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STATUTORY INSTRUMENTS

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**2003 No. 2919**

**Veterinary Surgeons' Qualifications  
(European Recognition) Order 2003**

**Citation and commencement**

1. This Order may be cited as the Veterinary Surgeons' Qualifications (European Recognition) Order 2003 and shall come into force on 17 December 2003.

**Interpretation**

2. In this Order—

“the Act” means the Veterinary Surgeons Act 1966;<sup>(1)</sup>

“competent authority” means the authority designated by the member State concerned as competent for the purposes of Article 12 of the Recognition Directive;

“the Council” means the Council of the Royal College of Veterinary Surgeons;

“the disciplinary committee” means the disciplinary committee of the Council referred to in section 15(2) of the Act

“disqualification decision” has the meaning given in article 5;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 and by Decision 84/2002 of the EEA Joint Committee;

“member State” means a state which is a Contracting Party to the EEA Agreement or Switzerland;”

“national” in relation to a member State, includes any person who, by virtue of any enforceable Community right, is 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 No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;

“the preliminary investigation committee” means the committee of the Council set up under section 15(1) of the Act;

“the Recognition Directive” means Community Council Directive [78/1026/EEC](#) concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, as last amended by Directive [2001/19/EC](#) of the European Parliament and of the Council;

“the registrar” means the person appointed under section 9(1) of the Act;

“the Training Directive” means Community Council Directive [78/1027/EEC](#) concerning the co-ordination of provisions in respect of the activities of veterinary surgeons, as last amended by Directive [2001/19/EC](#) of the European Parliament and of the Council.<sup>(2)</sup>

### **Registration under section 5A**

3. The registrar shall not register under section 5A of the Act an applicant who is subject to a disqualifying decision in a member State in which the applicant is or was established in practice as a veterinary surgeon.

### **Registration under section 5B**

4. The registrar shall not register under section 5B of the Act a national of a member State who is subject to a disqualifying decision in any state in which he is or was established in practice as a veterinary surgeon.

### **Disqualifying decision**

5. A disqualifying decision is a decision in respect of a person made by the competent authority of a state or the body responsible in that state for the registration or recognition of veterinary surgeons which—

- (a) is expressed to be made on the grounds that the person has committed a criminal offence or has misconducted himself in a professional respect; and
- (b) results in the person no longer being registered or otherwise officially recognised as a veterinary surgeon, or being prohibited from practising as a veterinary surgeon there.

### **Referral to the preliminary investigation committee**

6. If the registrar is satisfied that a person registered under section 5A or 5B of the Act was subject to a disqualifying decision when he was registered, or has since become subject to a disqualifying decision, the registrar shall refer the case to the preliminary investigation committee.

### **Referral to the disciplinary committee**

7. The preliminary investigation committee may refer any case referred to it under article 6 to the disciplinary committee.

### **Removal of name from the register**

8. If the disciplinary committee is satisfied that a person in such a case is subject to the disqualifying decision and that the grounds on which the decision was made justify it, the disciplinary committee may exercise its powers under section 16(1) of the Act (removal of names from register for crime or disgraceful conduct).

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(2) For the EEA Agreement, see O.J. L 001, 3/1/1994; for Decision 84/2002 of the EEA Joint Committee, see O.J. L266 p47; for Directives 78/1026 and 78/1027, see O.J. L 362, 23/12/1978, pp 1-6 and pp 7-9; for Directive [2001/19/EC](#), see O.J. L 206, 31/7/2001. The Recognition Directive and the Training Directive apply to members of the European Economic Area by virtue of article 30 and by paragraphs 12 and 13 of Annex VII of the EEA Agreement. The Directives apply to Switzerland by virtue of the Agreement between the EC and Switzerland on the free movement of persons: O.J. L114, 30.4.2002 (see article 9 and annex III, section A, paragraphs 11 and 12).

### **Notification of decision**

9. If the disciplinary committee directs that a person's name be removed from the register or that his registration be suspended, the registrar shall notify the person of the direction and of his right to appeal under section 17 of the Act.

### **Rights of nationals of member States to render veterinary services in the United Kingdom temporarily**

10.—(1) If he complies with the requirements of this article it shall be lawful for a national of a member State lawfully practising veterinary surgery in a member State other than the United Kingdom on visiting the United Kingdom to render veterinary services there temporarily without first being registered under the Act.

