

# STATES OF JERSEY



## **DRAFT VETERINARY SURGEONS (AMENDMENT) (JERSEY) LAW 201-**

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**Lodged au Greffe on 9th September 2011  
by the Minister for Economic Development**

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**STATES GREFFE**





Jersey

## **DRAFT VETERINARY SURGEONS (AMENDMENT) (JERSEY) LAW 201-**

### **European Convention on Human Rights**

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Minister for Economic Development has made the following statement –

In the view of the Minister for Economic Development the provisions of the Draft Veterinary Surgeons (Amendment) (Jersey) Law 201- are compatible with the Convention Rights.

(Signed) **Senator A.J.H. Maclean**

## REPORT

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### **Background**

The Veterinary Surgeons (Jersey) Law 1999 requires recognition, by the Royal Court, of anyone seeking to practise veterinary medicine and surgery in Jersey. This is necessary to protect animals and the public by ensuring only those appropriately qualified and competent are permitted to practise.

The current condition for recognition by the Royal Court is Membership of the Royal College of Veterinary Surgeons, which sets the standards for practising in the UK.

This amendment to the Law will update it to reflect the UK standards.

### **Registration by the Royal College of Veterinary Surgeons**

The Register of the Royal College of Veterinary Surgeons comprises Sub-Sections for Home Practising, Overseas Practising and Non-practising members. Non-practising members have given a signed undertaking to the Registrar that they will not practise anywhere in the world.

Currently the Law does not distinguish between the Sub-Sections of the Register, neither does it provide a mechanism for suspension or re-instatement of recognition, nor for removal of a name at the request of a veterinary surgeon or on the death of a veterinary surgeon.

This amendment to the Law removes the conditions for recognition from the face of the Law, and provides prescription by Ministerial Order of conditions to be fulfilled by anyone seeking recognition by the Royal Court. Setting conditions for recognition by Order permits change to be made easily and quickly to reflect changes made in UK.

In accordance with Article 2 of the Diseases of Animals (Jersey) Law 1956, the Minister for Planning and Environment appoints the States Veterinary Officer. Therefore to simplify administration, power to make Orders is transferred to the Minister for Planning and Environment from the Minister for Economic Development.

### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of this Draft Law.

### **European Convention on Human Rights**

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 7th September 2011 the Minister for Economic Development made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Economic Development the provisions of the Draft Veterinary Surgeons (Amendment) (Jersey) Law 201- are compatible with the Convention Rights.

## Explanatory Note

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This Law amends the Veterinary Surgeons (Jersey) Law 1999 (the “principal Law”).

*Article 1* defines the principal Law.

*Article 2* inserts definitions in Article 1 of the principal Law.

*Article 3* substitutes Articles 3 and 4 of the principal Law. Currently, those Articles specify the conditions for registration as a veterinary surgeon in Jersey and the evidence that must be produced in order to establish that the person satisfies the conditions. The conditions specified are that the person is registered as a veterinary surgeon in the United Kingdom. The amendment removes from the face of the Law the conditions for registration and the evidence that must be produced to establish that a person satisfies them. Instead these will be prescribed by Order of the Minister for Planning and Environment. The purpose of the change is to ensure that, if the legislation governing registration in the United Kingdom is amended, the conditions for registration in Jersey may be altered sufficiently quickly that they do not fall behind the rules currently in force in the United Kingdom. It is a consequence of the change that, if it were felt appropriate, other conditions for registration could also be prescribed by Order, such as being registered or holding a qualification in a place other than the United Kingdom.

*Articles 4 and 5* make minor amendments consequentially upon the fact that the conditions for registration that are prescribed may be either that a person holds a prescribed qualification or that the person is authorized to practise in another place.

*Article 6* introduces a new provision for the suspension of a person’s right to practise in Jersey in the event that the person’s authority to practise issued in another place, on which his or her registration in Jersey depends, is suspended. The suspension can only be imposed by order of the Royal Court made on the application of the Attorney General.

*Article 7* amends Article 7 of the principal Law. Article 7 currently requires the Royal Court to order the removal of a person’s name from the list of recognized veterinary surgeons, if the person’s registration in the United Kingdom is revoked. The amendment continues to require the Royal Court to order a person’s removal from the list of recognized veterinary surgeons but, for the future, this will be on the ground that the person no longer satisfies the requirements for registration prescribed by Order under Article 3 as substituted by this Law. New provision is added, allowing a person to apply to the Royal Court for his or her name to be restored to the list if the prescribed qualification or authority to practise by virtue of which the person was registered is reinstated.

*Article 8* amends Article 8 of the principal Law. Article 8 empowers the Royal Court to order that a veterinary surgeon’s entry on the list maintained by the Judicial Greffier is amended. The amendment would enable the list to be amended as to a person’s authority to practise, if holding a particular authority to practise is the condition that the person satisfied in order to be registered in Jersey. In addition, new provision is made, enabling the Royal Court to order the removal of a deceased person’s name from the list.

