

2008 No. 646

FARRIERS

**The Farriers' Qualifications (European Recognition)
Regulations 2008**

<i>Made</i>	- - - -	<i>5th March 2008</i>
<i>Laid before Parliament</i>		<i>10th March 2008</i>
<i>Coming into force</i>	- -	<i>31st March 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.

He makes the following Regulations, exercising the powers conferred on him by that section.

Citation and commencement

1. These Regulations may be cited as the Farriers' Qualifications (European Recognition) Regulations 2008 and come into force on 31st March 2008.

Amendments to the Farriers (Registration) Act 1975

2. Amend the Farriers (Registration) Act 1975(c) as follows.

Section 3 (register of farriers)

3. After section 3(2), insert—

“(2A) Subsection (2) does not apply in relation to registration under section 7(6), but the registrar shall cause to be entered in Part V of the register the name and prescribed particulars of every person entitled to be registered under section 7(6).”.

Section 4 (rules with respect to register)

4. After section 4(4), insert—

(a) The European Communities (Designation) Order 2002, S.I. 2002/248. Under section 57(1) of the Scotland Act 1998 (c.46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Community law in relation to certain matters by virtue of section 53 of that Act, the function of the Secretary of State in relation to any matter continues to be exercisable by him as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972.

(b) 1972 c. 68.

(c) 1975 c.35. Sections 7 and 9 were amended by, and sections 7A and 7B were inserted by, S.I 2002/1597. Sections 7, 10 and 16 were amended by, and section 15A was inserted by, the Farriers (Registration) (Amendment) Act 1977 (c. 31). Sections 15A and 16 were amended by the Criminal Justice Act 1982 (c. 48).

“(5) No fee may be prescribed under subsection (1)(a) in respect of registration under section 7(6), and no fee may be prescribed under subsection (1)(b) in respect of retention in the register of the name of a person registered under section 7(6).”.

Sections 7 (qualifications for registration) to 9 (determination of questions as to qualifications)

5. For sections 7 to 9 substitute—

“7. Qualifications for registration

(1) Subject to section 15, a person is entitled to be registered in Part I of the register if he applies for registration and satisfies the Council—

- (a) that on the 1st January 1976 his name was registered in the Register of Farriers kept by the Company;
- (b) that he has satisfied such conditions as to apprenticeship or training or both as the Council may prescribe and has passed a prescribed examination;
- (c) that he has completed a course of training as a farrier in Her Majesty’s Army and has passed a prescribed examination;
- (d) that he is or has been registered in Part II or in Part IV of the register and has passed a prescribed examination;
- (e) that he holds a qualification—
 - (i) granted otherwise than in a relevant European State; and
 - (ii) for the time being accepted for the purposes of this subsection by the Council, and that during any period of two years subsequent to the date when he obtained his qualifications he has been regularly and gainfully engaged in the shoeing of horses;
- (f) that he is entitled to be recognised as a farrier pursuant to Chapter 1 or Chapter 2 of Part 3 of the European Communities (Recognition of Professional Qualifications) Regulations 2007 and has satisfied any procedural requirements of those Regulations that apply for the purposes of such recognition; or
- (g) that he is or has been registered in Part II or Part IV of the Register and possesses experience in shoeing horses obtained in the United Kingdom as set out in paragraph 1 of Schedule 4 to those Regulations.

(2) Subject to section 15, a person is entitled to be registered in Part II of the register if he applies for registration before such date as may be prescribed and satisfies the Council that during any period of two years before the date of his application or such shorter period as the Council may approve he was—

- (a) otherwise than as an apprentice or while undergoing a course of training, regularly engaged in the shoeing of horses in a business which consists exclusively of such shoeing or is the business of a blacksmith or general smith of which the shoeing of horses forms a part; or
- (b) practising as a farrier in Her Majesty’s Army.

(3) Subject to section 15, a person is entitled to be registered in Part III of the register if he applies for registration before such date as may be prescribed and satisfies the Council by means of a certificate by a practising veterinary surgeon, which shall be in the prescribed form, or by such other evidence as the Council may in his case consider appropriate, that during any period of two years before the date of his application for registration he has regularly and competently—

- (a) carried out the shoeing of horses belonging to himself; or
- (b) otherwise than by way of trade or for reward, carried out the shoeing of horses belonging to other persons.

(4) Subject to section 15, a person is entitled to be registered in Part IV of the register if—

- (a) being a person who is not otherwise entitled to be registered under this Act he applies for registration before such date as may be prescribed and satisfies the Council that during any period of two years before the date of his application for registration or such shorter period as the Council may approve he has been regularly and gainfully engaged in the shoeing of horses otherwise than as an apprentice or while undergoing a course of training; or
- (b) being a person who has not passed a prescribed examination he applies for registration before the date prescribed pursuant to paragraph (a) and satisfies the Council that he has complied with—
 - (i) the conditions as to apprenticeship or training prescribed by the Council in accordance with paragraph (b) of subsection (1), and
 - (ii) such additional conditions, if any, as to further apprenticeship or training as the Council may require in his case.

