

2019 No. 454

EXITING THE EUROPEAN UNION

ANIMALS

VETERINARY SURGEONS

The Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019

Made - - - - *5th March 2019*

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

(2) In these Regulations, “the Act” means the Veterinary Surgeons Act 1966(b).

PART 2

Amendment and transitional provision regarding the Veterinary Surgeons Act 1966

Amendment of the Act

2.—(1) The Act is amended as follows.

(2) Omit section 1A(c) (together with the preceding italic heading).

(a) 2018 c. 16.

(b) 1966 c. 36.

(c) Section 1A was inserted by S.I. 2008/1824.

- (3) In section 2(2)(a)—
 - (a) in paragraph (a), for “, 4, 5A or 5B” substitute “or 4”;
 - (b) in paragraph (e), after “persons”, insert “who, immediately before exit day, were”.
- (4) Omit section 3(1)(b)(ii)(b) (together with the preceding “and”).
- (5) Omit section 4(1)(b)(c) (together with the preceding “and”).
- (6) In section 5(1)(d), omit the words from “and will” to “that Directive”.
- (7) Omit sections 5A and 5B(e).
- (8) In section 5ZBA(1)(f)—
 - (a) omit “section 5A(1)(e), section 5B(1)(f) and”;
 - (b) omit paragraph (b) (together with the preceding “or”).
- (9) Omit sections 5BA to 5D(g).
- (10) In section 6(h), omit—
 - (a) subsection (1)(b)(ii) (together with the preceding “or”);
 - (b) subsections (1A) and (6).
- (11) Omit sections 7A, 10(3) and 11(7)(i).
- (12) Omit section 16(1)(d)(j) (together with the preceding “or”).
- (13) In section 27(k)—
 - (a) in the definition of “Commonwealth qualification”, for “not within a relevant European State” substitute “outside the United Kingdom”;
 - (b) in the definition of “foreign qualification”, for “neither within a relevant European State nor” substitute “not”;
 - (c) omit the following definitions—
 - (i) “Community rights entitled person”;
 - (ii) “competent authority”;
 - (iii) “Directive 2005/36/EC”;
 - (iv) “the Directive table”;
 - (v) “national”;
 - (vi) “registration appeals committee”;
 - (vii) “relevant European State”.

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- (a) Section 2(2) was amended by S.I. 2003/2919, 2008/1824.
 - (b) Section 3(1)(b) was amended by S.I. 2008/1824.
 - (c) Section 4(1) was amended by S.I. 2008/1824.
 - (d) Section 5(1) was amended by S.I. 2008/1824.
 - (e) Section 5A was inserted by S.I. 1980/1951, substituted by S.I. 2008/1824 and subsequently amended by S.I. 2013/2985, 2015/2073. Section 5B was inserted by S.I. 1980/1951, substituted by S.I. 2008/1824 and subsequently amended by S.I. 2015/2073.
 - (f) Section 5ZBA was inserted by S.I. 2015/2073.
 - (g) Section 5BA was substituted, together with section 5B, by S.I. 2008/1824 for section 5B as originally enacted. Section 5C was inserted by S.I. 1980/1824 and substituted by S.I. 2008/1824. Section 5CA was substituted, together with sections 5C, 5CB, 5CD and 5CE, by S.I. 2008/1824 for section 5C as originally enacted and subsequently amended by S.I. 2015/2073. Section 5CB was substituted, together with sections 5C, 5CA, 5CC, 5CD and 5CE, by S.I. 2008/1824 for section 5C as originally enacted. Section 5CC was substituted, together with sections 5C, 5CA, 5CB, 5CD and 5CE, by S.I. 2008/1824 for section 5C as originally enacted. Section 5CCA was inserted by S.I. 2015/2073. Section 5CD was substituted, together with sections 5C, 5CA, 5CB, 5CC and 5CE, by S.I. 2008/1824 for section 5C as originally enacted and subsequently amended by S.I. 2015/2073. Section 5CE was substituted, together with sections 5C, 5CA, 5CB, 5CC and 5CD, by S.I. 2008/1824 for section 5C as originally enacted and subsequently amended by S.I. 2015/2073. Section 5D was inserted by S.I. 2003/2919 and amended by S.I. 2008/1824, 2015/2073.
 - (h) Section 6 was amended by S.I. 2003/2919, 2008/1824, 2015/2073.
 - (i) Sections 7A, 10(3) and 11(7) were inserted by S.I. 2008/1824.
 - (j) Section 16(1) was amended by S.I. 2008/1824.
 - (k) Relevant amendments to section 27 were made by S.I. 1980/1951, 2003/2919, 2007/1348, 2008/1824, 2011/1043, 2013/2985, 2015/2073.

