CHAPTER 62.

An Act to amend the Law relating to Veterinary Surgeons.

[27th August 1881.]

WHEREAS it is expedient that provision be made to enable persons requiring the aid of a veterinary surgeon for the cure or prevention of diseases in or injuries to horses and other animals, to distinguish between qualified and unqualified practitioners:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Veterinary Surgeons Act, 1881.

Interpretation.

2. In this Act—

"The Royal College of Veterinary Surgeons" means the Royal College of Veterinary Surgeons incorporated and regulated by a charter and two supplemental charters granted by Her Majesty in the years one thousand eight hundred and forty-four, one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-nine respectively.

"The Registrar" means the Registrar for the time being of the said Royal College.

"Veterinary surgery" means the art and science of veterinary surgery and medicine.

Provisions as to register of veterinary surgeons.

3.—(1.) The register of members of the Royal College of Veterinary Surgeons directed by Her Majesty's said Royal Charter of 1876 to be made and maintained, shall be styled the Register of Veterinary Surgeons, and shall be kept as accurately as possible by the Registrar.

(2.) The Council of that College shall cause correct copies of the said register to be from time to time and at least once a year printed under their direction and published and sold, and such copies shall be admissible in evidence.

Provision for examination of students in Scotland.

4. The Royal College of Veterinary Surgeons shall be bound to make provision in the manner permitted by their charters for the examination in England of the students attending the Royal Veterinary College, and in Scotland of the students attending the several Scotch Veterinary Colleges, and in Ireland whenever a Veterinary College shall be established in that country, and to admit and register such students as have passed the examination as members of the said Royal College under the provisions of such charters and this Act.

Correction of register.

5.—(1.) The Registrar shall from time to time insert in the register of veterinary surgeons any alteration which may come to his knowledge in the name or address of any person registered.

(2.) The Registrar shall remove from the said register the name of every deceased person.

(3.) The Registrar may remove from the said register the name of a person who has ceased to practise, but not (save as herein-after provided) without the consent of that person.

(4.) Where the Registrar has reason to think that any person registered has ceased to practise, the Registrar may send by post to such person a notice inquiring whether or not he has ceased to

practise or has changed his residence; and if the Registrar does not within three months after sending the notice receive any answer thereto from such person, the Registrar may within fourteen days after the expiration of the three months send him by post in a registered letter another notice referring to the first notice and stating that no answer thereto has been received, and if the Registrar does not within one month after sending the second notice receive any answer thereto, such person shall for the purpose of the present section be deemed to have ceased to practise and his name may be removed accordingly.

(5.) In the execution of his duties the Registrar shall act on such evidence as in each case appears sufficient.

Removal of name from register.

6. The power conferred by the said Supplemental Charter of 1876 on the Council of the said Royal College, at a meeting of the Council, at which not less than two thirds of the members are present, and with the consent of three fourths of the members so present, but not otherwise, to remove a name from the register of Veterinary Surgeons may be exercised in respect of any person who is at the passing of this Act on that register, or who is after the passing of this Act placed thereon under the said charters or this Act, but in the following cases only (that is to say), at the request or with the consent of the person whose name is to be removed, or where a name has been incorrectly entered, or has been fraudulently entered or procured to be entered, or where a person registered has, either before or after the passing of this Act, and either before or after his registration, been convicted, either in Her Majesty's dominions or elsewhere, of an offence which, if committed in England, would be a misdemeanor or higher offence, or where a person registered is shown to have been guilty, either before or after the passing of this Act, and either before or after his registration, and either in Her Majesty's dominions or elsewhere, of any conduct disgraceful to him in a professional respect.

Restoration of name to register.

7.—(1.) Where the Council of the said Royal College have removed the name of any person from the register of veterinary surgeons, the name of that person shall not be again entered in the register except by a resolution of the Council passed under this section, or by order of a court of competent jurisdiction.

(2.) The Council may by resolution passed by a like proportion of their number as is for the time being required for the removal of a name from the said register, direct the Registrar to restore to the register any name removed therefrom, either without fee or on payment of such fee not exceeding the registration fee as the Council from time to time fix, and the Registrar shall restore the same accordingly.

(3.) The name of any person removed from the said register at the request of such person or with his consent shall, unless it might if not so removed have been removed by order of the Council, be restored to the register, on his application and on payment of such fee not exceeding the registration fee as the Council from time to time fix.

Proceedings for removal or restoration of name.

8.—(1.) The Council of the said Royal College shall, for the purpose of exercising in any case the power of removing a name from or of restoring a name to the register of veterinary surgeons,

ascertain the facts of the case by a committee of the Council, the powers of the committee being exerciseable by not fewer than three members of the committee; and the report of the committee, after hearing the person concerned, if he so desires, shall be for the purpose aforesaid conclusive as to the facts, but so that the Council shall form their own judgment on the case independently of any opinion of the committee.

