

2015 No. 2073

VETERINARY SURGEONS

The Veterinary Surgeons' Qualifications (European Recognition and Knowledge of Language) Regulations 2015

<i>Made</i> - - - -	<i>18th December 2015</i>
<i>Laid before Parliament</i>	<i>22nd December 2015</i>
<i>Coming into force</i> - -	<i>18th January 2016</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations(b).

These Regulations make provision for a purpose 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 reference to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications(c) in these Regulations to be construed as references to that instrument as amended from time to time.

The Secretary of State makes these Regulations under the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972(d).

Citation and commencement

1. These Regulations—

- (a) may be cited as the Veterinary Surgeons' Qualifications (European Recognition and Knowledge of Language) Regulations 2015; and
- (b) come into force on 18th January 2016.

Amendment of the Veterinary Surgeons Act 1966

- 2. The Veterinary Surgeons Act 1966(e) is amended in accordance with regulations 3 to 14.**

(a) 1972 c. 68; section 2 was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(b) S.I. 2002/248.
(c) OJ No. L255, 30.9.2005, p. 22.
(d) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.
(e) 1966 c. 36; section 5A was substituted by S.I. 2008/1824 and amended by S.I. 2013/2985; sections 5B, 5CA, 5CD and 5CE were substituted by S.I. 2008/1824; section 5D was inserted by S.I. 2003/2919 and amended by S.I. 2008/1824; section 6 was amended by S.I. 2003/2919, 2008/1824; section 27 was amended by S.I. 1978/272, 1980/1951, 2003/2919, 2007/1348, 2008/1824, 2011/1043, 2013/2985; Schedule 1A was substituted by S.I. 2008/1824 and amended by S.I. 2013/2985; Schedule 1B was inserted by S.I. 2008/1824.

Amendment of section 5A

- 3.** In section 5A (registration of Community rights entitled persons: European qualifications)—
- (a) in subsection (1)—
 - (i) in the opening words, after the second “entitled”, insert “under this section”;
 - (ii) before paragraph (a), insert—
 - “(za) the person is not entitled under section 3 to be registered in the register;”
 - (iii) omit the word “and” immediately preceding paragraph (c); and
 - (iv) at the end, before the full stop, insert—
 - “;
 - (d) the registrar, where an alert has been received under Article 56a of Directive 2005/36/EC in respect of that person, is of the opinion that the substance of the alert does not render the person unfit to practise veterinary surgery; and
 - (e) the registrar does not have a serious and concrete doubt that the person has a knowledge of language sufficient to practise as a veterinary surgeon in the United Kingdom”; and
 - (b) in subsection (3)—
 - (i) in paragraph (a)(i), for “Table A of Schedule 1A”, substitute “the Directive table”;
 - (ii) in paragraph (a)(ii), for “Table”, substitute “table”;
 - (iii) in paragraphs (c) and (d), omit “other than the United Kingdom”;
 - (iv) omit the word “and” immediately preceding paragraph (e); and
 - (v) at the end, before the full stop, insert—
 - “; and
 - (f) evidence that the person has a knowledge of language sufficient to practise as a veterinary surgeon in the United Kingdom”.

Amendment of section 5B

- 4.** In section 5B (registration of Community rights entitled persons: knowledge and skill), in subsection (1)—
- (a) in the opening words, after the second “entitled”, insert “under this section”;
 - (b) for paragraphs (b) and (c), substitute—
 - “(b) the person’s case falls within regulation 3(8)(a), (c) or (e) of the European Union (Recognition of Professional Qualifications) Regulations 2015(a);
 - (c) regulations 27 to 34 of those Regulations apply to the person by reason of the operation of regulation 3(5) of those Regulations;” and
 - (c) at the end, before the full stop, insert—
 - “;
 - (e) the registrar, where an alert has been received under Article 56a of Directive 2005/36/EC in respect of that person, is of the opinion that the substance of the alert does not render the person unfit to practise veterinary surgery; and
 - (f) the registrar does not have a serious and concrete doubt that the person has a knowledge of language sufficient to practise as a veterinary surgeon in the United Kingdom”.

(a) S.I. 2015/2059.

Insertion of section 5ZBA

5. After section 5B, insert—

“5ZBA. Requirement to demonstrate knowledge of language

(1) This section applies where—

- (a) the registrar has a serious and concrete doubt about whether a person has a knowledge of language sufficient to practise as a veterinary surgeon in the United Kingdom, as mentioned in section 5A(1)(e), section 5B(1)(f) and section 6(1)(d); or
- (b) the registrar is not satisfied that evidence provided by a person under section 5A(3)(f) or paragraph 5(3)(e) of Schedule 1B shows that person to have a knowledge of language sufficient to practise as a veterinary surgeon in the United Kingdom.

(2) The registrar may—

- (a) require the person to demonstrate that that person has a knowledge of language sufficient to practise as a veterinary surgeon in the United Kingdom; and
- (b) refuse to register that person in the register until that person has done so.”.

Amendment of section 5CA

6. In section 5CA (appeals in connection with registration under section 5B)—

(a) in subsection (1)—

- (i) for “European Communities (Recognition of Professional Qualifications) Regulations 2007” substitute “European Union (Recognition of Professional Qualifications) Regulations 2015”; and
- (ii) at the end, before the full stop, insert—

“(including an application to pursue an activity for which partial access to the profession was sought in accordance with regulations 10 and 11 of those Regulations)”.

(b) in subsection (2), for “regulation 34(2)” substitute “regulation 42(2)”.

