Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.



Number 22 *of* 2005

VETERINARY PRACTICE ACT 2005

REVISED

Updated to 1 January 2026

This Revised Act is an administrative consolidation of the *Veterinary Practice Act 2005*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *National Training Fund (Amendment) Act 2025* (21/2025), enacted 23 December 2025, and all statutory instruments up to and including the *European Union (Restrictive Measures concerning Iraq) Regulations 2026* (S.I. No. 1 of 2026), made 6 January 2026, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to
revisedacts@lawreform.ie.

Number 22 *of* 2005

VETERINARY PRACTICE ACT 2005

REVISED

Updated to 1 January 2026

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Veterinary Surgeons Act 1931	1931, No. 36
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Number 22 *of* 2005

VETERINARY PRACTICE ACT 2005

REVISED

Updated to 1 January 2026

AN ACT TO ESTABLISH A BODY KNOWN AS COMHAIRLE TRÉIDLIANNA NA hÉIREANN OR, IN THE ENGLISH LANGUAGE, THE VETERINARY COUNCIL OF IRELAND TO REGULATE AND MANAGE THE VETERINARY PROFESSIONS AND TO PROVIDE FOR ITS OTHER FUNCTIONS, TO PROVIDE FOR ESTABLISHMENT OF A BODY KNOWN AS BORD ALTRAÍ TRÉIDLIACHTA NA hÉIREANN OR, IN THE ENGLISH LANGUAGE, THE VETERINARY NURSES BOARD OF IRELAND, TO DISSOLVE THE VETERINARY COUNCIL ESTABLISHED UNDER THE VETERINARY SURGEONS ACT 1931, TO REPEAL THE VETERINARY SURGEONS ACTS 1931 TO 1960 AND CERTAIN OTHER ENACTMENTS AND TO PROVIDE FOR RELATED MATTERS.

[12*th July*, 2005]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Application of Act potentially restricted (6.03.2014) by *Animal Health and Welfare Act 2013* (15/2013), s. 16(5), S.I. No. 106 of 2014.

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16.— ...

(5) Nothing in the Veterinary Practice Act 2005 renders lawful anything done in contravention of animal health and welfare regulations.

Editorial Notes:

E1 The Veterinary Council of Ireland is not a reviewable agency in relation to certain functions as provided by *Ombudsman Act 1980* (26/1980), s. 4 and schedule part II para. (t) as substituted (30.04.2013) by *Ombudsman (Amendment) Act 2012* (38/2012), s. 16 and sch. part 1, commenced 6 months after enactment as per s. 1(3).

PART 1

PRELIMINARY AND GENERAL

Short title.

1.—This Act may be cited as the Veterinary Practice Act 2005.

Interpretation.

2.—(1) In this Act, except where the context otherwise requires—

"animal" means an animal of the kingdom animalia other than a human being;

"animal remedy" has the meaning given to it by section 1 of the Animal Remedies Act 1993;

"appointed day" has the meaning given to it by *section 98(1)*;

"approved" in relation to a programme of education or further education has the meaning given to it by *section 61*;

"authorised officer" means an officer appointed under *section 124*;

"Board" means the board that may be established under *section 98*;

"certificate of registration" has the meaning given to it by *section 35*;

"committee" means a committee established by this Act;

"Council" means the Veterinary Council of Ireland established under *section 11*;

"Education Committee" means the committee referred to in *section 62(1)*;

"establishment day" means the day appointed by the Minister under *section 3*;

"emergency", in relation to treatment of an animal, means treatment where the animal is suffering from a condition that requires immediate action or where the failure to act would result in unnecessary suffering to the animal and includes, in appropriate circumstances, the putting down of the animal;

"Fitness to Practise Committee" means the committee referred to in *section 71*;

"former Council" has the meaning given to it by *section 5*;

"former Register" has the meaning given to it by *section 36(1)*;

"functions" includes powers and duties, and references to the performance of functions include, as respects powers and duties, references to the exercise of the powers and the carrying out of the duties;

F1**[**"limited registration" in relation to—

(*a*) a veterinary practitioner, means registration under *section 44*, and

(*b*) a veterinary nurse, means registration under *section 96B*;**]**

"local authority" has the same meaning as it has in the Local Government Act 2001;

F2**[**"Minister" means Minister for Agriculture, Food and the Marine;**]**

"practice of veterinary medicine" has the meaning given to it by *section 53*;

"Preliminary Investigation Committee" means the committee referred to in *section 70*;

"prescribed" means prescribed by regulations made by the Minister or the Council, as the case may be;

"printed and published", in relation to a document made available to the public, means making it available to the public at such reasonable price (if any) as the Council may determine and includes publication of it by electronic means including by means of the internet;

"professional misconduct" has the meaning given to it by *section 76(10)*;

"programme of education" has the meaning given to it by *section 61*;

"programme of further education" has the meaning given to it by *section 61*;

"Register" means the register referred to in *section 34*;

"Register of Veterinary Nurses" means the register referred to in *section 93*;

"registered person" means—

(*a*) except in *Part 7*, a person registered under *Part 4* or *8*, and

(*b*) in *Part 7*, a person registered within the meaning given to it in *section 69*;

"Registrar" means the person appointed under *section 23*;

"veterinary nurse" means a person registered under *Part 8*;

"veterinary practitioner" means a person registered under *Part 4*;

"veterinary premises" has the meaning given to it by *section 105*.

(2) In this Act, except where the context otherwise requires, a reference to service of documents or to notifying in writing, however expressed in either case, shall be construed in accordance with *section 134*.

(3) In this Act—

(*a*) a reference to a section or Schedule is a reference to a section of, or a Schedule to, this Act unless it is indicated that reference to some other enactment is intended, and

(*b*) a reference to a subsection, paragraph or subparagraph, is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

(4) In this Act, a reference to any other enactment is to be construed as a reference to that enactment as amended, extended or adapted by or under any subsequent enactment.

Annotations

Amendments:

F1 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(a)(ii), commenced on enactment.

F2 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(a)(i), commenced on enactment.

Establishment day.

3.—The Minister shall by order appoint a day to be the establishment day of the Council.

Annotations

Editorial Notes:

E2 Power pursuant to section exercised (1.01.2006) by *Veterinary Practice Act 2005 (Establishment Day) Order 2005* (S.I. No. 598 of 2005).

Repeals.

4.—(1) Subject to *subsection (2)*—

(*a*) each Act specified in the *first* and *second columns* of *Part 1* of *Schedule 1* is repealed to the extent specified in the *third column* of that Part opposite the references in the *first* and *second columns*,

(*b*) each statutory instrument specified in the *first* and *second columns* of *Part 2* of *Schedule 1* is revoked to the extent specified in the *third column* of that Part opposite the references in the *first* and *second columns*.

(2) Notwithstanding *subsection (1)(b)*—

(*a*) the Veterinary Surgeons (Annual Fees) Order 1997 (S.I. No. 131 of 1997) shall continue in force and may be amended or revoked as if made under *section 33*,

(*b*) the Veterinary Surgeons (Qualifying Degrees) Order 1954 (S.I. No. 85 of 1954) shall continue in force and may be amended or revoked as if made under *section 65*,

(*c*) the Agreement between the Government of Ireland and the Government of the United Kingdom with respect to Veterinary Surgeons referred to in Article 3 of the Veterinary Surgeons Order 1988 (S.I. No. 66 of 1988) and, in so far as they relate to that Agreement Articles 2 and 3 of that Order, shall continue in force.

Annotations

Editorial Notes:

E3 *Veterinary Surgeons (Annual Fees) Order 1997* (S.I. No. 131 of 1997) was revoked (1.07.2022) by *Veterinary Council of Ireland (Fees) Regulations 2022* (S.I. No. 279 of 2022), reg. 6, in operation as per reg. 2.

E4 *Veterinary Surgeons (Qualifying Degrees) Order 1954* (S.I. No. 85 of 1954) was revoked (1.07.2022) by *Veterinary Council of Ireland (Prescription of Educational Qualifications) Regulations 2022* (S.I. No. 280 of 2022), reg. 6, in operation as per reg. 2.

PART 2

FORMER COUNCIL

Interpretation (*Part 2*).

5.—In this Part "former Council" means the Veterinary Council established under the Veterinary Surgeons Act 1931 and, for the purposes of *section 9*, includes any trustee or agent of the former Council acting on its behalf.

Dissolution of former Council.

6.—The former Council is dissolved with effect from the establishment day.

References to former Council.

7.—References to the former Council contained immediately before the establishment day in any enactment other than this Act shall, in so far as they relate to anything transferred to the Council by this Act, be construed on and after the establishment day as references to the Council.

Staff of Council.

8.—The Council shall accept into its employment on the establishment day, in accordance with the terms of this Act, such persons who immediately before that day were members of the staff of the former Council, on terms and conditions not less favourable than those applicable to such persons immediately before the establishment day.