(2) A person intending to render such services shall provide the registrar with—

- (a) a statement in writing giving particulars of the services to be rendered and the period or periods in which he expects to render them; and
- (b) a certificate (or certificates) issued by the competent authority of a member State bearing a date not less recent than 12 months prior to the date on which it is provided stating—
  - (i) that he is lawfully practising veterinary surgery in a member State other than the United Kingdom; and
  - (ii) that he holds a qualification in veterinary surgery which member States are required by the Recognition Directive to recognise.

(3) In an urgent case, the documents to be provided under paragraph (2) above may be provided after the services have been rendered but shall be provided as soon as possible and in any event not more than fifteen days after the date on which the practitioner first rendered the services.

(4) Where a person complies with the requirements of paragraph (2) above, the registrar shall register him under this article as a visiting European veterinary surgeon for such period or periods as, having regard to the particulars given in the declaration referred to in paragraph (2)(a) above, he considers appropriate.

(5) The registrar shall keep as part of the register kept under section 2 of the Act a list, to be called the list of visiting European veterinary surgeons, of persons registered from time to time under this article, with their names and qualifications, and the periods for which their registrations are or were effective.

(6) No fee shall be charged and no application shall be required for registration as a visiting European veterinary surgeon and accordingly sections 10 and 11 of the Act (applications and power to charge fees for registration) shall not apply in relation to such practitioners.

(7) Paragraph (1) above does not apply to a person, and that person shall not be registered as a visiting European veterinary surgeon, at a time when he is subject—

- (a) to a disqualifying decision in a member State; or
- (b) to a prohibition imposed on him by the disciplinary committee under article 11 below.

(8) A person shall no longer be registered as a visiting European veterinary surgeon if—

- (a) he becomes established in practice in the United Kingdom as a veterinary surgeon; or
- (b) he renders, save in a case of urgency, veterinary services in the United Kingdom otherwise than in accordance with a declaration made by him under paragraph (2)(a) above.

(9) A national of a member State who complies with the requirements of paragraph (2) above and who renders veterinary services in the United Kingdom without first being registered under the Act or under this article shall be deemed to be registered for the purposes of the following sections of the Act—

- (a) section 19 (restriction of practice of veterinary surgery by unregistered persons); and
- (b) section 20 (restrictions on use of practitioners' titles by unregistered persons).

### **Disciplinary provisions affecting practitioners who render services while visiting the United Kingdom temporarily**

**11.**—(1) If a national of a member State who is not registered under the Act renders veterinary services while visiting the United Kingdom and—

- (a) is found by the disciplinary committee to have been convicted of a criminal offence in a member State or elsewhere which, in the opinion of the committee, renders him unfit to practise veterinary surgery;
- (b) is judged by the disciplinary committee to have been guilty of disgraceful conduct in any professional respect; or
- (c) is judged by the disciplinary committee to have failed, without reasonable excuse, to comply with the requirements of paragraph (2) of article 10 above,

the committee may, if they think fit, impose on him a prohibition in respect of the rendering of veterinary services in the United Kingdom in the future.

(2) A prohibition imposed under this article shall either relate to a period specified by the disciplinary committee or be expressed to continue for an indefinite period.

(3) Any case in which it is alleged that a person is liable to have a prohibition imposed on him under this article shall first be investigated by the preliminary investigation committee of the Council whose duty it shall be to decide whether the case should be referred to the disciplinary committee, and the disciplinary committee shall not consider a case under this article except on a reference to them under this paragraph.

(4) A person may apply to the Council for termination of a prohibition imposed on him under this article and the Council may, on any such application, terminate the prohibition or reduce the period of it; but no application shall be considered by the Council under this paragraph if it is made—

- (a) earlier than ten months from the date on which the prohibition was imposed; or
- (b) in the period of ten months following a decision made on an earlier application.

### **Amendment of the Act**

**12.** The Veterinary Surgeons Act 1966 is amended in accordance with the Schedule.

### **Revocations**

**13.** The following are revoked—

- (a) Veterinary Surgeons Qualifications (EEC Recognition) Order 1980(3);
- (b) Medical, Nursing, Dental and Veterinary Qualifications (EEC Recognition) Order 1982(4);
- (c) Veterinary Surgeons Qualifications (EEC Recognition) (Spanish and Portuguese Qualifications) Order 1987;(5)
- (d) Veterinary Surgeons Qualifications (EEC Recognition) (German Democratic Republic Qualifications) Order 1991(6);

(3) S.I.1980/1951.

(4) S.I. 1982/1076.

(5) S.I. 1987/447.

(6) S.I. 1991/1218.

(e) Veterinary Surgeons Qualifications (EEC Recognition) (Amendment) Order 1993(7).

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