STATUTORY INSTRUMENTS

2015 No. 2073

VETERINARY SURGEONS

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

Made - - - -	*18th December 2015*
Laid before Parliament	*22nd December 2015*
Coming into force - -	*18th January 2016*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations(**2**).

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(**3**) 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(**4**).

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.

(**1**) 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).
(**2**) S.I. 2002/248.
(**3**) OJ No. L255, 30.9.2005, p. 22.
(**4**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

Amendment of the Veterinary Surgeons Act 1966

2. The Veterinary Surgeons Act 1966(**5**) is amended in accordance with regulations 3 to 14.

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(**6**);

(**5**) 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.

(**6**) S.I. 2015/2059.

(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".

Insertion of section 5ZBA

5. After section 5B, insert—

"**Requirement to demonstrate knowledge of language**

5ZBA.—(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—

"**Appeals in connection with alerts sent to other competent authorities**

5CCA.—(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";