*Article 9* amends Article 11 of the principal Law with the effect that the existing power to make an Order amending Schedule 1 to the principal Law is transferred from the Minister for Economic Development to the Minister for Planning and Environment. Schedule 1 lists treatment and operations that may be given or carried out by a person who is not a veterinary surgeon registered under the principal Law.

*Article 10* provides for the citation of the Law and for it to commence one month after it is registered, during which period the Minister for Planning and Environment would make an Order under Article 3 of the principal Law as substituted by this Law.



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### **Arrangement**

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#### **Article**

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## **DRAFT VETERINARY SURGEONS (AMENDMENT) (JERSEY) LAW 201-**

**A LAW** to amend further the Veterinary Surgeons (Jersey) Law 1999

*Adopted by the States* [date to be inserted]

*Sanctioned by Order of Her Majesty in Council* [date to be inserted]

*Registered by the Royal Court* [date to be inserted]

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

### **1 Interpretation**

In this Law “principal Law” means the Veterinary Surgeons (Jersey) Law 1999<sup>1</sup>.

### **2 Article 1 amended**

In Article 1 of the principal Law before the definition “recognized veterinary surgeon” there shall be inserted the following definitions –

“ ‘authority to practise’ means the registration, licence, permit or other authority by virtue of which a person is authorized to practise veterinary surgery in another country or territory;

‘Minister’ means the Minister for Planning and Environment;”.

### **3 Articles 3 and 4 substituted**

For Articles 3 and 4 there shall be substituted the following Articles –

#### **“3 Eligibility for recognition**

- (1) A person is eligible to be a recognized veterinary surgeon if but only if he or she fulfils the requirements for registration (which

may include a requirement to hold a prescribed authority to practise) prescribed by Order of the Minister.

- (2) An Order made under paragraph (1) may make such transitional arrangements and savings as the Minister thinks fit.

#### **4 Applications for recognition**

- (1) An application to be recognized as a veterinary surgeon shall be made to the Royal Court.
- (2) The application shall contain such particulars and shall be accompanied by such proof as may be prescribed, by Order of the Minister, that the person fulfils the requirements for registration prescribed under Article 3.”.

#### **4 Article 5 amended**

In Article 5(1)(b) of the principal Law after the words “the qualifications” there shall be inserted the words “or authority to practise”.

#### **5 Article 6 amended**

In Article 6(2)(b) of the principal Law for the words “the qualifications,” there shall be inserted the words “the qualifications or authority to practise,”.

#### **6 Article 6A inserted**

After Article 6 of the principal Law there shall be inserted the following Article –

##### **“6A Suspension of recognition**

- (1) This Article applies where a person is registered in the register of veterinary surgeons by reason of holding an authority to practise prescribed under Article 3.
- (2) The Royal Court shall order –
  - (a) the suspension of the person’s recognition as a veterinary surgeon upon being satisfied that the person’s authority to practise is suspended;
  - (b) the end of the suspension of the person’s recognition as a veterinary surgeon upon being satisfied that the suspension of the person’s authority to practise has ended.
- (3) An order may only be made under paragraph (2)(a) on the application of the Attorney General.
- (4) The Attorney General shall give notice of the application to the veterinary surgeon.”.

**7 Article 7 amended**

For Article 7(1) of the principal Law there shall be substituted the following paragraphs –

“(1) The Royal Court shall order that the name of a person be removed from the list of recognized veterinary surgeons if it is satisfied that the person has ceased to satisfy the requirements for registration prescribed under Article 3.

(1A) The Court may, on the application of a person whose registration has been cancelled under paragraph (1), rescind the order made under paragraph (1) and direct that the person’s name be restored to the list, if the Court is satisfied that the qualification or authority to practise by virtue of which the person fulfilled the requirements for registration prescribed under Article 3 has been reinstated.”.

**8 Article 8 amended**

(1) At the beginning of Article 8 of the principal Law there shall be inserted the paragraph number (1).

(2) In Article 8(1) of the principal Law for the words “or qualifications.” there shall be substituted the words “, qualifications or authority to practise.”.

(3) After paragraph (1) of Article 8 of the principal Law there shall be added the following paragraph –

“(2) The Royal Court shall order that a veterinary surgeon’s name be removed from the list if it is satisfied that the person has died.”.

**9 Article 11 amended**

In Article 11 of the principal Law the words “for Economic Development” shall be deleted.

**10 Citation and commencement**

This Law may be cited as the Veterinary Surgeons (Amendment) (Jersey) Law 201- and shall come into force one month after it is registered.

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<sup>1</sup>

*chapter 02.900*