

**DRAFT VETERINARY SURGEONS (JERSEY) LAW 199**

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**Lodged au Greffe on 30th June 1998  
by the Agriculture and Fisheries Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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## **Explanatory Note**

The effect of this draft Law would be to replace the “Loi (1939) sur l'exercice de la médecine et la chirurgie vétérinaires dans cette Ile”, which regulates the practice of veterinary medicine in the Island.

In doing so, it would re-enact the general scheme of the Loi - in particular, the restriction of professional practice to persons who, being registered as veterinary surgeons under the Veterinary Surgeons Act 1966 of the United Kingdom, have their names entered by order of the Royal Court on the list of recognised veterinary surgeons in the Island.

However the draft Law introduces a definition of “veterinary surgery”. This follows closely the definition in the Act. It allows a medical practitioner or a dentist to assist a veterinary surgeon at his request. It also permits unqualified persons to administer minor treatment and carry out minor surgery.

The draft Law modifies the existing provisions in the Loi in other minor respects.

*Article 1* defines words used in the draft Law.

*Article 2* restricts the right to practise veterinary medicine to recognised veterinary surgeons.

*Article 3* sets out the requirements for recognition.

*Article 4* deals with applications for recognition.

*Article 5* deals with the determination of applications, by the Royal Court.

*Article 6* provides for the continuance of the existing list of recognised veterinary surgeons.

*Article 7* provides for the withdrawal of recognition.

*Article 8* provides for the amendment of the list.

*Article 9* specifies offences.

Where the draft Law prescribes a penalty by way of a fine not exceeding a specified level “on the standard scale”, this is a reference to the scale set out in the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993. The maximum penalties for each level on that scale, currently, are -

Level 1	-	£50
Level 2	-	£500
Level 3	-	£2,000
Level 4	-	£5,000

Where the draft Law prescribes a fine but does not specify a level, the maximum fine that may be imposed is unlimited.

Under *Article 10*, a medical practitioner or dentist may assist a veterinary surgeon at his request.

*Article 10* also permits unqualified persons to undertake treatment and operations described in Part I of the Schedule. These exemptions are subject to the restrictions in Part II of the Schedule.

*Article 11* enables the Agriculture and Fisheries Committee, by Order, to amend Part I of the Schedule.

*Article 12* repeals the Loi, while preserving the recognition of practitioners whose names are entered on the list under the Loi.

*Article 13* specifies the short title by which the draft Law may be cited and provides that it will come into force on the seventh day following its registration.

**VETERINARY SURGEONS (JERSEY) LAW 199**

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**A LAW** to regulate the practice of veterinary medicine and surgery in the Island, and for connected purposes; sanctioned by Order of Her Majesty in Council of the

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*(Registered on the      day of      199 )*

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**STATES OF JERSEY**

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The      day of      199

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

**ARTICLE 1**

**Interpretation**

In this Law, unless the context otherwise requires -

“recognised veterinary surgeon” means a person whose name is for the time being entered, in accordance with Article 6 of this Law, on the list of recognised veterinary surgeons maintained under that Article;

“veterinary surgery” means the art and science of veterinary medicine and surgery, including -

- (a) the diagnosis of diseases in animals and injuries to animals;

- (b) the performing of tests on animals for diagnostic purposes;
- (c) the giving of advice based on any such diagnosis;
- (d) the medical or surgical treatment of animals; and
- (e) the performing of surgical operations on animals.

## ARTICLE 2

### **Right to practise veterinary surgery**

No person shall -

- (a) practise veterinary surgery; or
- (b) hold himself out as practising or being prepared to practise veterinary surgery,

unless he is a recognised veterinary surgeon.

## ARTICLE 3

### **Eligibility for recognition**

A person is eligible to be a recognised veterinary surgeon if but only if he is for the time being registered in the register of veterinary surgeons under the Veterinary Surgeons Act 1966 of the United Kingdom.

## ARTICLE 4

### **Applications for recognition**

(1) An application to be recognised as a veterinary surgeon shall be made to the Royal Court.

(2) The application shall be supported by evidence that he is for the time being registered in the register of veterinary surgeons, and of the qualifications by reason of which he is so registered.

- (3) For the purposes of this Law -
- (a) a copy of the latest edition of the register of veterinary surgeons published by the Council of the Royal College of Veterinary Surgeons of the United Kingdom, showing that the applicant is a person registered in it and specifying his qualifications for his registration; or
  - (b) a certificate issued on behalf of the College, stating that the applicant is so registered and his qualifications for his registration,

is sufficient evidence that he is eligible to be a recognised veterinary surgeon and of the qualifications by reason of which he is registered in the register of veterinary surgeons.