Insertion of section 5CCA

7. After section 5CC (appeals in connection with removal under section 5BA), insert—

“5CCA. Appeals in connection with alerts sent to other competent authorities

(1) If the College decides, under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, to send an alert to the appropriate competent authorities of other relevant European States about a person, that person may appeal to the Council.

(2) The deadline for bringing an appeal under subsection (1) is the end of the period of 28 days beginning with the date when the person receives notification of the College’s decision to send an alert.”

Amendment of section 5CD

8. In section 5CD (appeals under sections 5C, 5CA, 5CB and 5CC)—

- (a) in the heading for “5CB and 5CC” substitute “5CB, 5CC and 5CCA”;
- (b) in subsection (1)—
 - (i) for “5CB or 5CC” substitute “5CB, 5CC or 5CCA”; and
 - (ii) in paragraph (b)—

- (aa) the words from “quash” to “against” become sub-paragraph (i); and
- (bb) at the end of that sub-paragraph insert—
 - “; and
 - (ii) in the case of appeals under section 5CCA, require the College to notify the appropriate competent authorities of a successful appeal;”;
- (c) In subsection (2) for “5CB or 5CC” substitute “5CB, 5CC or 5CCA”.

Amendment of section 5CE

- 9.** In section 5CE (appeals from decisions under sections 5C, 5CA, 5CB and 5CC)—
- (a) in the heading, for “5CB and 5CC” substitute “5CB, 5CC and 5CCA”;
 - (b) in subsection (1) for “5CB or 5CC” substitute “5CB, 5CC or 5CCA”;
 - (c) in paragraph (b) of subsection (4)—
 - (i) the words from “quash” to “committee” become sub-paragraph (i);
 - (ii) at the end of that sub-paragraph insert—
 - “; and
 - (ii) in the case of appeals under section 5CCA, require the College to notify the appropriate competent authorities of a successful appeal;”.

Amendment of section 5D

- 10.** In section 5D (registration appeals committee), in subsection (1), for “5CB and 5CC” substitute “5CB, 5CC and 5CCA”.

Amendment of section 6

- 11.** In section 6 (qualification for registration as a Commonwealth or foreign practitioner)—
- (a) in paragraph (b) of subsection (1)—
 - (i) omit “, and”;
 - (ii) the words from “holds” to “surgery,” become sub-paragraph (i);
 - (iii) at the end of that sub-paragraph insert—
 - “; or
 - (ii) holds a qualification in veterinary surgery granted in a relevant European State other than the United Kingdom (whether or not that qualification is listed in the Directive table or Table B of Schedule 1A) but is not entitled to register under section 5A or 5B;”;
 - (b) at the end of paragraph (c) of subsection (1), insert—
 - “and
 - (d) that he has a knowledge of language sufficient to practise as a veterinary surgeon in the United Kingdom;”;
 - (c) in the closing words of subsection (1), after “entitled”, insert “under this section”.

Amendment of section 27

- 12.** In section 27 (interpretation), in subsection (1)—
- (a) in the definition of “Community rights entitled person”, in paragraph (a), omit “other than the United Kingdom”; and
 - (b) at the appropriate place, insert—

““the Directive table” means the table (save for the entry relating to the United Kingdom) at point 5.4.2 of Annex V to Directive 2005/36/EC as amended from time to time;”.

Amendment of Schedule 1A

13. In Schedule 1A (registration of Community rights entitled persons: European qualifications)—

- (a) in paragraphs 1(1), 1(3)(b), 3(1) and (2), for “Table A” substitute “the Directive table”;
- (b) for paragraph 5 substitute—

“**5.** In this Schedule “Table B” means Table B below.”;

- (c) omit Table A; and
- (d) in Table B, in the second column of the entry relating to Germany, for “table A” substitute “the Directive table”.

Amendment of Schedule 1B

14. In Schedule 1B (visiting veterinary surgeons from relevant European states)—

- (a) for paragraph 4(b), substitute—

“(b) where the practitioner’s case falls within regulation 3(8)(a), (c) or (e) of the European Union (Recognition of Professional Qualifications) Regulations 2015, the provision by the practitioner of occasional services is in accordance with regulations 19 to 23 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),”; and

- (b) in paragraph 5(3)—

- (i) omit the word “and” immediately preceding sub-paragraph (d); and
- (ii) at the end, before the full stop, insert—

“; and

- (e) evidence that the practitioner has a knowledge of language sufficient to practise as a veterinary surgeon in the United Kingdom”.

Review

15.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(4) Each subsequent review period is a period of five years beginning with the date on which the report of the preceding review was published.

George Eustice
Minister of State

18th December 2015

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Veterinary Surgeons Act 1966 (c.36) in order to implement an amendment to Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ No. L255, 30.9.2005, p. 22) which requires professionals benefitting from mutual recognition of qualifications to have sufficient language skills to practise their profession in another member State and enables member States to impose controls in respect of language skills if there is reason to suspect they are inadequate.

The Regulations also provide for alerts sent by other member States under the above Directive to be considered as part of applications for registration; and replace the table listing European veterinary qualifications which must be recognised by the United Kingdom with an ambulatory reference to a table in Directive 2005/36/EC which lists those qualifications. The Regulations also amend the Veterinary Surgeons Act 1966 to enable the registration of UK citizens with relevant third-country qualifications; and third-country citizens with relevant European qualifications; and to provide rights of appeal in respect of decisions to refuse partial access to the veterinary profession, and to send alerts to appropriate competent authorities in respect of applicants.

Amendments to the Veterinary Surgeons Act 1966 are also made to cross-refer appropriately to the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059), which have been made as a result of the amendment to Directive 2005/36/EC.

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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