to Table A or Table B is a reference to the appropriate one of the following tables—

TABLE A

Recognised European qualifications

<i>Relevant European State</i>	<i>Title qualification of</i>	<i>Awarding body</i>	<i>Certificate accompanying qualification</i>	<i>Reference Date</i>
Austria.	- Diplom-Tierarzt (Diploma – Veterinary	Universität (University).	- Doktor der Veterinärmedizin (Doctor of	1/1/1994

	Surgeon). - Magister medicinae veterinariae (Master of Veterinary Medicine).		Veterinary Medicine). - Doctor medicinae veterinariae (Doctor of Veterinary Medicine). - Fachtierarzt (Specialist Veterinary Surgeon).	
Belgium	- Diploma van dierenarts (Diploma of Veterinary Surgeon). - Diplôme de docteur en médecine vétérinaire (Diploma of Doctor of Veterinary Medicine).	1. De universiteiten/les universités (Universities). 2. De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d'enseignement de la Communauté française. (The Competent Examining Board of Flemish or French Community).		21/12/1980
Bulgaria.	Диплома за висше образование на образователно- квалификационна степен магистър по специалност Ветеринарна медицина с професионална квалификация Ветеринарен лекар (Diploma of Higher Education for Educational Qualification level of Masters, specialising in Veterinary Medicine with Professional Qualification in Veterinary Surgery).	1. Лесотехнически университет - Факултет по ветеринарна медицина (University of Forestry Management – Faculty of Veterinary Medicine). 2. Тракийски университет - Факултет по ветеринарна медицина (Trakiski University – Faculty of Veterinary Medicine).		1/1/2007
Cyprus.	Πιστοποιητικό Εγγραφής Κτηνιάτρου (Certificate of Registration of	Κτηνιατρικό Συμβούλιο (Veterinary Council).		1/5/2004

	Veterinary surgeon).			
Czech Republic.	- Diplom o ukončení studia ve studijním programu veterinární lékařství (doktor veterinární medicíny, MVDr.) (Diploma of doctor of veterinary medicine, abbreviation MVDr.). - Diplom o ukončení studia ve studijním programu veterinární hygiena a ekologie (doktor veterinární medicíny, MVDr.) (Diploma of doctor of veterinary hygiene and ecology, abbreviation MVDr.).	Veterinární fakulta univerzity v České republice (Veterinary faculty of a university in the Czech Republic).		1/5/2004
Denmark.	Bevis for bestået kandidateksamen i veterinærvidenskab (Certificate of success in the masters examination in veterinary sciences).	Kongelige Veterinær- og Landbohøjskole (Royal Veterinary and Agricultural College).		21/12/1980
Estonia.	Diplom: täitnud veterinaarmeditsiini õppekava (Diploma in veterinary medicine).	Eesti Põllumajandusülikool (Estonian Agricultural University).		1/5/2004
Finland.	Eläinlääketieteen lisensiaatin tutkinto / veterinärmedicinea licentiatexamen (Licentiate degree examination in veterinary medicine).	Helsingin yliopisto / Helsingfors universitet (University of Helsinki).		1/1/1994
France.	Diplôme d'Etat de docteur vétérinaire			21/12/1980

	(State Diploma of Veterinary Doctor).			
Germany.	Zeugnis über das Ergebnis des Dritten Abschnitts der Tierärztlichen Prüfung und das Gesamtergebnis der Tierärztlichen Prüfung (Certificate showing the result of the third section of the veterinary examination and the overall result of the veterinary examination).	Der Vorsitzende des Prüfungsausschusses für die Tierärztliche Prüfung einer Universität oder Hochschule (The Chairman of the Examination Board for the Veterinary Examination at a University or College).		21/12/1980
Greece.	Πτυχίο Κτηνιατρικής (Ptikio Ktiniatrikis).	Πανεπιστήμιο Θεσσαλονίκης και Θεσσαλίας (Faculty of Geotechnical Sciences of the Aristotle University of Saloniki or the School of Veterinary Medicine of the Aristotle University of Saloniki or Thessaly).		1/1/1981
Hungary.	Állatorvos doktor oklevél – dr.med.vet. (Diploma of veterinary surgeon, abbreviated as dr.med.vet.).	Szent István Egyetem Állatorvos-tudományi Kar (Faculty of Veterinary Sciences of Szent István University).		1/5/2004
Iceland.	Recognised European Qualifications awarded in other relevant European States.		Certificate on completed practical training from the competent authority.	Not applicable
Ireland.	1. Diploma of Bachelor in/of Veterinary Medicine (MVB). 2. Diploma of Membership of the Royal College of Veterinary Surgeons (MRCVS).			21/12/1980
Italy.	Diploma di laurea	Università (University).	Diploma di	1/1/1985