Rights and liabilities of former Council.

9.—(1) With effect from the establishment day the following are transferred to the Council—

(*a*) all rights and property (and rights relating to such property) held or enjoyed immediately before that day by the former Council,

(*b*) all liabilities incurred before that day by the former Council which had not been discharged before that day,

and, accordingly, without any further conveyance, transfer or assignment—

(i) the said property, real and personal, shall, on that day, vest in the Council for all the estate, term or interest for which, immediately before that day, it was vested in the former Council, but subject to all trusts and equities affecting the property and capable of being performed,

(ii) those rights shall, as and from that day, be enjoyed by the Council, and

(iii) those liabilities shall, as and from that day, be liabilities of the Council.

(2) Upon the request of the Council, all moneys, stocks, shares and securities transferred to the Council by this section that, immediately before the establishment day, are standing in the name of the former Council shall be transferred into the name of the Council.

(3) On or after the establishment day, every right and liability transferred to the Council by this section may be sued on, recovered or enforced by or against the Council in its own name and it shall not be necessary for the Council to give notice of the transfer to the person whose right or liability is transferred by this section.

(4) The Council may dispose of any part of any land or any interest in it transferred to or vested in the Council by virtue of this section.

(5) Every contract or agreement made between the former Council and any other person, which is in force immediately before the establishment day, shall continue in force on and after that day and shall be construed and have effect as if the Council were substituted in it for the former Council and shall be enforceable against the Council.

(6) Where immediately before the establishment day, any legal proceedings are pending in any court or tribunal and the former Council is a party to the proceedings, the name of the Council shall be substituted for that of the former Council and the proceedings shall not abate by reason of such substitution.

Final accounts of former Council.

10.—(1) As soon as practicable after the establishment day, the Council shall cause to be prepared all proper and usual accounts of all moneys received or expended by the former

Council in the accounting year, or part of the accounting year of the former Council ending immediately before the establishment day.

(2) Accounts prepared pursuant to this section shall be submitted as soon as practicable by the Council to an auditor for audit.

(3) Immediately after the audit referred to in *subsection (2)* a copy of the auditor's report on the accounts shall be presented to the Minister who shall cause copies of it to be laid before each House of the Oireachtas.

PART 3

VETERINARY COUNCIL OF IRELAND

Establishment of Veterinary Council of Ireland.

11.—(1) On the establishment day there shall stand established a body to be known as Comhairle Tréidlianna na hÉireann or, in the English language, the Veterinary Council of Ireland, and in this Act referred to as the "Council", to perform the functions conferred on it by or under this Act.

(2) The Council is a body corporate with perpetual succession and has power to sue and it may be sued in its corporate name and may acquire, hold and transfer property or an interest in property, both real and personal.

Procedure of Council.

12.—(1) Subject to the provisions of this Act the Council shall regulate, by standing orders or otherwise, the procedure and business of the Council.

(2) *Schedule 2* applies to the Council.

Functions of Council.

13.—(1) Subject to the provisions of this Act, the principal function of the Council is to regulate the practice of veterinary medicine in the State and, unless the Board is established, the practice of veterinary nursing in the State.

(2) Without prejudice to the generality of *subsection (1)*, the Council shall have the following functions:

(*a*) to establish and maintain the Register and the Register of Veterinary Nurses;

(*b*) to establish procedures and criteria for registration including the issue of certificates of registration and renewal of registration;

(*c*) to establish, publish, maintain and review codes of professional conduct for persons registered under *Part 4* or *8*;

(*d*) to specify and keep under review standards and approve programmes of education and further education necessary for the purposes of registration and continued registration under *Part 4* or *8*;

(*e*) to conduct inquiries into and, where appropriate, impose sanctions in relation to the fitness to practise of a person registered under *Part 4* or *8*;

(*f*) to advise the Minister in relation to any matter relating to the functions of the Council that the Council considers appropriate or is specified by the Minister;

(*g*) to promote the practice of veterinary medicine;

(*h*) to make pronouncements, as it sees fit, in relation to issues that affect the veterinary profession;

(*i*) to facilitate the exchange of information between those engaged in the practice of veterinary medicine or veterinary nursing and those who avail of veterinary services;

(*j*) where appropriate, to act as the competent authority for the purposes of—

(i) mutual recognition of veterinary qualifications obtained in or recognised by Member States,

(ii) all matters referred to in the Directives referred to in *section 43*;

(*k*) to borrow money in accordance with *section 31*;

(*l*) to specify and keep under review standards of veterinary premises;

(*m*) to enter into agreements in relation to the following matters with bodies in other states that are duly authorised to exercise functions in those states that correspond to the functions of the Council:

(i) recognition by the Council, for the purposes of registration under *Part 4* or *8*, of diplomas, degrees and other evidence of formal qualifications to practise veterinary medicine awarded in those states;

(ii) recognition by such bodies, for the purposes of authorisation of the practice of veterinary medicine in those states, of diplomas, degrees or other evidence of formal qualifications to practise veterinary medicine awarded in the State;

and

(*n*) to carry out investigations under *Part 10*.

(3) The Council may make and carry out arrangements with any person for the purpose of assisting the Council or any of its committees in the proper discharge of functions.

(4) The Council has all such powers as are necessary for or incidental to the performance of its functions under this Act.

Conferral of additional functions on Council.

14.—(1) The Minister may by order—

(*a*) confer on the Council such additional functions connected with the functions of the Council for the time being, as the Minister considers appropriate,

(*b*) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral of additional functions on the Council.

(2) The Minister may by order amend or revoke an order under this section, including an order under this subsection.

(3) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which the House has sat after that order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done under it.

(4) Nothing in this section shall be construed as restricting the power of any Minister of the Government to make regulations under section 3 of the European Communities Act 1972.

Ministerial directions to Council.

15.—The Minister may give general policy directions to the Council in writing in relation to the performance by the Council of its functions and the Council shall comply with any such directions.

Appointment of members of Council.

16.—(1) The members of the Council shall be appointed by the Minister and shall consist of the following:

(*a*) one person who is registered or is eligible to be registered under *Part 4*;

(*b*) two persons who are not eligible to be so registered, but one at least of whom avails of veterinary services in the course of a business, trade or profession;

(*c*) one person who is not eligible to be so registered, but who performs functions relating to animal welfare;

(*d*) one person who is nominated for appointment as a member of the Council by the Minister for Education and Science and is engaged in the provision of higher education;

(*e*) 2 persons who are nominated for such appointment by a relevant body or bodies specified by the Minister by order under *subsection (2)* or, where no body is specified, are nominated for appointment by the National University of Ireland, of whom—

(i) one is registered or is eligible to be registered under *Part 4* or *8*,

(ii) one is not eligible to be so registered;

(*f*) one person who is nominated for such appointment by the Food Safety Authority of Ireland;

F3**[**(*g*) one person who is nominated for such appointment by the National Consumer Agency;**]**

(*h*) 9 persons who are registered under *Part 4*, who are chosen for such appointment in accordance with *section 18*;

(*i*) one person who is registered under *Part 8*, who is chosen for such appointment in accordance with *section 18*.

(2) (*a*) Where the Minister considers it appropriate in the circumstances, the Minister may by order specify one or more than one relevant body for the purposes of *subsection (1)(e)*.

(*b*) Where more than 2 relevant bodies are specified by order, they shall jointly nominate 2 persons for appointment.

(*c*) An order under this section shall not affect the Council members standing appointed pursuant to *subsection (1)(e)* or a previous order under this section.

(*d*) An order under this section may be amended or revoked by the Minister by order.

(3) In this section "relevant body" means a body that provides programmes of education or programmes of further education or grants degrees or other academic awards in relation to

such programmes and includes the National University of Ireland but does not include the Council or the Board.

Annotations

Amendments:

F3 Substituted (1.05.2007) by *Consumer Protection Act 2007* (19/2007), s. 40 and sch. 3 part 1, S.I. No. 178 of 2007.

Modifications (not altering text):

C2 Certain functions transferred and references to "Minister for Education" construed (1.06.2023) by *Further and Higher Education, Research, Innovation and Science (Transfer of Departmental Administration and Ministerial Functions) Order 2023* (S.I. No. 291 of 2023), arts. 3(1)(a), 3(2) and sch., in operation as per art. 1(2), subject to transitional arrangements in arts. 4-7.

3. (1) The functions vested in the Minister for Education –

(*a*) by or under the provisions of an Act specified in column (1) of the Schedule, to the extent specified in column (2) of the Schedule opposite the mention of the Act so specified, and

...

are transferred to the Minister for Further and Higher Education, Research, Innovation and Science.

(2) References to the Minister for Education contained in any Act or instrument made under such Act and relating to any functions transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Minister for Further and Higher Education, Research,Innovation and Science.

...