(5) In any case in which it appears to the Council that a person has for sufficient reason failed to make an application under subsection (2), (3) or (4) before such dates as the Council may have respectively prescribed for the purposes of those subsections, the Council may direct that he is entitled to apply within such period as may be specified in that direction.

(6) Subject to section 15, a person is entitled to be registered in Part V of the register if the person has the benefit of regulation 8 of the European Communities (Recognition of Professional Qualifications) Regulations 2007 in connection with the provision by the person of services as a farrier on a temporary and occasional basis (the person having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by the person of services as a farrier).

(7) Where the Council receives a document from a person under regulation 11 or 12 of those Regulations and it appears to the Council—

- (a) that the document was sent or produced to the Council for the purposes of establishing that the person is entitled to the benefit of regulation 8 of those Regulations in connection with the provision by the person of services as a farrier on a temporary and occasional basis, but
- (b) that the person is not entitled under subsection (6) to be registered in Part V of the register,

the Council shall, as soon as may be reasonably practicable after the Council comes to be of that view, notify the person that the Council is of that view.

(8) The Council must discharge its functions in relation to a person registered under subsection (1)(f) or (6) in accordance with Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications as it applies to the profession of farrier.

(9) In this section “relevant European State” means EEA State or Switzerland.

8. The Company’s Register

For the purposes of section 7(1)(a), the Company shall make available its Register of Farriers and permit the Council to make copies of it and to take extracts from it.

9. Appeals in relation to registration

(1) Where an application for registration under section 7(1), (2), (3) or (4) is refused, or the registrar fails to enter the name of the applicant in the appropriate Part of the register, the applicant may appeal to the Disciplinary Committee (which is established under section 14).

(2) If a person claims to be entitled to be registered in Part V of the register, but the person is not registered in that Part, the person may appeal to the Disciplinary Committee.

(3) Where the Council has made a decision under regulation 9(2) of the European Communities (Recognition of Professional Qualifications) Regulations 2007 in relation to a person, that person may appeal to the Disciplinary Committee.

(4) Where the Council has made a decision under Part 3 of those Regulations in relation to a person, that person may appeal to the Disciplinary Committee.

(5) Without prejudice to the generality of regulation 36(2) of those Regulations, regulation 36(1) of those Regulations shall not apply in relation to a decision of the Council under those Regulations.

(6) Where a person appeals under subsection (1), (2), (3) or (4) the Disciplinary Committee may direct that the person's name be entered in the appropriate Part of the register.

(7) Where the Disciplinary Committee decides an appeal under subsection (1), (2), (3) or (4) the person who made that appeal may, within twenty-eight days after the person is notified of the Disciplinary Committee's decision, appeal against that decision to the High Court or, in Scotland, to the Court of Session.

(8) Subsections (4) and (5) of section 15 apply to an appeal under subsection (7) of this section as they apply to an appeal under subsection (1) of that section."

Section 10 (certificate of registration etc)

6. In section 10(1)(b), for "or Part IV", substitute ", Part IV or Part V".

Section 15 (removal of names from register)

7. In section 15(1), after the word "animals" in paragraph (c), insert—

“; or

(d) a person registered under section 7(6) ceases, by reason of the operation of regulation 17(1) of the European Communities (Recognition of Professional Qualifications) Regulations 2007, to be entitled under Part 2 of those Regulations to provide services as a farrier on a temporary and occasional basis”.

Section 15A (restriction on use of style)

8. In section 15A(1), in the proviso, after the word “determined” at the end of paragraph (ii) insert—

“; or

(iii) who is entitled to be, but is not, registered under section 7(6)”.

Section 16 (offences by unregistered persons)

9. In section 16(2), at the end of paragraph (b), after the word “determined” insert—

“; or

(c) who is entitled to be, but is not, registered under section 7(6)”.

Consequential repeals

10. Paragraphs 1, 2 and 3 of the Schedule to the Farriers (Registration) (Amendment) Act 1977(a) are repealed.

5th March 2008

Jeff Rooker
Minister of State
Department for Environment, Food and Rural Affairs

(a) 1977 c. 31.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, in part, Directive 2005/36/EC on the recognition of professional qualifications (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).

They amend the Farriers (Registration) Act 1975 (c. 35) to cross-refer appropriately to the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781).

They repeal paragraphs 1, 2 and 3 of the Schedule to the Farriers (Registration) (Amendment) Act 1977 (c. 31).

A full impact assessment has not been prepared for this instrument as no significant impact on the public, private or voluntary sectors is foreseen.

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