(14) Omit Schedules 1A and 1B(a).

Applications under the Act: transitional provision

3.—(1) This regulation applies where before exit day an application under section 5A of the Act has been made but not determined.

(2) The provisions of the Act continue to apply to that application as if the Act were not amended by regulation 2 of these Regulations, but as if in section 27—

(a) for the definition of “Community rights entitled person” there were substituted—

““Community rights entitled person” means—

(a) a person who on the day before exit day was a national of a relevant European State,

(b) a person who on the day before exit day fell to be treated as a national of the United Kingdom for the purposes of the EU Treaties and who was seeking access to, or was pursuing, the profession of veterinary surgeon by virtue of an enforceable EU right, or

(c) a person who on the day before exit day was not a national of a relevant European State but who was, by virtue of an enforceable EU 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 on the day before exit day was, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), not entitled to benefit from EU provisions relating to the free movement of persons and services;”;

(b) in the definitions of “Directive 2005/36/EC” and “the Directive table”, for “amended from time to time” there were substituted “it applied on the day before exit day”;

(c) for the definition of “national” there were substituted—

““national”, in relation to a relevant European State, includes any person who on the day before exit day was, by virtue of any enforceable EU right, entitled to be treated, for the purposes of access to the veterinary profession, no less favourably than a national of such a State, but does not include a person who, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), was not entitled to benefit from EU provisions relating to the free movement of persons and services;”.

Applications under the European Union (Recognition of Professional Qualifications) Regulations 2015: transitional provision

4.—(1) This regulation applies where before exit day an application under Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015(b) has been made but not determined.

(2) The provisions of the Act continue to apply to that application as if the Act were not amended by regulation 2 of these Regulations, but as if—

(a) in section 5B(1)—

(i) for paragraph (b) there were substituted—

“(b) on the day before exit day—

(i) the person’s case fell within regulation 3(8)(a), (c) or (e) of the European Union (Recognition of Professional Qualifications) Regulations 2015, and

(a) Schedule 1A was inserted by S.I. 1980/1951, substituted by 2008/1824 and amended by S.I. 2013/2985, 2015/2073. Schedule 1B was inserted by S.I. 2008/1824 and amended by S.I. 2015/2073.

(b) S.I. 2015/2059.

- (ii) regulations 27 to 34 of those Regulations applied to the person by reason of the operation of regulation 3(5) of those Regulations;”;
 - (ii) paragraph (c) were omitted;
 - (iii) for paragraph (d) there were substituted—
 - “(d) the person—
 - (i) on the day before exit day was permitted to pursue the profession of veterinary surgeon in the United Kingdom by virtue of Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (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), or
 - (ii) is permitted to pursue the profession of veterinary surgeon in the United Kingdom by virtue of the operation of paragraph 43 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019(a) (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the person may be required to undertake pursuant to Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015);”;
- (b) in section 27—
 - (i) for the definition of “Community rights entitled person” there were substituted—
 - ““Community rights entitled person” means—
 - (a) a person who on the day before exit day was a national of a relevant European State,
 - (b) a person who on the day before exit day fell to be treated as a national of the United Kingdom for the purposes of the EU Treaties and who was seeking access to, or was pursuing, the profession of veterinary surgeon by virtue of an enforceable EU right, or
 - (c) a person who on the day before exit day was not a national of a relevant European State but who was, by virtue of an enforceable EU 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 on the day before exit day was, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), not entitled to benefit from EU provisions relating to the free movement of persons and services;”;
 - (ii) in the definitions of “Directive 2005/36/EC” and “the Directive table”, for “amended from time to time” there were substituted “it applied on the day before exit day”;
 - (iii) for the definition of “national” there were substituted—
 - ““national”, in relation to a relevant European State, includes any person who on the day before exit day was, by virtue of any enforceable EU right, entitled to be treated, for the purposes of access to the veterinary profession, no less favourably than a national of such a State, but does not include a person who, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), was not entitled to benefit from EU provisions relating to the free movement of persons and services;”.