Schedule

Short Title of Act and Number	Provision
(1) ...	(2) ...
Veterinary Practice Act 2005 (No. 22 of 2005);	Section 16(1)(d)
...	...

C3 Reference to National Consumer Agency construed as Competition and Consumer Protection Commission (31.10.2014) by *Competition and Consumer Protection Act 2014* (39/2014), s. 39(2), in operation as per subs. (4) and S.I. No. 367 of 2014.

Transfer of functions to Commission

39. (1) All functions that, immediately before the establishment day, were vested in the dissolved bodies are transferred to the Commission.

(2) References in any Act of the Oireachtas passed before the establishment day or in any instrument made before that day under an Act of the Oireachtas to—

(a) the National Consumer Agency, or

(b) the Competition Authority,

shall, on and after that day, be construed as references to the Commission.

Nomination and appointment of certain members of Council.

17.—(1) The first members of the Council to be nominated to the Council under *paragraphs (d), (e), (f)* and *(g)* of *section 16(1)* shall be nominated before the establishment day.

(2) If a person or body referred to in *paragraph (d), (e), (f)* or *(g)* of *section 16(1)* as making the nomination referred to in the paragraph concerned does not furnish a nomination in writing to the Minister within 6 weeks of the receipt by such person or body of a request in writing from the Minister to so do, the Minister shall nominate a person to the Council whom the Minister considers would have been appropriate to have been so nominated.

(3) Subject to *subsection (4)* the Minister shall appoint with effect from the establishment day—

(*a*) 9 persons to be members of the Council whom he or she considers to be representative of the persons eligible to be chosen for appointment as members of the Council under *section 16(1)(h)*, and

(*b*) one person to be a member of the Council whom he or she considers representative of the persons who, in the Minister's opinion, would be eligible to apply for registration under *Part 8* if the Register of Veterinary Nurses stood established.

(4) (*a*) The appointments referred to in *subsection (3)(a)* shall cease on a day to be appointed under *section 18(4)*.

(*b*) The appointment referred to in *subsection (3)(b)* shall cease on a day to be appointed under *section 18(7)*.

Election.

18.—(1) (*a*) The Council shall make rules, not later than 3 months after the establishment day, for the purpose of the election of persons for appointment as members of the Council under *section 16(1)(h)*,

(*b*) The Council shall make rules, not later than 3 months after the establishment of the Register of Veterinary Nurses pursuant to *section 93*, for the purpose of the election of a person for appointment as a member of the Council under *section 16(1)(i)*.

(2) (*a*) (i) Elections referred to in *subsection (1)(a)* shall be held on a ballot and in a manner provided for by the rules.

(ii) Elections referred to in *subsection (1)(b)* shall be held on a ballot and in a manner provided for by the rules.

(*b*) Rules made under *paragraph (a)* or *(b)* of *subsection (1)* may provide for such incidental, supplementary and consequential provisions as the Council considers necessary or expedient.

(*c*) Without prejudice to the generality of *paragraphs (a)* and *(b)* of *subsection (1)* or *paragraph (b)*, rules may make provision in relation to—

(i) returning officers,

(ii) ballot papers,

(iii) date of election,

(iv) any other matter that, in the opinion of the Council, is required for the purposes of the election of members.

(3) As soon as practicable, but in any event not more than 3 months after the making of the rules referred to in *subsection (1)(a)*, the Council shall hold elections for the purpose of electing persons for appointment by the Minister as members of the Council pursuant to *section 16(1)(h)*.

(4) As soon as practicable, the Minister shall appoint a day that is not more than 21 days after the completion of the elections referred to in *subsection (3)* as the day on which those members of the Council appointed by him or her under *section 17(3)(a)* shall cease to be members of the Council.

(5) With effect from the day referred to in *subsection (4)*, the Minister shall appoint as members of the Council those persons elected under *subsection (3)*.

(6) As soon as practicable, but in any event not more than 3 months after the making of rules referred to in *subsection (1)(b)*, the Council shall hold elections for the purpose of electing a person for appointment by the Minister as a member to the Council pursuant to *section 16(1)(i)*.

(7) As soon as practicable, the Minister shall appoint a day that is not more than 21 days after the completion of the elections referred to in *subsection (6)* as the day on which the member of the Council appointed by him or her under *section 17(3)(b)* shall cease to be a member of the Council.

(8) With effect from the day referred to in *subsection (7)*, the Minister shall appoint as a member of the Council the person elected under *subsection (6)*.

Term of office of members of Council.

19.—(1) Subject to *paragraph 15* of *Schedule 2* and *subsection (3)*, the Minister shall specify when appointing a person to be a member of the Council, that his or her term of office as such a member shall be for 4 years.

(2) Subject to *subsection (3)* the term of office of the first members of the Council shall commence on the establishment day.

(3) (*a*) (i) The 5 members of the Council appointed under *section 18(5)*, who received the highest number of votes to be chosen for the appointment, shall hold office for the term beginning on the date of their appointment and expiring on the date that is 4 years from the establishment day.

(ii) The 4 members of the Council appointed under *section 18(5)* who received the lowest number of votes to be chosen for the appointment, shall hold office for a term that is 2 years less than the term referred to at *subparagraph (i)*.

(iii) Where 2 or more persons referred to at *subparagraphs (i)* and *(ii)* receive an equal number of votes to be chosen for appointment, it shall, if necessary, be determined by lot which of those persons shall hold office for the term referred to in *subparagraph (i)* and which for the term referred to in *subparagraph (ii)*.

(*b*) The member of the Council appointed under *section 18(8)* shall hold office for the term beginning on the day that he or she is appointed and expiring on the date that is 4 years from the establishment day.

Establishment of committees.

20.—(1) Subject to *subsection (2)*, the Council may establish committees, other than the Preliminary Investigation Committee, the Fitness to Practise Committee and the Education Committee, to perform specified functions of the Council if it is of opinion that the functions may be performed more efficiently or conveniently by committees.

(2) A committee established under this section may include in its members persons who are not members of the Council.

(3) The chairperson of each committee established under this section shall be a member of the Council and shall be appointed by the Council as such chairperson.

(4) (*a*) The Council may at any time dissolve a committee established under this section.

(*b*) Where a committee is dissolved under this subsection, the Council, subject to this Act, shall make such arrangements as it considers appropriate in respect of the work of the committee and the exercise of its functions.

(5) Subject to this Act, the acts of a committee established under this section shall be subject to confirmation by the Council unless the Council dispenses with the necessity for confirmation.

(6) Subject to this Act, the Council may regulate the procedure of committees established under this section and, subject to being so regulated, committees established under this section may regulate their own procedure.

Expenses of Council and members of Council, etc.

21.—(1) The expenses incurred by the Council shall be defrayed out of funds at its disposal.

(2) A member of the Council or of a committee established under this Act shall be paid, out of funds at the disposal of the Council, such allowances for travelling and subsistence expenses incurred in respect of his or her attendance at a meeting of the Council or of a committee or otherwise in connection with the affairs of the Council, as the Council may determine.

Removal of members of Council from office.

22.—(1) (*a*) If the Council fails, neglects or refuses to perform any function assigned to it under this Act, the Minister may issue a direction in writing directing the Council to perform the function within a period of time specified in the direction, and for that purpose, to do matters that are ancillary or incidental to such performance as may be specified in the direction.

(*b*) The Minister may amend or revoke a direction made under this subsection.

(2) If the Council fails to comply with any direction under *subsection (1)*, the Minister may by order remove all of the members of the Council from office.

(3) An order under this section may contain any provisions that the Minister considers necessary or expedient to enable the functions of the Council to be performed despite the removal from office of its members, including the appointment of one or more than one person to perform all or any of the Council's functions.

(4) (*a*) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House of the Oireachtas within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled, but without prejudice to the validity of anything done under the order.

(*b*) In the case of an order made under *subsection (2)*, if a resolution annulling it is passed in accordance with *paragraph (a)* the members of the Council who had been removed from office by virtue of the order shall be deemed restored to office but without prejudice to the validity of anything previously done by any person or persons appointed to perform all or any of the functions of the Council under *subsection (3)*.

Registrar.

23.—(1) There shall be a chief executive officer of the Council who shall be known and is referred to in this Act as the Registrar.

(2) The Registrar shall be appointed and may be removed from office at any time for stated reasons by the Council.

(3) The Registrar shall carry on and manage and control generally the administration and business of the Council and perform such other functions as may be determined by the Council.

(4) The Registrar shall hold office for such term and upon and subject to such other terms and conditions (including terms and conditions relating to remuneration) as may be determined by the Council.

(5) The Council shall act through, and its functions shall be performed in the name of the Council by, the Registrar or another member of the staff of the Council duly authorised in that behalf by the Registrar.

(6) The Registrar may make proposals to the Council on any matter relating to its activities.

(7) The Registrar shall be employed on a full-time basis by the Council and shall not hold any other office or position without the consent of the Council.