	in medicina veterinaria (Graduate in Veterinary Medicine).		abilitazione all'esercizio della medicina veterinaria (Diploma of qualification in the practice of Veterinary Medicine).	
Latvia.	Veterinārārsta diploms (Diploma of veterinary surgeon).	Latvijas Lauksaimniecības Universitāte (Latvian University of Agriculture).		1/5/2004
Liechtenstein.	Recognised European Qualifications awarded in other relevant European States.		Certificate on completed practical training from the competent authority.	Not applicable
Lithuania.	Aukštojo mokslo diplomas (veterinarijos gydytojo (DVM)) (Diploma of higher education in veterinary medicine).	Lietuvos Veterinarijos Akademija (Lithuanian Veterinary Academy).		1/5/2004
Luxembourg.	Diplôme d'Etat de docteur en médecine vétérinaire (State Diploma of Doctor in Veterinary Medicine).	Jury d'examen d'Etat (State Examination Commission).		21/12/1980
Malta.	Liċenzja ta' Kirurgu Veterinarju (Licence in Veterinary Surgery).	Kunsill tal-Kirurgi Veterinarji (Council of Veterinary Surgeons).		1/5/2004
Netherlands.	Getuigschrift van met goed gevolg afgelegd diergeneeskundig/veeartsenijkundig examen (Testimonial of Successful Passing of the Veterinary Examination).			21/12/1980
Norway.	Vitnemål for fullført grad Candidata/candidatus medicinae veterinariae,	Norges veterinærhøgskole (Norwegian College of Veterinary Medicine).		

	(Certificate of completion of a degree in veterinary medicine) short form: cand.med.vet.			
Poland.	Dyplom lekarza weterynarii (Diploma of Veterinary Surgeon).	1. Szkoła Główna Gospodarstwa Wiejskiego w Warszawie (Warsaw University of Economy and Rural Affairs). 2. Akademia Rolnicza we Wrocławiu (Agricultural University of Wrocław). 3. Akademia Rolnicza w Lublinie (Agricultural University of Lublin). 4. Uniwersytet Warmińsko-Mazurski w Olsztynie (University of Olsztyn, in the Warmia and Mazury region).		1/5/2004
Portugal.	Carta de curso de licenciatura em medicina veterinária (Diploma of Degree Course in Veterinary Medicine).	Universidade (University).		1/1/1986
Romania.	Diplomă de licență de doctor medic veterinar (Bachelor's Degree in Veterinary Medicine).	Universități (Universities).		1/1/2007
Slovakia.	Vysokoškolský diplom o udelení akademického titulu 'doktor veterinárskej medicíny' ('MVDr.') (Diploma of doctor of veterinary medicine, abbreviation MVDr.).	Univerzita veterinárskeho lekárstva (University of Veterinary Medicine).		1/5/2004

Slovenia.	Diploma, s katero se podeljuje strokovni naslov 'doktor veterinarske medicine / doktorica veterinarske medicine' (Diploma awarding the professional title of Doctor of Veterinary Medicine (DrVetMed)).	Univerza (University).	Spričevalo o opravljenem državnem izpitu s področja veterinarstva (Certificate of having passed the state examination in the field of veterinary medicine).	1/5/2004
Spain.	Titulo de Licenciado en Veterinaria (Graduate Degree in Veterinary Science).	- Ministerio de Educación y Cultura (The Ministry of Education and Culture) - El rector de una Universidad (The Rector of a University).		1/1/1986
Sweden.	Veterinärexamen (Veterinary Examination).	Sveriges Landbruksuniversitet (Swedish Agricultural University).		1/1/1994
Switzerland.	Titulaire du diplôme fédéral de vétérinaire / eidgenössisch diplomierter Tierarzt / titolare di diploma federale di veterinario (The holder of a Federal Veterinary Diploma).	Département fédéral de l'intérieur (Federal Department of Home Affairs).		