## ARTICLE 5

### **Recognition of veterinary surgeons**

(1) If the Royal Court is satisfied, on an application under Article 4 of this Law, that the applicant is eligible to be a recognised veterinary surgeon -

- (a) it shall grant permission for his name to be entered on the list of recognised veterinary surgeons; and
- (b) in granting permission, it shall specify in its Act the qualifications by reason of which he is registered in the register of veterinary surgeons.

(2) If the Royal Court is not satisfied that an applicant is eligible to be a recognised veterinary surgeon, it shall refuse to grant the application.

## ARTICLE 6

**List of recognised veterinary surgeons**

(1) The Judicial Greffier shall continue to maintain under this Law the list of recognised veterinary surgeons prepared and kept under Article 4 of the “Loi (1939) sur l’exercice de la médecine et la chirurgie vétérinaires dans cette Ile”, as amended,<sup>1</sup> and that list shall be the list of recognised veterinary surgeons for the purposes of this Law.

(2) The Judicial Greffier shall enter on the list -

- (a) the name of each person who is granted permission by the Royal Court under Article 5 of this Law for his name to be entered on the list; and
- (b) the qualifications, as specified in the Act of the Court, by reason of which he is registered in the register of veterinary surgeons.

(3) Where the Royal Court -

- (a) orders under Article 7 of this Law that the name of any person be removed from the list; or
- (b) orders under Article 8 of this Law that any entry on the list be amended,

the Judicial Greffier shall amend the list accordingly.

(4) The list shall remain posted in the Vestibule of the Royal Court House.

## ARTICLE 7

**Withdrawal of recognition**

(1) The Royal Court shall order that the name of a person be removed from the list of recognised veterinary surgeons if it is satisfied

<sup>1</sup> Tome VII, page 294.

that his name has been removed from the register of veterinary surgeons.

(2) The Royal Court may order that the name of a person be removed from the list if it is satisfied that, by reason of having been convicted of any offence, he is no longer a fit and proper person to practise veterinary surgery in the Island.

(3) An order may only be made under paragraph (1) or paragraph (2) of this Article on the application of the Attorney General.

(4) The Attorney General shall give notice of the application to the veterinary surgeon.

(5) On the application of a recognised veterinary surgeon, the Royal Court may order that his name be removed from the list.

## ARTICLE 8

### **Amendment of list**

On the application of a recognised veterinary surgeon, the Royal Court may order that his entry on the list of recognised veterinary surgeons be amended in respect of his name or qualifications.

## ARTICLE 9

### **Offences**

(1) Any person who contravenes Article 2 of this Law shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.

(2) Any person who, for the purpose -

- (a) of obtaining permission for his name to be entered on the list of recognised veterinary surgeons;
- (b) of obtaining the removal of his name from the list; or
- (c) of obtaining any amendment of his entry on the list,



wilfully or recklessly makes any statement that he knows to be untrue in a material particular shall be guilty of an offence and liable to imprisonment for a term not exceeding 12 months or to a fine or to both.

(3) Any person who aids, abets, counsels or procures the commission of an offence under paragraph (1) or paragraph (2) of this Article shall be liable to be dealt with, tried and punished as a principal offender.

## ARTICLE 10

### **Exemptions**

(1) Nothing in Article 2 or paragraph (1) of Article 9 of this Law prohibits -

- (a) a registered dentist (as defined in paragraph (1) of Article 1 of the Dentists (Registration) (Jersey) Law 1961<sup>2</sup>); or
- (b) a registered medical practitioner (as defined in paragraph (1) of Article 1 of the Medical Practitioners (Registration) (Jersey) Law 1960<sup>3</sup>),

from assisting a veterinary surgeon, at the latter's request and under his supervision, in the practice of veterinary surgery or holding himself out as being prepared to do so.

(2) Nothing in Article 2 or paragraph (1) of Article 9 of this Law prohibits any person who is not a recognised veterinary surgeon from doing anything that -

- (a) is described in Part I of the Schedule to this Law; and
- (b) is not excluded from the application of that Part by Part II of that Schedule.

<sup>2</sup> Volume 1961-1962, page 135.

<sup>3</sup> Tome VIII, page 829.

## ARTICLE 11

**Amendment of Schedule**

The Agriculture and Fisheries Committee may by Order amend Part I of the Schedule to this Law.