(8) The Registrar shall not be a member of the Council or of a committee established under this Act.

(9) (*a*) Where—

(i) there is no person holding the office of Registrar, or

(ii) the Registrar cannot adequately perform his or her functions as a result of illness, or

(iii) the Registrar has been suspended,

the Council may appoint a person, who shall be known as the Acting Registrar, to perform the functions of the Registrar.

(*b*) An Acting Registrar shall be appointed to hold office for such period as the Council considers appropriate, but such appointment shall—

(i) where *paragraph (a)(i)* applies, be for the period until a Registrar is appointed or for a period not exceeding 12 months, whichever is the shorter period, and

(ii) where *subparagraph (ii)* or *(iii)* of *paragraph (a)* applies, be for the period until the incapacity or suspension ceases or for a period not exceeding 12 months, whichever is the shorter period.

(*c*) Where a person is Acting Registrar pursuant to *subparagraph (ii)* or *(iii)* of *paragraph (a)*, and—

(i) the Registrar dies, or

(ii) the Registrar otherwise ceases to hold office, other than by a decision of the Council,

then the Acting Registrar shall continue to hold office until the meeting of the Council which first occurs after the day the Registrar dies or so ceases to hold office.

(*d*) Subject to *paragraphs (b)* and *(c)*, the Acting Registrar shall hold office for such term and upon and subject to such other terms and conditions (including terms and conditions relating to remuneration) as may be determined by the Council.

(10) In this section "remuneration" includes allowances for expenses, benefits-in-kind and superannuation.

Staff of Council.

24.—(1) In addition to the Registrar, the Council shall appoint such and so many persons to be members of the staff of the Council as the Council may determine.

(2) A member of the staff of the Council shall hold his or her employment on such terms and conditions as the Council may determine.

(3) A member of the staff of the Council shall be paid, out of funds at the disposal of the Council, such remuneration and allowances as the Council may determine.

(4) A member of the staff of the Council shall perform such duties as the Council may determine.

Disclosure of information.

25.—(1) Save as otherwise provided by law, a person shall not, without the consent of the Council, disclose confidential information obtained by him or her while performing, or as a result of having performed, duties as a member of the Council, a member of staff of the Council (including the Registrar), a member of a committee or a consultant or adviser to the Council or a committee.

F4**[**(2) A person who contravenes *subsection (1)* is guilty of an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or to both.**]**

(3) Nothing in *subsection (1)* shall prohibit the disclosure of information by means of a report made—

(*a*) to the Council or a committee, or

(*b*) by or on behalf of the Council or a committee to the Minister.

(4) In this section "confidential information" includes information that is expressed by the Council or a committee, as the case may be, to be confidential either as regards particular information or as regards information of a particular class or description.

(5) The Third Schedule to the Freedom of Information Act 1997 is amended by the insertion in Part 1 at the end thereof—

(*a*) in column (2) of "*Veterinary Practice Act 2005*.", and

(*b*) in column (3), opposite the mention in column (2) of the *Veterinary Practice Act 2005* of "*section 25*".

Annotations

Amendments:

F4 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(b), commenced on enactment. A class A fine means a fine not greater than €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

Modifications (not altering text):

C4 Person holding record under section excluded from requirement to refuse an FOI request (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 41(1)(a) and sch. 3 part 1, commenced on enactment. This section is listed in sch. 3 part 1.

Enactments relating to non-disclosure of records.

41.—(1) A head shall refuse to grant an FOI request if—

(a) the disclosure of the record concerned is prohibited by law of the European Union or any enactment (other than a provision specified in column (3) of Part 1 or 2 of Schedule 3 of an enactment specified in that Schedule), or

...

SCHEDULE 3

ENACTMENTS EXCLUDED FROM APPLICATION OF *Section 41*

PART I

STATUTES

...		
No. 22 of 2005	Veterinary Practice Act 2005	Section 25.
...	...	...

Disclosure of interest by member of Council or committee.

26.—(1) Where at a meeting of the Council or a committee any of the following matters arise, namely—

(*a*) an arrangement or proposed arrangement to which the Council or any committee is or is expected to be a party, or

(*b*) a contract or other agreement or proposed contract or other agreement with the Council or any committee,

then, any member of the Council or committee present at the meeting who has an interest in the matter otherwise than in his or her capacity as a member of the Council or committee shall—

(i) at the meeting disclose to the Council or committee the fact of the interest and the nature of it,

(ii) neither influence nor seek to influence a decision to be made in relation to the matter,

(iii) absent himself or herself from the meeting or that part of the meeting during which the matter is discussed,

(iv) take no part in any deliberation of the Council or committee relating to the matter, and

(v) not vote on a decision relating to the matter.

(2) Where an interest is disclosed under this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure related

is being considered or discussed by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting.

(3) Where at a meeting of the Council or a committee a question arises as to whether or not a course of conduct, if pursued by a member of the Council, would constitute a failure by him or her to comply with the requirements of *subsection (1)*, the question may be determined by the Council or the committee as the case may be, whose decision shall be final, and where such a question is so determined, particulars of the determination shall be recorded in the minutes of the meeting.

(4) Where the Minister is satisfied that a member of the Council has contravened *subsection (1)*, the Minister may, if he or she thinks fit, remove that member from office.

(5) Removal from office under *subsection (4)*, disqualifies a person from membership of the Council.

(6) For the purposes of this section and *section 27* a person shall not be regarded as having an interest in any matter by reason only of an interest of that person, or of any company in which he or she has an interest, which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or voting on any question relating to the matter, or in performing any function in relation to it.

(7) Where the Council is of opinion that a disclosure made under *subsection (1)*, or *paragraph (a)* of *section 27(1)*, is of sufficient importance to merit it, it shall consider furnishing details of the said disclosure in the next report prepared under *section 30*, following the disclosure.

(8) A member of the Council shall absent himself or herself from consideration, for the purposes of *subsection (7)*, of a disclosure that was made by him or her.

Disclosure of interest by member of staff of Council.

27.—(1) Where a member of the staff of the Council has an interest, otherwise than in his or her capacity as such a member, in any, or in any proposed, contract, agreement or arrangement, to which the Council is or is proposed to be a party, that person shall—

(*a*) disclose his or her interest and the nature of it to the Council,

(*b*) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by members of the Council or of the staff of the Council in relation to it,

(*c*) not influence or seek to influence a decision to be made in the matter, and

(*d*) not make any recommendation in relation to the contract, agreement or arrangement.

(2) *Subsection (1)* does not apply to a person as regards a contract or proposed contract of employment of that person as a member of the staff of the Council.

F5**[**(3) A person who contravenes *subsection (1)* is guilty of an offence and is liable on summary conviction to a class A fine.**]**

(4) In this section "member of the staff" includes the Registrar.

Annotations

Amendments:

F5 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(c), commenced on enactment. A class A fine means a fine not greater than €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

Effect of membership of a House of the Oireachtas or European Parliament.

28.—(1) Where a member of the Council—

(*a*) is nominated as a member of Seanad Éireann,

(*b*) is elected as a member of either House of the Oireachtas or the European Parliament, or

(*c*) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy,

he or she shall thereupon cease to be a member of the Council.

(2) Where a person employed by the Council—

(*a*) is nominated as a member of Seanad Éireann,

(*b*) is elected as a member of either House of the Oireachtas or the European Parliament,

(*c*) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy,

he or she shall thereupon stand seconded from his or her employment by the Council and shall not be paid by, or be entitled to receive from, the Council remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is regarded as having been elected, as the case may be, and ending when he or she ceases to be a member of either such House or Parliament.

(3) A person who is, for the time being, entitled under the Standing Orders of either House of the Oireachtas to sit in that House or who is a member of the European Parliament shall, while he or she is so entitled or is such a member, be disqualified from becoming a member of the Council, or from being employed by the Council.

(4) The Council shall not employ or otherwise retain in any capacity a person who would otherwise be disqualified under this section from becoming a member of the Council, or a member of the staff of the Council save with the approval in writing of the Minister.

Accounts and audits.

29.—(1) The Registrar shall submit to the Council estimates of the income and of the expenditure of the Council in such form, in respect of such periods and at such times, as may be required by the Council and shall furnish to the Council any information which the Council may require in relation to such estimates, including information on proposals and plans relating to the performance by the Council of its functions in the future, generally or during a specified period.

(2) The Registrar, under the direction of the Council, shall cause to be kept, on a continuous basis and in a legible or a machine readable form or in both forms, all proper books and records of account of all income and expenditure of the Council, and of the sources of such income and

the subject matter of such expenditure, and of the property, assets and liabilities of the Council and shall keep and shall account to the Council for all such special accounts as the Council may from time to time direct to be kept.

(3) (*a*) Accounts kept in accordance with *subsection (2)* shall be audited at least once in each year by an auditor appointed for that purpose by the Council and the auditor's fees and the expenses generally of the audit shall be paid by the Council as soon as possible after the audit.