TABLE B

Other qualifications acquired prior to member State membership of the European Union

<i>Member State</i>	<i>Qualification</i>	<i>Required additional documentation</i>
Czech Republic.	A qualification in veterinary medicine— (a) awarded by the former Czechoslovakia before 1 January 1993, or (b) for which the training started in the former Czechoslovakia before 1 January 1993.	Both — (a) an attestation issued by the competent Czech authority that the relevant qualification has the same legal validity in the Czech Republic as Czech qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and (b) a certificate issued by the competent Czech authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in the Czech Republic for at least three

		consecutive years during the five years prior to the date of issue of the certificate.
Estonia.	A qualification in veterinary medicine— (a) awarded by the former Soviet Union before 20 August 1991, or (b) for which the training started in the former Soviet Union before 20 August 1991.	Both — (a) an attestation issued by the competent Estonian authority that the relevant qualification has the same legal validity in Estonia as Estonian qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and (b) a certificate issued by the competent Estonian authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in Estonia for at least five consecutive years during the seven years prior to the date of issue of the certificate.
Estonia.	A qualification in veterinary medicine— (a) awarded by Estonia before 1 May 2004, or (b) for which the training started in Estonia before 1 May 2004.	A certificate issued by the competent Estonian authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in Estonia for at least five consecutive years during the seven years prior to the date of issue of the certificate.
Germany.	A qualification as a veterinary surgeon— (a) attesting to training received in the territory of the former German Democratic Republic that commenced before 3 October 1990, which does not satisfy the requirements laid down by Article 38 of Directive 2005/36/EC, as read with Article 22(a) of Directive 2005/36/EC, and (b) that indicates that the holder of that qualification is entitled to practise as a veterinary surgeon throughout the territory of Germany to the same extent as the holder of the German qualification set out in table A.	A certificate issued by the competent German authority that the person concerned has effectively and lawfully practised veterinary surgery in Germany for at least three consecutive years during the five years prior to the date of issue of the certificate.
Latvia.	A qualification in veterinary medicine— (a) awarded by the former Soviet Union before 21 August 1991, or (b) for which the training started in the former Soviet Union before 21 August 1991.	Both — (a) an attestation issued by the competent Latvian authority that the relevant qualification has the same legal validity in Latvia as Latvian qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and (b) a certificate issued by the competent Latvian authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in Latvia for at least three consecutive years during the five years prior to the date of issue of the certificate.

Lithuania.	A qualification in veterinary medicine— (a) awarded by the former Soviet Union before 11 March 1990, or (b) for which the training started in the former Soviet Union before 11 March 1990.	Both — (a) an attestation issued by the competent Lithuanian authority that the relevant qualification has the same legal validity in Lithuania as Lithuanian qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and (b) a certificate issued by the competent Lithuanian authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in Lithuania for at least three consecutive years during the five years prior to the date of issue of the certificate.
Slovakia.	A qualification in veterinary medicine— (a) awarded by the former Czechoslovakia before 1 January 1993, or (b) for which the training started in the former Czechoslovakia before 1 January 1993.	Both — (a) an attestation issued by the competent Slovakian authority that the relevant qualification has the same legal validity in Slovakia as Slovakian qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and (b) a certificate issued by the competent Slovakian authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in Slovakia for at least three consecutive years during the five years prior to the date of issue of the certificate.
Slovenia.	A qualification in veterinary medicine— (a) awarded by the former Yugoslavia before 25 June 1991, or (b) for which the training started in the former Yugoslavia before 25 June 1991.	Both — (a) an attestation issued by the competent Slovenian authority that the relevant qualification has the same legal validity in Slovenia as Slovenian qualifications in veterinary medicine as regards access to the veterinary profession and its practice, and (b) a certificate issued by the competent Slovenian authority that the person concerned has been effectively and lawfully engaged in veterinary medicine in Slovenia for at least three consecutive years during the five years prior to the date of issue of the certificate.”.

Schedule 1B

17. After Schedule 1A insert—

“SCHEDULE 1B

Section 7A

VISITING VETERINARY SURGEONS FROM RELEVANT EUROPEAN STATES

Application and interpretation

1. This Schedule applies to a Community rights entitled person who is lawfully established as a veterinary surgeon in another State.

