Draft Order laid before Parliament under section 14(1) of the Legislative and Regulatory Reform Act 2006, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2013 No. 000

REGULATORY REFORM

VETERINARY SURGEONS

The Legislative Reform (Constitution of Veterinary Surgeons Preliminary Investigation and Disciplinary Committees) Order 2013

Made - - - -	***
Coming into force - -	***

The Secretary of State makes this Order in exercise of the powers conferred by sections 1 and 2 of the Legislative and Regulatory Reform Act 2006(**a**).

For the purposes of section 3(1) of the Legislative and Regulatory Reform Act 2006, the Secretary of State considers that the conditions under section 3(2), where relevant, are satisfied.

The Secretary of State has consulted in accordance with section 13(1)(**b**) of that Act.

The Secretary of State has laid a draft Order and an explanatory document before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15 of that Act, the affirmative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

In accordance with section 17(2) of that Act, the draft has been approved by resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation and commencement

1.—(1) This Order may be cited as the Legislative Reform (Constitution of Veterinary Surgeons Preliminary Investigation and Disciplinary Committees) Order 2013.

(2) This Order comes into force on 6th April 2013.

(**a**) 2006 c. 51; section 1(6) was amended by S.I. 2007/1388. See section 32 for the definition of "Minister of the Crown".
(**b**) Section 13(1) was amended by S.I. 2007/1388.

Amendment of the Veterinary Surgeons Act 1966

2. For Part I of Schedule 2 to the Veterinary Surgeons Act 1966(**a**) substitute—

"PART I

Constitution of the committees

Constitution of the committees

1.—(1) The members of the preliminary investigation committee and the disciplinary committee are to be appointed by the Council.

(2) The preliminary investigation committee is to consist of no fewer than nine and no more than 15 members.

(3) The disciplinary committee is to consist of no fewer than 20 and no more than 40 members.

(4) In the case of both committees, at least a third of the persons appointed to be members must be registered persons and at least a third must be lay persons.

(5) For both committees, the Council must designate a member to act as its chair.

(6) A member of the preliminary investigation committee or disciplinary committee may hold office—

(a) for such term as may be determined by the Council, and

(b) for so long as the member satisfies such conditions about fitness to be a member as may be determined by the Council.

2.—(1) The following may not be members of the preliminary investigation committee or the disciplinary committee—

(a) a member of the Council;

(b) an employee of the Council;

(c) an employee of the College.

(2) A person who has been appointed to be a member of the preliminary investigation committee on two occasions on or after 1 July 2013 is not eligible for reappointment to that committee.

(3) A person who has been appointed to be a member of the disciplinary committee on two occasions on or after 1 July 2013 is not eligible for reappointment to that committee.

(4) No person who, as a member of the preliminary investigation committee, acted with respect to any case may, as a member of the disciplinary committee, act with respect to that case.

3.—(1) The quorum for a meeting of the preliminary investigation committee is to be three, of whom—

(a) one must be a lay person; and

(b) one must be a registered person.

(2) The quorum for a meeting of the disciplinary committee is to be five, of whom—

(a) two must be lay persons; and

(b) two must be registered persons.

(**a**) 1966 c. 36.

Transitional provision

3A.—(1) In the period ending with 30 June 2015—

(a) paragraph 1(2) has effect as if the reference to nine persons were a reference to six persons;

(b) paragraph 1(3) has effect as if the reference to 20 persons were a reference to 12 persons; and

(c) paragraph 2(1)(a) does not have effect.

(2) An elected member of the preliminary investigation committee or the disciplinary committee whose term is unexpired at the end of the day on 5 April 2013 may remain in office for the remainder of the term for which the member was elected.

(3) During the period ending with 30 June 2015, where a person who continues in office under sub-paragraph (2) ceases to be a member of the committee, or a person who is elected under this sub-paragraph ceases to be a member of the committee, the Council may elect a member of the Council to be a member of the committee in question for a term of one year or, if shorter, until the end of the day on 30 June 2015.

(4) While any member of a committee holds that office by virtue of sub-paragraph (2) or (3), this Schedule has effect as if the references in paragraph 1(1) and (4) to appointment by the Council included references to election by the Council.

Interpretation

3B. In this Part—

"lay person" means an individual who—

(a) is not and never has been a registered person, and

(b) is not and never has been entitled to apply to be registered in the register or the supplementary veterinary register;

"registered person" means an individual who—

(a) is registered, or entitled to be registered, in the register otherwise than under section 7 (temporary registration), or

(b) is registered, or entitled to be registered, in the supplementary veterinary register.".

Review

3.—(1) Before the end of each review period, the Secretary of State must—

(a) carry out a review of the amendments made by this Order to Part I of Schedule 2 to the Veterinary Surgeons Act 1966 (constitution of committees) and their impact on the carrying out by the two committees of their functions,

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by Part I of Schedule 2 to the Veterinary Surgeons Act 1966 (constitution of committees) as inserted by article 2 of this Order,

(b) assess the extent to which those objectives are achieved, and

(c) assess whether those objectives remain appropriate.

(3) "Review period" means—

(a) the period of three years beginning with 1st July 2015, and

(b) each successive period of five years.

Name
Minister of State
Date Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under sections 1 and 2 of the Legislative and Regulatory Reform Act 2006 (c. 51). It amends Part I of Schedule 2 to the Veterinary Surgeons Act 1966 (c. 36).

This Order makes changes to the constitutions of the preliminary investigation committee and the disciplinary committee of the Council of the Royal College of Veterinary Surgeons. The key changes are as follows:

(a) committee members can no longer be members of the Council;

(b) the minimum and maximum committee sizes are now 9 and 15 for the preliminary investigation committee and 20 and 40 for the disciplinary committee;

(c) the committees will consist of at least a third lay persons and at least a third registered persons;

(d) within the quorum of three for the preliminary investigation committee there is to be at least one lay person and one registered person and within the quorum of five for the disciplinary committee there is to be at least two lay persons and two registered persons;

(e) persons registered in the supplementary veterinary register will now be treated in the same way as registered persons for the purposes of any proceedings and also in relation to their entitlement to sit on the committees;

(f) a person may not be appointed to a committee more than twice; and

(g) the Council may stipulate conditions as to fitness to serve as members of the committees.

This Order makes transitional provision for a period ending on 30th June 2015 and creates an initial review period of 1st July 2015 to 30th June 2018 with a subsequent review period every five years. During the transitional period members of the Council who have been elected to the committees may remain in post and there may be re-elections of those Council members to those posts.

Consequential provisions will be made by the Royal College of Veterinary Surgeons in bye-laws including but not limited to provision for the use of panels to hear individual cases and the quorum for those panels.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Defra website (www.defra.gov.uk) and is published with the Explanatory Memorandum alongside the instrument at www.legislation.gov.uk.

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ISBN 978-0-11-153047-4

£4.00

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