(*b*) As soon as possible in each year following the completion by the auditor of the report on the audit and the furnishing of the auditor's certificate to the Council, the Council shall cause them to be printed and published to the public at such reasonable price (if any) as it may determine.

(4) (*a*) The Council, the Registrar and any relevant member of the staff of the Council shall, whenever so requested by the Minister, permit any person appointed by the Minister to examine the books and records of account and the auditor's certificate and report on the audit in respect of any financial year of the Council or other period and shall facilitate the examination, and the Council shall pay the fee for it.

(*b*) In *paragraph (a)* "any relevant member of the staff of the Council" means any member of the staff of the Council to whom there has been assigned duties that relate to the books, or other records of account of the Council.

(5) The accounts of the Council for each financial year shall be prepared by the Registrar, in such form as may be specified by the Council and shall be approved by the Council as soon as practicable but not later than 3 months after the end of the financial year to which they relate.

Annual report and information.

30.—(1) Subject to *subsection (3)*, the Council shall prepare and publish, in such form and manner as it considers appropriate, a report of its activities and proceedings under this Act, which shall include information on the performance of its functions during the year to which it relates.

(2) A report under *subsection (1)* shall be prepared at least once in every 12 month period.

(3) The Council shall provide the Minister with a copy of the report.

(4) As soon as possible following provision of the report to the Minister under *subsection (3)* the Council shall cause it to be printed and published.

Borrowing by Council.

31.—The Council, for the purpose of providing for current or capital expenditure, may borrow money (whether on the security of the assets of the Council or otherwise), including money in a currency other than the currency of the State.

Gifts.

32.—(1) The Council may accept gifts of money, land or other property upon such trusts and conditions, if any, as may be specified by the donor.

(2) The Council shall not accept a gift if the trusts or conditions attached to it by the donor are inconsistent with or prejudice the objects or functions of the Council.

(3) Information as respects gifts accepted by the Council in any year shall be included in the report referred to in *section 30* as respects that year.

Fees.

33.—(1) The Council may prescribe the fees to be paid to it and when they fall due in relation to the performance by or on behalf of it of its functions, the provision by or on behalf of it of services (other than a service consisting of the provision of advice or a report, or complying with a direction of the Minister) and the carrying on by or on behalf of it of activities.

(2) Without prejudice to the generality of *subsection (1)*, the Council may prescribe fees in respect of all or any of the following:

(*a*) the registration of a person in any register or part of a register maintained by the Council;

(*b*) the retention of the name of a person and the period of time for which it shall be retained in any register or part of a register maintained by the Council;

(*c*) the restoration to any register maintained by the Council of the name of any person whose name has been erased or removed pursuant to the provisions of this Act;

(*d*) the removal of the name of any person from any register or part of a register maintained by the Council on the application of that person;

(*e*) the entry of additional qualifications of any person in any register maintained by the Council;

(*f*) the giving to any person of a certificate of registration;

(*g*) the grant, or renewal of a grant, of a certificate of suitability under *Part 9*;

(*h*) any other service that may, from time to time, be provided by or on behalf of the Council.

(3) Where a fee is payable in respect of any matter, the Council, Registrar or any other member of the staff of the Council may refuse to do any act, or permit any act to be done, or to receive any document in respect of which that fee is payable unless the fee is paid.

(4) Without prejudice to the generality of *subsection (3)*, if the fees prescribed under *subsection (2)(b)* have not been paid by a registered person not less than 3 months after the date on which they have been prescribed as falling due the Council may remove the name of the registered person from all or some of the Parts of the Register or the Register of Veterinary Nurses where he or she is registered as the Council considers appropriate.

Annotations

Editorial Notes:

E5 Power pursuant to section exercised (1.01.2026) by *Veterinary Council of Ireland (Fees) Regulations 2025* (S.I. No. 455 of 2025), in operation as per reg. 2.

E6 Previous affecting provision: power pursuant to section exercised (1.07.2022) by *Veterinary Council of Ireland (Fees) Regulations 2022* (S.I. No. 279 of 2022), in operation as per reg. 2; superseded (1.01.2026) as per E-note above.

PART 4

REGISTRATION

Establishment of Register of Veterinary Practitioners.

34.—(1) As soon as practicable after the establishment day, but not later than 6 months after that day, the Council shall establish a register to be known as the Register of Veterinary Practitioners, in this Act referred to as the "Register".

(2) The Council shall publish a notice in not less than 2 daily newspapers circulating in the State, of the establishment of the Register and the date of such establishment.

(3) The Council shall maintain the Register.

(4) The Register shall contain the following parts:

(*a*) a part consisting of the names and particulars of persons registered under *sections 40* to F6**[***subsections (2), (4)* and *(6)* of *section 43***]**, and *section 44*;

(*b*) a part consisting of names and particulars of persons registered for the purpose of provision of services under

(*c*) a part consisting of the names and particulars of persons registered with limited registration under *section 45*;

(*d*) a part consisting of the names and particulars of persons registered as veterinary specialists in specialties standing prescribed under *section 46*.

(5) A person shall be registered by entering in the appropriate part of the Register—

(*a*) his or her full name and address,

(*b*) where appropriate, the educational qualifications of the person,

(*c*) in case the registration is under F6**[***section 43(9),* or where appropriate under *section 44***]**, the date on which the registration is to expire,

(*d*) in case the registration is under *section 45*, the date on which the registration is to expire and any condition attached to it,

(*e*) where appropriate, confirmation of compliance with conditions prescribed under *section 52* that apply,

(*f*) such other particulars (if any) as may be prescribed.

Annotations

Amendments:

F6 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(d), (e), commenced on enactment.

General matters relating to registration.

35.—As soon as possible after the Council has registered a person's name, it shall send a certificate, in this Act referred to as a "certificate of registration", to that person, stating that the person is registered and specifying the part of the Register in which he or she is registered and any conditions attaching to the registration.

Transitional provisions relating to Register.

36.—(1) In this Act "former Register" means the Register of Veterinary Surgeons for Ireland prepared and established under section 24(1) of the Veterinary Surgeons Act 1931.

(2) The former Register shall continue in force, notwithstanding the repeal of section 24 of the Veterinary Surgeons Act 1931, until the establishment of the Register under *section 34(1)*.

Publication of Register.

37.—(1) Subject to *subsections (3)* and *(4)*, the Council shall cause to be printed and published an extract from the Register maintained by it, at intervals of not more than 12 months.

(2) The Register shall be kept at the offices of the Council and, subject to the payment of such fees as may be fixed under *section 33*—

(*a*) it shall be made available for inspection by any person, in whole or in part, at such times and such manner as may be prescribed by the Council, and

(*b*) where a request is made by any person to the Registrar for a certified or uncertified copy of or extract from, an entry in the Register, the Registrar shall provide a copy of the entry or extract to such person.

(3) Where the Council prints and publishes the Register by electronic means, it shall do so in relation to the current version of it where practicable.

(4) For the purposes of *subsection (1)*—

"extract from the Register" in relation to the particulars of each person registered on the Register, includes—

(*a*) his or her name,

(*b*) the date on which he or she was registered,

(*c*) the qualifications pursuant to which he or she was registered,

(*d*) the identification number issued to that person by the Council for the purposes of his or her registration, and

(*e*) any condition attached by the Council under *subparagraph (ii)* or *(iii)* of *section 80(1)(c)*.

Evidence of Register.

38.—(1) Evidence of the Register or any part of it may be given in any proceedings by the production of a copy of the Register or that part of it bearing a certificate signed by the Registrar or a person authorised by him or her in that behalf stating that the copy is a true copy of the Register or part of it.

(2) A certificate purporting to be a certificate under *subsection (1)* shall be taken to be such a certificate and to have been duly signed by the person purporting to have signed it (and, in the case of such a certificate purporting to have been signed, in accordance with the authorisation), unless the contrary is shown.

Granting of titles.

39.—Where the Council is of opinion that any branch of practice of veterinary medicine (including a specialty standing prescribed by the Council under *section 46*) has become so distinctive that it would be for the convenience of the public or of the veterinary profession that veterinary practitioners who are qualified to practise in that branch of veterinary medicine should use a distinctive title, the Council may, by regulations, provide for appropriate titles to be given to and used by such practitioners and the conditions under which such titles may be used.

Persons registered in former Register.

40.—The Council shall register as a veterinary practitioner a person whose name is entered in the former Register on the date that the Register is established.

Persons entitled to be registered in former Register.

41.—The Council shall register as a veterinary practitioner a person who, at a time during the 6 months before the day on which the Register is established, satisfied the former Council or the Council, as appropriate, that he or she is entitled to be registered on the former Register, but who was not so registered.

Persons trained in the State.

42.—(1) The Council, on application to it in that behalf in writing by a person to whom *subsection (2)* applies, in accordance with regulations under *section 52(1)*, and, on payment to it of the fee prescribed under *section 33*, shall register the person as a veterinary practitioner.