2.—(1) In this Schedule—

(a) “visiting practitioner” means a person to whom this Schedule applies;

- (b) “other State” or “another State” means a relevant European State other than the United Kingdom;
- (c) “disqualifying decision”, in relation to any person, means a decision which—
 - (i) is made by a competent authority of another State; and
 - (ii) has the effect in that State that the person is no longer lawfully established as a veterinary surgeon there or that the person is prohibited (even temporarily) from practising as a veterinary surgeon there; and
- (d) a reference to the provision of occasional services is a reference to the provision in the United Kingdom, on a temporary and occasional basis, of services as a veterinary surgeon.

(2) Sub-paragraph (3) applies where, for the purposes of this Schedule, it falls to be assessed whether the provision of services is on a temporary and occasional basis.

(3) The temporary and occasional nature of the provision of the services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity.

Registration in respect of the provision of occasional veterinary services

3.—(1) A visiting practitioner is entitled to be registered in the visiting European list of the register if the practitioner is entitled under paragraph 4 or 6 to provide occasional services.

(2) The registrar shall give effect to entitlement under sub-paragraph (1).

(3) A visiting practitioner who is entitled under sub-paragraph (1) to be registered in the visiting European list, but who is not registered in that list, shall be treated as registered in that list.

(4) Sub-paragraph (5) applies where a person’s entitlement under sub-paragraph (1) to be registered in that list ceases because, by reason of the operation of paragraph 7(1), (2) or (5), the person ceases to be entitled under this Schedule to provide occasional services.

(5) Where this sub-paragraph applies, if the person’s name is registered in the visiting European list, the registrar may remove the person’s name from that list.

(6) Sub-paragraphs (1) to (5) are not to be taken to prejudice the application, in relation to persons registered in the register on the basis of entitlement under sub-paragraph (1), of any other provision of this Act under which the name of a person who is registered in the register may be removed from the register or under which a person’s registration in the register may be suspended.

Entitlement to provide occasional veterinary services: first year

4. A visiting practitioner is entitled to provide occasional services if—

- (a) the practitioner has complied with the requirements of paragraph 5; and
- (b) where the practitioner’s case falls within regulation 3(9)(a) or (e) of the European Communities (Recognition of Professional Qualifications) Regulations 2007, the provision by the practitioner of occasional services is in accordance with regulations 14 to 16 of those Regulations (the practitioner having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the practitioner may be required to take under Part 2 of those Regulations),

but paragraph 7 contains provision about the duration of entitlement under this paragraph.

First provision of services: required documents

5.—(1) A visiting practitioner who proposes to provide occasional services for the first time must, before providing any such services, send or produce to the registrar—

- (a) the required declaration; and
- (b) the other required documents.

(2) For the purposes of sub-paragraph (1) “the required declaration” is a written declaration that—

- (a) states the practitioner’s wish to provide occasional services; and
- (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.

(3) For the purposes of sub-paragraph (1) “the other required documents” are—

- (a) if the practitioner is a national of a relevant European State, proof of nationality;
- (b) if the practitioner is not a national of a relevant European State, proof that the practitioner is a Community rights entitled person;
- (c) evidence of the practitioner’s professional qualifications (so far as those qualifications are relevant to practice as a veterinary surgeon); and
- (d) a certificate (or certificates), issued by a competent authority in another State, confirming—
 - (i) that the practitioner is lawfully established as a veterinary surgeon in that State; and
 - (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as a veterinary surgeon there.

(4) A declaration under sub-paragraph (2) may be supplied by any means.

Entitlement to provide occasional services after first year: renewals

6.—(1) Sub-paragraph (2) applies where the registrar receives the required renewal documents from a visiting practitioner who is entitled under this Schedule to provide occasional services.

(2) The visiting practitioner is entitled to continue to provide occasional services, but paragraph 7 contains provision about the duration of entitlement continued under this sub-paragraph.

(3) Sub-paragraph (4) applies where the registrar receives the required renewal documents from a visiting practitioner—

- (a) who is not entitled under this Schedule to provide occasional services;
- (b) who has previously been entitled under this Schedule to provide occasional services; and
- (c) whose registration in the visiting European list is not suspended.

(4) The visiting practitioner is once again entitled to provide occasional services but, in a case where the practitioner’s name is not in the visiting European list as a result of removal otherwise than under paragraph 3(6), only if the registrar decides, after having regard (in particular) to the fact of that removal and the reasons for it, that the entitlement should be renewed.

Paragraph 7 contains provision about the duration of entitlement continued under this sub-paragraph.

(5) In relation to a visiting practitioner “the required renewal documents” are—

- (a) a renewal declaration; and
- (b) each evidence of change document (if any).

