
STATUTORY INSTRUMENTS

2019 No. 454

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

PART 2

Amendment and transitional provision regarding the Veterinary Surgeons Act 1966

**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⁽¹⁾ 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

(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⁽²⁾ (having, in particular, successfully completed any adaptation period, or passed

(1) S.I. 2015/2059.

(2) S.I. 2019/312.

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;”.