(2) This subsection applies to a person who—

(*a*) has undergone programmes of training and education, and acquired educational qualifications prescribed under *section 65*,

(*b*) is of good character and repute and is not an undischarged bankrupt,

(*c*) has not been convicted by a court in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary medicine, and

(*d*) is not prohibited from practising or suspended from the practice of, veterinary medicine either under *Part 7* or provisions corresponding to those contained in that Part in force in another state, by reason of a conviction for an offence, or serious misconduct in connection with the carrying out of professional duties as a veterinary practitioner.

(3) If the Council decides that a person who applies to it for registration under this section should not be so registered, it shall notify the person in writing as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(4) A person who receives a notification under *subsection (3)* may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(5) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for registration concerned,

(*b*) an order remitting the application for registration with or without directions to the Council, for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

F7[Mutual recognition — veterinary practitioners.

43.— (1) The Council, when exercising its functions under *section 13(2)(d)* and *Part 6*, shall satisfy itself that Articles 21(6) and 38 of the Mutual Recognition Directive have been complied with by a provider of a programme of education in the State.

(2) The Council on application to it in that behalf in writing by a person to whom *subsection (3)* applies, in accordance with regulations under *section 52(1)*, and on payment to it of the fee prescribed under *section 33*, shall register the person as a veterinary practitioner.

(3) This subsection applies to a person who shows to the satisfaction of the Council that he or she—

(*a*) holds a diploma, certificate or other evidence of formal qualification in veterinary medicine—

(i) awarded in accordance with Article 21(1) of the Mutual Recognition Directive, or

(ii) referred to in Article 23(1), (2), (3), (4), (5) or (6) or Article 39 of the Mutual Recognition Directive where the certification required by those Articles has been given by the competent authority of the home relevant State,

(*b*) is a citizen of the State or a relevant State,

(*c*) is of good character and repute and is not an undischarged bankrupt,

(*d*) has not been convicted by a court, in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary medicine, and

(*e*) is not prohibited from practising, or suspended from the practice of, veterinary medicine either under *Part 7* or provisions corresponding to those contained in that Part that apply in another state, by reason of—

(i) a conviction for an offence, or

(ii) serious misconduct,

in connection with the carrying out of professional duties as a veterinary practitioner.

(4) The Council, on application to it in that behalf in writing by a person to whom *subsection (5)* applies, in accordance with regulations under *section 52(1)*, and on payment to it of the fee prescribed under *section 33*, shall register the person as a veterinary practitioner.

(5) This subsection applies to a person who shows to the satisfaction of the Council that he or she—

(*a*) holds a diploma, or certificate, or as regards whom there is evidence of formal qualification as, a veterinary practitioner granted by the competent authority of a third country where the diploma, certificate or other evidence had been recognised by a relevant State for the purpose of the practice of veterinary medicine in that State,

(*b*) has a minimum of 3 years professional experience as a veterinary practitioner in the relevant State referred to in *paragraph (a)*,

(*c*) is a citizen of the State or a relevant State,

(*d*) is of good character and repute and is not an undischarged bankrupt,

(*e*) has not been convicted by a court, in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary medicine, and

(*f*) is not prohibited from practising, or suspended from the practice of, veterinary medicine, either under *Part 7* or provisions corresponding to those contained in that Part that apply in another state, by reason of—

(i) a conviction for an offence, or

(ii) serious misconduct,

in connection with the carrying out of professional duties as a veterinary practitioner.

(6) The Council, on application to it in that behalf in writing by a person to whom *subsection (7)* applies, in accordance with regulations made under *section 52(1)* and on payment of the fee prescribed under *section 33*, shall register the person as a veterinary practitioner.

(7) This subsection applies to a veterinary practitioner who comes within the scope of Article 10 of the Mutual Recognition Directive and who shows to the satisfaction of the Council that he or she—

(*a*) has complied with Article 13 of the Mutual Recognition Directive,

(*b*) is a citizen of the State or a relevant State,

(*c*) is of good character and repute and is not an undischarged bankrupt,

(*d*) has not been convicted by a court, in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary medicine, and

(*e*) is not prohibited from practising, or suspended from the practice of, veterinary medicine either under *Part 7* or provisions corresponding to those contained in that Part that apply in another state, by reason of—

(i) a conviction for an offence, or

(ii) serious misconduct,

in connection with the carrying out of professional duties as a veterinary practitioner.

(8) *Parts 1* and *2* of *Schedule 3* apply to applications made under *subsections (2)*, *(4)* and *(6)*.

(9) Where a person who is legally established as a veterinary practitioner in a relevant State and who—

(*a*) wishes to provide veterinary services within the limits and under the conditions laid down in Article 5 of the Mutual Recognition Directive, and

(*b*) furnishes—

(i) a prior declaration of his or her intention to provide services in accordance with Article 7 of the Mutual Recognition Directive in the manner prescribed,

(ii) a certificate from the competent authority of the relevant State where the applicant is established, which confirms such establishment and that he or she is lawfully entitled to practise as a veterinary practitioner in that State,

(iii) a copy of his or her qualification or a statement from the competent authority of the home relevant State that the applicant holds a diploma, certificate or other evidence of formal qualifications as a veterinary practitioner, F8**[**...**]**

(iv) proof of nationality, F9**[**and**]**

F9**[**(v) a declaration of his or her knowledge of the English language necessary for practising as a veterinary practitioner,**]**

and the documents referred to in this paragraph are in order,

the Council shall register that person as a veterinary practitioner for a period not exceeding 12 months.

(10) If the Council is satisfied to do so, and on application to it in that behalf from the person referred to in *subsection (9)*, it may renew the registration for further periods not exceeding 12 months, provided that, in relation to an application for such renewal, the person complies with *paragraphs (a)* and *(b)* of *subsection (9)*.

(11) *Parts 1* and *3* of *Schedule 3* apply to applications made under *subsections (9)* and *(10)*.

(12) If the Council decides that a person who applies to it for registration under this section should not be so registered, it shall notify the person in writing as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(13) A person who receives a notification under *subsection (12)* may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(14) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for registration concerned,

(*b*) an order remitting the application for registration with or without directions to the Council for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

(15) In this section—

"competent authority" means—

(*a*) in relation to a relevant State, the authority designated in accordance with Article 56(3) of the Mutual Recognition Directive, and

(*b*) in relation to the State, the Council;

"home relevant State" in relation to a veterinary practitioner, means the relevant State in which he or she acquired his or her diploma, certificate or other evidence of formal qualification or where he or she is registered as a veterinary practitioner;

F10**[**"Mutual Recognition Directive" means Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005[2], as amended by Council Directive 2006/100/EC of 20 November 2006[3], Commission Regulation (EC) No. 1430/2007 of 5 December 2007[4], Commission Regulation (EC) No. 755/2008 of 31 July 2008[5], Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008[6], Commission Regulation (EC) No. 279/2009 of 6 April 2009[7], Commission Regulation (EU) No. 213/2011 of 3 March 2011[8], the Act concerning

[2] OJ No. L 255, 30.09.2005, p. 22
[3] OJ No. L 363, 20.12.2006, p. 141
[4] OJ No. L 320, 6.12.2007, p. 3
[5] OJ No.L 205,1.8.2008, p.10
[6] OJ No.L 311, 21.11.2008, p.1
[7] OJ No.L 93, 7.4.2009, p.11
[8] OJ No.L59, 4.3.2011, p.4

the conditions of accession of the Republic of Croatia[9], Commission Regulation (EU) No. 623/2012 of 11 July 2012[10] and Council Directive 2013/25/EU of 13 May 2013.**]**

"relevant State" means—

(*a*) another Member State,

(*b*) a state that is a contracting state to the EEA agreement (within the meaning of the European Communities (Amendment) Act 1993), or

(*c*) the Swiss Confederation;

"third country" means a country that is not a relevant State or the State;

"veterinary practitioner" has the same meaning as 'veterinary surgeon' in the Mutual Recognition Directive.

(16) A word or expression that is used in this section and is also used in the Mutual Recognition Directive has, unless the contrary intention appears, the same meaning in this section, as it has in that Directive.**]**

Annotations

Amendments:

F7 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 8(1), commenced on enactment.

F8 Deleted (9.03.2016) by *Horse Racing Ireland Act 2016* (2/2016), s. 19(a)(i), S.I. No. 138 of 2016.

F9 Inserted (9.03.2016) by *Horse Racing Ireland Act 2016* (2/2016), s. 19(a)(ii), (iii), S.I. No. 138 of 2016.

F10 Substituted (23.07.2014) by *European Union (Veterinary Practice Act 2005) (Amendment) Regulations 2014* (S.I. No. 362 of 2014), reg. 2.