(6) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—

- (a) states the practitioner’s wish to provide occasional services in a further year; and
- (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.

(7) Where a document—

- (a) is, in relation to a visiting practitioner, one of the other required documents for the purposes of paragraph 5(1); and
- (b) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 5 or this paragraph) supplied the then-current version of the document to the registrar,

the version of the document current when under this paragraph the practitioner supplies a renewal declaration to the registrar is an “evidence of change” document for the purposes of sub-paragraph (5)(b).

(8) A renewal declaration supplied under this paragraph may be supplied by any means.

Duration of entitlements to provide occasional services

7.—(1) Unless an entitlement under paragraph 4 or 6(4) is continued (or further continued) by paragraph 6(2), the entitlement ceases at the end of the year that begins with the end of the day on which the registrar received the document the receipt of which gave rise to the entitlement.

(2) Where an entitlement under paragraph 4 or 6(4) is continued (or further continued) by paragraph 6(2), the entitlement is extended so as to cease at the end of the year that begins with the end of the relevant day.

(3) For the purposes of sub-paragraph (2)—

- (a) if the day on which the registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the registrar receives those documents;
- (b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the registrar receives the documents whose receipt gives rise to the continuation (or further continuation).

(4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 4 or 6(4), means the day on which the registrar receives the documents whose receipt gives rise to the entitlement.

(5) An entitlement under this Schedule to provide occasional services ceases if—

- (a) the visiting practitioner concerned becomes established as a veterinary surgeon in the United Kingdom;
- (b) the visiting practitioner ceases to be a Community rights entitled person; or
- (c) it becomes the case—
 - (i) that the practitioner is not lawfully established as a veterinary surgeon in any of the other States; or
 - (ii) that the practitioner is prohibited (on a permanent or temporary basis) from practising as a veterinary surgeon in each other State in which the practitioner is lawfully established as a veterinary surgeon.

(6) If in the case of a visiting practitioner—

- (a) the practitioner’s registration in the visiting European list is suspended or the practitioner’s name is removed from that list; and
- (b) immediately before the time when the suspension or (as the case may be) removal takes effect, the practitioner is entitled under this Schedule to provide occasional veterinary services,

that entitlement ceases at that time.

Registrar’s duty to notify person appearing not to have entitlement

8. Where the registrar receives documents from a person and it appears to the registrar—

- (a) that the documents were sent or produced to the registrar for the purposes of establishing that the person is entitled to be registered, to continue to be registered or once again to be registered in the visiting European list of the register, but
 - (b) that the person is not so entitled,
- the registrar shall, as soon as may be reasonably practicable after the registrar comes to be of that view, notify the person that the registrar is of that view.”.

Schedule 3

18. In Schedule 3, paragraph 6, in the definition of “veterinary nurse”, after “list of veterinary nurses” insert “, or the list of visiting European veterinary nurses,”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ No L 255, 30.09.2005, p 22) in so far as it applies to the practice of veterinary surgery in the United Kingdom.

These Regulations amend the Veterinary Surgeons Act 1966 (“the Act”) by —

- inserting section 1A of the Act to set out the functions of the College as competent authority for the purposes of Directive 2005/36/EC;
- replacing sections 5A and 5B of the Act to provide for the recognition of European veterinary surgeons who are entitled to be recognised as veterinary surgeons for the purposes of establishing themselves in the UK;
- replacing section 5C and inserting sections 5CA, 5CB, 5CC, 5CD and 5CE of the Act which provide the appeal procedure for applicants wishing to become registered under the Act under section 5A, 5B or Schedule 1B;
- inserting section 8A and Schedule 1B to the Act to provide for recognition of visiting temporary veterinary surgeons;
- replacing Schedule 1A to the Act setting out the circumstances in which mutual recognition of veterinary qualifications will apply, or will not apply unless further conditions are met; and
- making minor consequential amendments to sections 2, 3, 4, 5, 5D, 6, 10, 11, 16 and 27 of the Act and to Schedule 3 to the Act for the purposes of Directive 2005/36/EC.

These Regulations repeal the Veterinary Surgeons’ Qualifications (European Recognition) Order 2007 (S.I. 2007/1348) and certain provisions of the Veterinary Surgeons’ Qualifications (European Recognition) Order 2003 (S.I. 2003/1919).

An impact assessment has not been produced for this instrument as only a minor impact on the public, private or voluntary sectors is foreseen.

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