## ARTICLE 12

**Consequential repeals and saving**

- (1) The following Laws are repealed -
  - (a) the "Loi (1939) sur l'exercice de la médecine et la chirurgie vétérinaires dans cette Ile"<sup>4</sup>;
  - (b) the "Loi (No. 2) (1940) sur l'exercice de la médecine et la chirurgie vétérinaires dans cette Ile"<sup>5</sup>.

(2) Every person whose name, immediately before this Law comes into force, is on the list of recognised veterinary surgeons under Article 4 of the "Loi (1939) sur l'exercice de la médecine et la chirurgie vétérinaires dans cette Ile"<sup>4</sup>, as amended, shall (subject to the other provisions of this Law) be a recognised veterinary surgeon for the purposes of this Law.

## ARTICLE 13

**Short title and commencement**

This Law may be cited as the Veterinary Surgeons (Jersey) Law 199 and shall come into force on the seventh day following its registration.

<sup>4</sup> Tome VII, page 293.

<sup>5</sup> Tome VII, page 294.

*SCHEDULE*

(Articles 10(2) and 11)

EXEMPTIONS FROM RESTRICTIONS ON PRACTICE OF  
VETERINARY SURGERY

*PART I*

**Treatment and operations that may be given or carried out by  
unqualified persons**

1. Any minor medical treatment given to an animal by its owner, by another member of a household of which the owner is a member, or by a person in the employment of the owner.

2. Any medical treatment or any minor surgery (not involving entry into a body cavity) given in either case to an animal used in agriculture (as defined in the Agriculture Act 1947 of the United Kingdom), and so given by its owner or by a person engaged or employed in caring for animals so used.

3. The rendering in an emergency of first aid for the purpose of saving life or relieving pain or suffering.

4. The performance by any person who has attained the age of 18 years of either of the following operations, that is to say -

- (a) the docking, by means of an elastrator, of the tail of a lamb that has not reached the age of two weeks; and
- (b) the amputation of the dew claws of a dog that has not reached the age of 72 hours.

5. The performance, by any person who has attained the age of 17 years and is a veterinary student or a trainee veterinary nurse under instruction, or is undergoing instruction in animal husbandry, of -

- (a) any operation mentioned in sub-paragraph (a) or sub-paragraph (b) of paragraph 4 of this Part: or

- (b) the castration of a male animal or the caaponising of an animal,

if the instruction is given by a recognised veterinary surgeon and the operation is performed under his direct personal supervision.

6.-(1) Any medical treatment or any minor surgery (not involving entry into a body cavity) to a companion animal by a veterinary nurse if the following conditions are complied with, that is to say -

- (a) the companion animal is, for the time being, under the care of a recognised veterinary surgeon and the medical treatment or minor surgery is carried out by the veterinary nurse at his direction; and
  - (b) the recognised veterinary surgeon is the employer or is acting on behalf of the employer of the veterinary nurse.
- (2) In sub-paragraph (1) of this paragraph -
- (a) “companion animal” means an animal kept as a pet or for companionship, not being a horse, pony, ass or mule, nor an animal used in agriculture (as defined in the Agriculture Act 1947 of the United Kingdom); and
  - (b) “veterinary nurse” means a nurse whose name is entered in the list of veterinary nurses maintained by the College.

## *PART II*

### **Exclusions from provisions of Part I**

1. Paragraph 2 of Part I of this Schedule does not apply -
  - (a) to a laparotomy; or
  - (b) to anything done for reward.
2. Part I of this Schedule does not apply to -

- (a) the castration of a male animal that is -
  - (i) a horse, pony, ass or mule;
  - (ii) a bull, boar or goat that has in any such case reached the age of two months;
  - (iii) a ram that has reached the age of three months; or
  - (iv) a cat or dog;
- (b) the spaying of a cat or dog;
- (c) the removal (otherwise than in an emergency for the purpose of saving life or relieving pain or suffering) of any part of the antlers of a deer before the velvet of the antlers is frayed and the greater part of it has been shed;
- (d) the desnooding of a turkey that has reached the age of 21 days;
- (e) the removal of the combs of any poultry that have reached the age of 72 hours;
- (f) the cutting of the toes of a domestic fowl or turkey that has reached the age of 72 hours;
- (g) the performance of a vasectomy or the carrying out of electro-ejaculation on any animal or bird kept for production of food, wool, skin or fur or for use in the farming of land;
- (h) the removal of the supernumerary teats of a calf that has reached the age of three months;
- (i) the dehorning or disbudding of a sheep or goat (other than the trimming of the insensitive tip of an ingrowing horn that, if left untreated, could cause pain or distress); or
- (j) the extraction of the teeth of an animal.