Editorial Notes:

E7 Previous affecting provision: section substituted (6.11.2007) by *European Communities (Veterinary Practice Act 2005) (Qualifications in Veterinary Medicine) Regulations 2007* (S.I. No. 745 of 2007), reg. 3(a); substituted as per F-note above.

E8 Previous affecting provision: subs. (13) substituted (8.03.2007) by *European Communities (Veterinary Practice Act 2005) (Amendment) Regulations 2007* (S.I. No. 117 of 2007), reg. 2; substituted as per E-note above.

Registration of person who would not otherwise qualify for registration under *sections 40* to *43.*

44.—(1) The Council, on application to it in writing in that behalf by a person to whom *subsection (2)* applies, in accordance with regulations under *section 52(1)*, and on payment to it of the fee prescribed under *section 33,* shall register the person as a veterinary practitioner.

F11**[**(1A) Registration of a person under *subsection (1)* may be for such period as decided by the Council.**]**

(2) This subsection applies to a person who—

(*a*) does not qualify for registration under *section 40, 41, 42* or *43,*

[9] OJ No.L112, 24.4.2012, p. 21
[10] OJ No. L180, 12.7.2012, p.9

(*b*) subject to *subsection (8),* has undergone programmes of training and education, passed examinations and obtained qualifications in veterinary medicine in a state outside of the State that, in the opinion of the Council, are of a standard that is not lower than the standard of such programmes, examinations or qualifications that is necessary for the practice of veterinary medicine,

(*c*) shows to the satisfaction of the Council that he or she has sufficient linguistic skills for the purpose of the practice of veterinary medicine in the State,

(*d*) is of good character and repute and is not an undischarged bankrupt,

(*e*) has not been convicted by a court in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary medicine, and

F12**[**(*f*) is not prohibited from practising, or suspended from the practice of, veterinary medicine, either under *Part 7* or provisions corresponding to those contained in that Part in force in another state, by reason of—

(i) a conviction for an offence, or

(ii) serious misconduct,

in connection with the carrying out of professional duties as a veterinary practitioner.**]**

(3) Registration of a person under this section may, if the Council decides that it is appropriate to do so, be subject to a condition that the practice of veterinary medicine by the person shall be supervised by a specified veterinary practitioner for a specified period of time after the person is registered.

(4) If the Council decides that a person who applies to it for registration under this section should not be so registered or, to impose a condition as respects supervision under *subsection (3),* it shall notify the person in writing as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(5) A person who receives a notification under *subsection (4)* may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(6) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for registration, or imposition of the condition as respects supervision concerned,

(*b*) an order remitting the application for registration or decision to impose the condition, with or without directions to the Council for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

(7) Nothing in this section shall prevent the Council from exercising its functions pursuant to *section 13(2)(m).*

(8) In order that the Council may be satisfied that the standard that applies to the programmes of education and training undergone, examinations passed and qualifications obtained is not of a standard that is lower than the standard of such programmes, examinations or qualifications that is necessary for the practice of veterinary medicine, it may require a person to whom

subsection (2) applies, to sit and pass an examination set by or on behalf of the Council in that regard.

Annotations

Amendments:

F11 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(f)(i), commenced on enactment.

F12 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(f)(ii), commenced on enactment.

Limited registration.

45.—(1) Notwithstanding any provision of this Act, subject to *subsection (4),* and, on satisfying itself of the need to effect registration under this section for any of the purposes specified in *subsection (2),* the Council, on application to it in writing in that behalf by a person to whom *subsection (3)* applies, in accordance with regulations under *section 52(1),* and, on payment to it of the fee prescribed under *section 33,* shall register a person as a veterinary practitioner with limited registration (in this Act referred to as "limited registration").

(2) The Council shall be satisfied that the person making the application is required—

(*a*) to participate in a disease eradication programme, or

(*b*) to participate in the provision of approved programmes of education or further education.

(3) This subsection applies to a person who—

(*a*) satisfies the Council that he or she has the requisite knowledge and skill for the purposes of *subsection (2),*

(*b*) is of good character and repute and is not an undischarged bankrupt,

(*c*) shows to the satisfaction of the Council that he or she has sufficient linguistic skills for the purposes of *paragraph (a)* or *(b)* of *subsection (2),* as appropriate,

(*d*) has not been convicted by a court in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary medicine, and

(*e*) is not prohibited from practising or suspended from practice of, veterinary medicine, either under *Part 7,* or provisions corresponding to those contained in that Part in force in another state, by reason of a conviction for an offence, or serious misconduct in connection with carrying out of professional duties as a veterinary practitioner.

(4) Limited registration of a person may be made subject to such conditions as the Council considers it appropriate to impose including conditions specifying—

(*a*) the duration of such registration,

(*b*) the places where the person may practise veterinary medicine,

(*c*) the class or classes of treatments or procedures that may be carried out by the person,

(*d*) attendance at a specified programme of further education following such registration,

(*e*) supervision of the practice of veterinary medicine by the person by specified veterinary practitioners for specified periods of time after the registration of the person under this section.

(5) The Council may amend conditions imposed under *subsection (4)* during the period of registration under this section where it is of opinion that it is appropriate to do so.

(6) The Council shall enter any conditions imposed under *subsection (4),* or any amendments to them, in the Register and in the certificate of registration that is issued to the person concerned.

(7) A person who is registered under this section shall not put themselves forward for election, and shall not vote in respect of an election of members to the Council unless the person has been so registered for not less than 3 consecutive years.

(8) If the Council decides that a person who applies to it for limited registration should not be so registered, or that the person should be so registered subject to conditions, or that the conditions imposed under *subsection (4)* should be amended, it shall notify the person in writing as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(9) A person who receives a notification under *subsection (8)* may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(10) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for limited registration concerned or to amend any conditions subject to which a person has been registered,

(*b*) an order remitting the application for limited registration or the decision to impose conditions or to amend conditions imposed by the Council in relation to such registration, with or without directions to the Council, for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

(11) For the purposes of *subsection (2)(a)* "disease eradication programme" means measures operated by or on behalf of a Minister to prevent, reduce the risk of, control or eradicate a disease (being a disease within the meaning of section 2 of the Diseases of Animals Act 1966).

Registration of veterinary specialists.

46.—(1) That part of the Register referred to in *section 34(4)(d)* shall contain a part in respect of each specialty in veterinary medicine standing prescribed by the Council under *subsection (2).*

(2) Subject to *subsection (5),* the Council shall prescribe—

(*a*) the specialties in veterinary medicine that it recognises,

(*b*) in relation to each such specialty, the titles and qualifications in the specialty that are required to enable a person to be or continue to be registered,

(*c*) in relation to each such specialty, the body that the Council recognises for the purposes of providing the specialist training and showing to the satisfaction of the Council that

such specialist training has been completed by the person concerned in a manner approved by the body.

(3) The Council may withdraw recognition from any body recognised by it under *subsection (2).*

(4) The specialties in veterinary medicine that may be prescribed under *subsection (2)* shall include such specialties as may be designated for the purpose of giving effect to—

(*a*) any provision to the Treaties governing the European Communities,

(*b*) any regulation, directive or other act adopted by an institution of the European Communities, or

(*c*) a judgement of the European Court of Justice.

(5) The Council shall seek and consider recommendations from the Education Committee and any other person that it considers appropriate before prescribing specialties and other matters that it considers appropriate under *subsection (2).*

Persons entitled to be registered as veterinary specialists.

47.—(1) The Council, on application to it in writing by a person referred to in *subsection (2)*, in accordance with regulations under *section 52(1)* and on payment of the appropriate fee prescribed under *section 33,* shall register the person in the part of the Register that relates to veterinary specialists.

(2) This subsection applies to a person who—

(*a*) is registered in a part of the Register referred to in *section 34(4)(a),*

(*b*) complies with matters prescribed under *section 46(2)* that apply to him or her,

(*c*) is of good character and repute and is not an undischarged bankrupt,

(*d*) has not been convicted by a court in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary medicine, and

(*e*) is not prohibited from practising or suspended from practice of, veterinary medicine, either under *Part 7,* or provisions corresponding to those contained in that Part in force in another state, by reason of a conviction for an offence, or serious misconduct in connection with the carrying out of professional duties as a veterinary practitioner.

(3) If the Council decides that a person who applies to it for registration under this section should not be so registered, it shall notify the person in writing as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(4) A person who receives a notification under *subsection (3)* may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(5) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for registration concerned,

(*b*) an order remitting the application for registration with or without directions to the Council, for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

Removal of name from Register as veterinary specialist.

48.—The name of a person shall be removed from the part of the Register referred to in *section 34(4)(d)* if the name of the person is removed from any part of the Register referred to in *section 34(4)(a).*

Application for removal of name from relevant register.

49.—(1) A registered person, may apply to the Council to have his or her name removed from the part of the Register or the Register of Veterinary Nurses, as the case may be, in which his or her name is registered and, on receipt of such application and on payment of the appropriate fee prescribed under *section 33,* the Council may remove the name from the part of the Register or the Register of Veterinary Nurses.