Temporary and occasional provision of services: transitional provision

- 5.—(1) This regulation applies where, before exit day, a visiting practitioner—
- (a) has complied with paragraph 5(1) or 6(1) of Schedule 1B to the Act and is entitled to be registered in accordance with paragraph 3(1) of that Schedule, and

(a) S.I. 2019/312.

(b) has not been so registered.

(2) The provisions of the Act continue to apply as if the Act were not amended by regulation 2 of these Regulations, but as if —

(a) in section 27—

(i) for the definition of “Community rights entitled person” there were substituted—

““Community rights entitled person” means—

(a) a person who on the day before exit day was a national of a relevant European State,

(b) a person who on the day before exit day fell to be treated as a national of the United Kingdom for the purposes of the EU Treaties and who was seeking access to, or was pursuing, the profession of veterinary surgeon by virtue of an enforceable EU right, or

(c) a person who on the day before exit day was not a national of a relevant European State but who was, by virtue of an enforceable EU 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 on the day before exit day was, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), not entitled to benefit from EU provisions relating to the free movement of persons and services;”;

(ii) in the definitions of “Directive 2005/36/EC” and “the Directive table”, for “amended from time to time” there were substituted “it applied on the day before exit day”;

(iii) for the definition of “national” there were substituted—

““national”, in relation to a relevant European State, includes any person who on the day before exit day was, by virtue of any enforceable EU right, entitled to be treated, for the purposes of access to the veterinary profession, no less favourably than a national of such a State, but does not include a person who, by virtue of Article 2 of Protocol 3 to the Treaty of Accession (Channel Islands and Isle of Man), was not entitled to benefit from EU provisions relating to the free movement of persons and services;”;

(b) in Schedule 1B—

(i) in paragraph 2(1)(b), the words “other than the United Kingdom” were omitted;

(ii) in paragraph 4(b)—

(aa) after “where” there were inserted “on the day before exit day”;

(bb) for “falls” there were substituted “fell”;

(cc) for “is in” there were substituted “would have been in”.

(3) In paragraph (1), “visiting practitioner” means a person to whom, on the day before exit day, Schedule 1B to the Act applied.

PART 3

Amendment of the Animal Welfare Act 2006

Amendment of the Animal Welfare Act 2006

6.—(1) Section 29 of the Animal Welfare Act 2006(a) is amended as follows.

(2) In the heading, for “EU obligations” substitute “retained EU law”.

(a) 2006 c. 45. Section 29 was amended by S.I. 2011/1043.

(3) In subsection (1), for “implement an EU obligation” substitute “are retained EU law”.

5th March 2019

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(c)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to domestic legislation in the fields of mutual recognition of professional qualifications and animal welfare. Part 2 amends the Veterinary Surgeons Act 1966 (c. 36) and makes transitional provision; Part 3 amends the Animal Welfare Act 2006 (c. 45).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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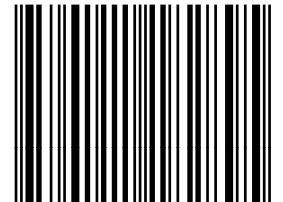
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