(2.) If in any case the Council determine to remove the name of any person from the register of veterinary surgeons, or not to restore thereto the name of any person, the Council shall, if required by him, state in writing the reason for that determination, and he may appeal to the Privy Council; and the Privy Council, after communication with the Council of the said Royal College and the appellant, may either dismiss the appeal, or order that Council not to remove the name of the appellant, or to restore his name, as the case may require.

Evidence of registration.

9. A copy of the register of veterinary surgeons for the time being purporting to be printed and published in pursuance of this Act shall be evidence in all cases (until the contrary be made to appear) that the persons therein named are on the register of Veterinary Surgeons; and the absence of the name of any person from such copy shall be evidence (until the contrary be made to appear) that such person is not on that register: Provided that in the case of any person whose name does not appear in such copy a certified copy under the hand of the Registrar of the entry of the name of such person in the said register shall be evidence that such person is on the said register.

Notice of death of practitioners.

10. Every registrar of deaths in the United Kingdom on receiving notice of the death of any person on the register of Veterinary Surgeons, shall forthwith transmit by post to the Registrar a certificate under his hand of such death, with the particulars of time and place of death; and on the receipt of such certificate the Registrar shall erase the name of such person from the register of Veterinary Surgeons, and shall transmit to the said registrar of deaths the cost of such certificate and transmission.

Penalty on obtaining registration by false representation.

11. Any person who wilfully procures or attempts to procure himself to be placed on the register of Veterinary Surgeons by making or producing or causing to be made or produced any false or fraudulent declaration certificate or representation either in writing or otherwise, and any person aiding and assisting him therein, shall be deemed guilty in England or in Ireland of a misdemeanor and in Scotland of a crime or offence punishable by fine or imprisonment, and shall on conviction thereof be liable to a fine not exceeding fifty pounds or to be imprisoned with or without hard labour for any term not exceeding twelve months.

Penalty for wilful falsification of register.

12. If the Registrar wilfully makes or causes to be made any falsification in any matter relating to the register of veterinary surgeons he shall be deemed guilty of a misdemeanor, and shall be liable to a fine not exceeding fifty pounds, or to be imprisoned with or without hard labour for any term not exceeding twelve months.

Registration of colonial or foreign prac-

13.—(1.) Where a person shows that he holds some recognised veterinary diploma granted to him in a British possession, and either that the grant of such diploma occurred when he was not domiciled

titioner with recognised diploma.

in the United Kingdom, or in the course of a period of not less than five years during which he resided out of the United Kingdom, or, if he was practising veterinary surgery in the United Kingdom at the passing of this Act, that he has practised veterinary surgery for not less than ten years, either in the United Kingdom or elsewhere, he shall upon payment of the registration fee be entitled without examination in the United Kingdom to be registered as a colonial practitioner in the register of veterinary surgeons and to become to all intents a member of the said Royal College.

(2.) Where a person shows that he obtained some recognised veterinary diploma granted in a foreign country, and either that he is not a British subject, or, that if a British subject he has practised veterinary surgery for more than ten years elsewhere than in the United Kingdom, or if he was practising veterinary surgery in the United Kingdom at the passing of this Act for not less than ten years, either in the United Kingdom or elsewhere, and either continues to hold that diploma or has not been deprived thereof for any cause which disqualifies him for being registered under this Act, he shall, on payment of the registration fee, be entitled without examination in the United Kingdom to be registered as a foreign practitioner in the register of veterinary surgeons and to become to all intents a member of the said Royal College.

(3.) For the purposes of this section a veterinary diploma is any diploma, licence, certificate, or other document granted by any university, college, corporation, or other body in respect of veterinary surgery, and includes a licence or authority to a person to practise veterinary surgery granted by any department of or persons acting under the authority of the government of the country or place within or without Her Majesty's Dominions wherein the licence or authority is granted; and a British Possession is any part of Her Majesty's Dominions out of the United Kingdom; and a recognised veterinary diploma is a veterinary diploma recognised for the time being by the Council of the said Royal College as furnishing a sufficient guaranty of the possession of the requisite knowledge and skill for the efficient practice of veterinary surgery, and as entitling the holder thereof to practise veterinary surgery in the British Possession or foreign country wherein the diploma was granted.

(4.) If a person is refused registration as a colonial practitioner, or as a foreign practitioner, the Council of the said Royal College shall, if required by that person, state in writing the reason for that refusal, and if that reason be that the veterinary diploma held or obtained by him is not a recognised veterinary diploma, that person may appeal to the Privy Council, and the Privy Council, after communication with the Council of the said Royal College and the appellant, may either dismiss the appeal or order that Council to recognise that veterinary diploma.

Confirmation of charters.

14. The said charters of the Royal College of Veterinary Surgeons are hereby confirmed, and are declared to be and shall be in full force and virtue, except as far as the same are by this Act altered, or as the same are inconsistent with this Act, but not so as to prevent the making of any amendment thereof or addition thereto by any supplemental Royal Charter not being inconsistent with this Act.

Title of existing veterinary practitioners to be registered in College.

