

**EXPLANATORY MEMORANDUM TO
THE CHARITIES (PEOPLE’S DISPENSARY FOR SICK ANIMALS) ORDER 2015**

2015 No. 198

1. This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This order is made under section 73(1) of the Charities Act 2011 (“the 2011 Act”) to give effect to the provisions contained in a Scheme settled by the Charity Commission (“the Scheme”) to amend the objects and certain other administrative provisions of the charity known as the People’s Dispensary for Sick Animals (“PDSA”).

2.2 The purpose of the Scheme is to expand the existing role of PDSA to reflect its position as an animal welfare charity. The existing objects of PDSA are over 50 years old and do not provide sufficient flexibility for the range of activities that PDSA may wish to conduct in the future.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 PDSA is regulated by the People’s Dispensary for Sick Animals Act 1949 (c. xv) (“the 1949 Act”) and the People’s Dispensary for Sick Animals Act 1956 (c. lxxvii) (“the 1956 Act”). The Scheme amends the objects and administration of PDSA by replacing and amending certain sections of the 1949 and 1956 Acts. As neither the 1949 Act nor the 1956 Act is a public general Act the Order is subject to the negative resolution procedure in accordance with section 73(3) of the 2011 Act.

5. Territorial Extent and Application

5.1 This instrument extends to England and Wales as the 1949 and 1956 Acts extend only to those countries.

5.2 The instrument applies to the PDSA, which is a charity registered with the Charity Commission for England and Wales. It is also registered with the office of the Scottish Charity Regulator and carries on its activities throughout the United Kingdom.

6. European Convention on Human Rights

- 6.1 Rob Wilson, the Parliamentary Secretary, Cabinet Office has made the following statement regarding Human Rights:

In my view the provisions of the Charities (People's Dispensary for Sick Animals) Order 2015 are compatible with the Convention rights.

7. Policy background

- 7.1 PDSA was formed in 1917 and its role was later defined by the 1949 and 1956 Acts. The purpose of PDSA is to care for the pets of people in need by providing free veterinary services to their sick and injured animals and promoting responsible pet ownership. PDSA was entered on the register of charities on 22 September 1962.
- 7.2 The objects of PDSA are *'providing free medical or surgical treatment to animals belonging to persons who appear to the Society [PDSA] to be unable to afford the service of a veterinary surgeon'*. Currently, eligible clients are those who receive means tested help with their rent or Council Tax (Housing Benefit or Council Tax Support/Reduction).
- 7.3 The Scheme will widen the charity's remit to further support a number of its aims: the provision of veterinary treatment if the owner is either eligible for free treatment for their pet or subsidised charges thereby relieving poverty, prevention of illness and disease in animals regardless of the means of the owner, provision of education and other charitable activities that advance animal welfare.
- 7.4 PDSA's investment powers are to be updated to ensure authorisation under all of the provisions of the Trustee Act 2000. In addition PDSA will be able to hold and acquire land both for primary purpose use and for the purposes of investment.
- 7.5 Statutory references to the Companies Act have been updated and a redundant reference to the Veterinary Surgeons Act 1948 has been removed.

8. Consultation outcome

- 8.1 The draft Scheme has been published on the Charity Commission's website and the PDSA communicated the proposed changes to stakeholders and the wider veterinary sector, signposting, where appropriate, to the Scheme on the Commission's website. The PDSA received many letters of support for the proposed changes from the veterinary profession and animal welfare charities. However, the Charity Commission received a small number of representations outlining concerns that veterinary businesses could be negatively impacted by the changes.
- 8.2 The PDSA therefore arranged for an independent review to be carried out to identify the economic and financial impacts. This review concluded that the impact on competition in the veterinary market is likely to be minimal and the

proposals are likely to increase the sums paid by the PDSA to private veterinary practices.

9. Guidance

9.1 Guidance is not required as this is an Order to give effect to the provisions a scheme settled by the Charity Commission for the administration of a charity governed by an Act of Parliament which will amend its existing objects and administrative provisions.

10. Impact

10.1 A Regulatory Impact Assessment has not been prepared for this instrument as the Order has no impact on business, charities or voluntary bodies. There is no impact on the public sector.

10.2 However, in light of representations about the potential impact on the private veterinary sector of the expansion of the charity's activities as a consequence of this Order, the Charity Commission asked the PDSA to commission an independent review. The independent review found that the impact of the proposed changes on the private veterinary sector was not considered to be significant. It was also clear that the proposed changes to the objects would enable the charity to further its purposes more effectively. A copy of the independent review is attached to this Memorandum.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring and review

12.1 Monitoring and review are not required as this Order simply gives effect to a scheme settled by the Charity Commission at the request of the PDSA for the administration of a charity governed by two Acts of Parliament.

13. Contact

Helen Morgan at the Cabinet Office Tel: 020 7271 6298 or email: helen.morgan@cabinetoffice.gov.uk can answer any queries regarding the instrument.