15.—(1.) Where at the passing of this Act any person practises and has continuously for not less than five years next before the passing of this Act practised veterinary surgery in the United Kingdom, but is not on the register of veterinary surgeons, he shall be entitled, subject to the provisions of this Act, to be placed on a separate register under the heading of "Existing Practitioners," without examination, on such terms as to payment of fees, and as to other matters, as the Council of the said Royal College, with the approval of the Privy Council, direct.

(2.) On any person applying for registration under this section within one year after the passing of this Act, and thereupon, or within a reasonable time thereafter, producing to the Council of the said Royal College evidence of his title to registration by statutory declarations of himself and of other persons able to testify on his behalf, or such other evidence as that Council reasonably require, he shall be registered under direction of that Council accordingly.

(3.) If a person is refused registration under this section the Council of the said Royal College shall, if required by him, state in writing the reason for that refusal, and he may appeal to the Privy Council; and the Privy Council, after communication with the Council of the said Royal College and the appellant, may either dismiss the appeal or order that Council to register the appellant under this section.

(4.) No person registered under this section shall be deemed to be a member of the said Royal College within the said Charters or this Act.

Penalty on false representation as to membership of college.

16. If after the passing of this Act any person not being a fellow or a member of the Royal College of Veterinary Surgeons takes or uses any name, title, addition, or description, by means of initials or letters placed after his name, or otherwise, stating or implying that he is a fellow or a member of the Royal College of Veterinary Surgeons, he shall be liable to a fine not exceeding twenty pounds.

Penalty on misrepresentation after 1883 as to qualification to practice and incapacity to recover fee, &c.

17.—(1.) If after the thirty-first day of December one thousand eight hundred and eighty-three any person, other than a person who for the time being is on the register of veterinary surgeons, or who at the time of the passing of this Act held the veterinary certificate of the Highland and Agricultural Society of Scotland, takes or uses the title of veterinary surgeon or veterinary practitioner, or any name, title, addition, or description stating that he is a veterinary surgeon or a practitioner of veterinary surgery or of any branch thereof, or is specially qualified to practise the same, he shall be liable to a fine not exceeding twenty pounds.

(2.) From and after the same day a person other than as in this section mentioned shall not be entitled to recover in any court any fee or charge for performing any veterinary operation, or for giving any veterinary attendance or advice, or for acting in any manner as a veterinary surgeon or veterinary practitioner, or for practising in any case veterinary surgery, or any branch thereof.

Exercise of powers of Privy Council.

18.—(1.) All powers vested in the Privy Council by this Act may be exercised by an Order of Council made by two or more of the Lords and others of Her Majesty's Most Honourable Privy Council.

(2.) An Order made by the Privy Council under this Act may be made conditionally or unconditionally, and may contain such terms and directions as to the Privy Council seem just.

(3.) The Council of the said Royal College shall forthwith obey any Order of the Privy Council under this Act, and observe and fulfil all conditions, terms, and directions therein contained.

Summary proceedings for fines and imprisonment. 11 & 12 Vict. c. 43. 42 & 43 Vict. c. 49. 27 & 28 Vict. c. 53. 14 & 15 Vict. c. 93.

19. Fines and imprisonment under this Act may be recovered and imposed summarily; that is to say—

in England in manner provided by the Summary Jurisdiction Act, 1848, and the Summary Jurisdiction Act, 1879, and any Act amending either of those Acts;

in Scotland before the sheriff or sheriff-substitute or two justices in manner provided by the Summary Procedure Act, 1864, and any Act amending the same;

in Ireland within the police district of Dublin metropolis in manner directed by the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere in Ireland before two or more justices of the peace in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

A prosecution under this Act may be instituted by the Council of the Royal College of Veterinary Surgeons, but shall not be instituted by a private person without the written consent of the said Council.

Saving rights of the Royal Veterinary College.

20. Nothing in this Act shall affect the charter and supplemental charter granted by Her Majesty to the Royal Veterinary College in the years 1875 and 1877 respectively, or any of the property, rights, powers, and privileges of that College thereunder.

CHAPTER 63.

An Act for providing a Superannuation Allowance for the Auditor of the Accounts of the Secretary of State for India in Council and his Assistants.

[27th August 1881.]

WHEREAS by section fifty-two of an Act of the session held in the twenty-first and twenty-second years of Her Majesty, chapter one hundred and six, "for the better Government of India," (herein-after referred to as the Act of 1858,) provision is made for the appointment, and for the payment out of the revenues of India, of an auditor of the accounts of the Secretary of State for India in Council and his assistants:

And whereas by section eighteen of the same Act provision is made for granting superannuation allowances to secretaries, officers, and servants on the establishment of the Secretary of State for India in Council, but the auditor and his assistants are not persons on that establishment, and no provision is made by the Act of 1858 or any other Act for granting superannuation allowances to them, and it is expedient that the law be in this respect amended:

And whereas the existing auditor was appointed to his present office on his resigning a situation in the permanent Civil Service