(2) A person, whose name has been removed from the Register or the Register of Veterinary Nurses under *subsection (1)* may, at any time, apply to the Council to have his or her name restored to either of them as appropriate and, subject to the provisions of this Act and on payment of the appropriate fee fixed under *section 33,* the Council may restore the name of that person to the part of the Register or the Register of Veterinary Nurses from which it has been removed.

(3) Nothing in this section shall operate to prevent the Council from refusing to restore to a part of the Register or the Register of Veterinary Nurses the name of any person, who is otherwise entitled to be registered, on the grounds of the unfitness of that person to engage in the practice of veterinary medicine or veterinary nursing, as the case may be.

(4) In a case where a registered person applies to the Council under *subsection (1)* to have his or her name removed from a part of the Register or the Register of Veterinary Nurses, the Council shall not consider the application until it has decided whether or not to so remove the name where—

(*a*) an application has been made under *Part 7* for an inquiry into the conduct of the registered person,

(*b*) he or she has been convicted by a court in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practice veterinary medicine, or

(*c*) he or she has been prohibited from practising or suspended from the practice of, veterinary medicine either under *Part 7* or provisions corresponding to those contained in that Part in force in another state, by reason of a conviction for an offence or serious misconduct in connection with the carrying out of professional duties as a veterinary practitioner or a veterinary nurse, as appropriate.

(5) If the Council decides to refuse to restore the name of a person under *subsection (3)* or to postpone the consideration of an application under *subsection (4),* it shall notify the person or the registered person, as appropriate, in writing, as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(6) A person who receives a notification under *subsection (5),* may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(7) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for removal or restoration concerned,

(*b*) an order remitting the application for removal or restoration, as appropriate, with or without directions, to the Council for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

Registration of additional qualifications.

50.—(1) The Council, on application to it in writing by a registered person in accordance with regulations made under *section 52,* and, on payment of the fee prescribed under *section 33,* may if appropriate, enter additional qualifications in the entry in the Register or the Register of Veterinary Nurses as appropriate, relating to the registered person.

(2) The Council shall determine the additional qualifications that may be entered in the Register or the Register of Veterinary Nurses under *subsection (1).*

(3) Whenever, on an application by a registered person, the Council decides to enter in the Register or the Register of Veterinary Nurses, pursuant to this section, any additional qualification in respect of him or her, the Council, as soon as may be after the registration has been completed, shall send to that registered person a certificate stating that such additional qualification has been entered in the Register or the Register of Veterinary Nurses.

(4) In this section, "additional qualifications" means qualifications other than those acquired by the registered person and furnished to the Council for the purpose of having his or her name entered in any part of the Register or the Register of Veterinary Nurses.

Correction of registers.

51.—In respect of the Register and the Register of Veterinary Nurses, the Council shall—

(*a*) correct all errors in either of them,

(*b*) remove from either of them entries procured by fraud or misrepresentation,

(*c*) enter in either of them changes in the descriptions or addresses of the persons registered in the register concerned, and

(*d*) remove from either of them the names of persons whose deaths have come to the knowledge of the Council.

Regulations under *Part 4.*

52.—(1) The Council shall make regulations in relation to an application for registration under this Part or *Part 8,* for the purpose of enabling those parts to have full effect.

(2) Without prejudice to the generality of *subsection (1)*, regulations made under that subsection may relate to—

(*a*) the particulars to be given to the Council by persons applying for such registration,

(*b*) the forms to be used for the purposes of applications for the said registration,

(*c*) the documents to be given to the Council to support such an application,

(*d*) the periods of time to be given to the Council to consider such an application for registration and, if appropriate, to be given to a person applying for such registration in the event that the Council requests further information in relation to a specified matter, and

(*e*) any other matters that the Council considers appropriate.

Annotations

Editorial Notes:

E9 Power pursuant to section exercised (1.07.2022) by *Veterinary Council of Ireland (Recognition of Qualifications and Registration) (Veterinary Practitioner) Regulations 2022* (S.I. No. 282 of 2022), in operation as per reg. 2.

E10 Power pursuant to section exercised (1.07.2022) by *Veterinary Council of Ireland (Recognition of Qualifications and Registration) (Veterinary Nurse) Regulations 2022* (S.I. No. 281 of 2022), in operation as per reg. 2.

PART 5

PRACTICE OF VETERINARY MEDICINE

Definition of the practice of veterinary medicine.

53.—(1) In this Act, the practice of veterinary medicine means any one of the following—

(*a*) in relation to an animal—

(i) diagnosing disease, injury, pain, deformity, defect or state of health,

(ii) identifying and carrying out treatment, whether surgical or medical in nature, of any matter referred to in *subparagraph (i),*

(iii) performing a surgical procedure,

(iv) giving advice, following an action referred to in *subparagraph (i), (ii)* or *(iii)* as to care required,

(v) furnishing a written certificate as to the doing of any action referred to in *subparagraph (i), (ii), (iii)* or (*iv*),

(*b*) in relation to an animal or products of animal origin, performing such functions as may be conferred on veterinary practitioners from time to time by the Minister for the purpose of giving effect to—

(i) any provision of the Treaties governing the European Communities,

(ii) any regulation, directive or other act adopted by an institution of the European Communities, or

(iii) a judgement of the European Court of Justice,

relating to certification on live animals or products of animal origin,

(*c*) in relation to an animal remedy, performing a function conferred on a registered person by or under any enactment, whether passed before or after the passing of this Act.

(2) In *subsection (1)(a)(i),* "diagnosing" includes the following:

(*a*) diagnosing the cause of death of an animal; and

(*b*) examining the reproductive organs of a mare via the rectum.

Offences in relation to practice of veterinary medicine or use of title.

54.—(1) Subject to *sections* F13**[***54A,***]** *55* and *59* a person, other than a veterinary practitioner, shall not—

(*a*) do or perform any act, matter or thing the doing or performance of which forms part of the practice of veterinary medicine,

(*b*) use the title or description that would give the impression that he or she is registered under *Part 4,* such as "veterinary surgeon", "veterinary specialist", "veterinary practitioner" or "veterinarian" or any abbreviation or derivative of them, either alone or in connection with any other title or description, or

(*c*) represent that he or she is registered on the Register.

(2) A body corporate shall not—

(*a*) do or perform any act, matter or thing the doing or performance of which forms part of the practice of veterinary medicine,

(*b*) represent itself as registered on the Register, or

(*c*) represent itself as prepared to do or perform any act matter or thing the doing or performance of which constitutes part of the practice of veterinary medicine.

(3) Subject to F14**[***sections 54A* and *55***]** where a person who is not a registered person treats, by the practice of veterinary medicine, whether for reward or otherwise, an animal the property of another person, he or she shall be taken to have represented that he or she is a registered person.

(4) A person who contravenes *subsection (1)* or *(2)* is guilty of an offence.

Annotations

Amendments:

F13 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(g)(i), commenced on enactment.

F14 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(g)(ii), commenced on enactment.

F15**[**Power of Minister to prescribe procedures that may be carried out by non-registered persons.

54A.— (1) Subject to *section 54B*, the Minister may prescribe procedures (including, where appropriate, the nature and extent of a procedure) in relation to or connected with the practice of veterinary medicine that may, notwithstanding *sections 54* and *55*, be carried out by a non-registered person on or in relation to an animal.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may require a non-registered person, before carrying out any procedure prescribed under *subsection (1)*, to do all or any of the following:

(*a*) to undertake, or to have undertaken, specified training before carrying out a prescribed procedure;

(*b*) to have, or to acquire, and to maintain specified skills or competence before carrying out a prescribed procedure;

(*c*) to be a member of a prescribed body when carrying out a prescribed procedure and to adhere to any code of practice of that body;

(*d*) in specified circumstances, to consult a person registered under *Part 4* before carrying out a prescribed procedure;

(*e*) to have and maintain a policy of indemnity insurance as specified in the regulations;

(*f*) to maintain records in relation to prescribed matters;

(*g*) to comply with any other prescribed conditions.

(3) Before making regulations under this section the Minister shall consult with the Council.

(4) In this section "non-registered person" means a person who is not a registered person.**]**

Annotations

Amendments:

F15 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 2, commenced on enactment.

Editorial Notes:

E11 Power pursuant to section exercised (27.06.2017) by *Veterinary Practice Act 2005 (Treatment by non-registered person) Regulations 2017* (S.I. No. 278 of 2017).

E12 Power pursuant to section exercised (in relation to reg. 4) (6.03.2014) by *Animal Health and Welfare (Operations and Procedures) (No. 2) Regulations 2014* (S.I. No. 127 of 2014), in operation as per reg. 1.

E13 Power pursuant to section exercised (5.03.0214) by *Animal Health and Welfare (Revocation) Regulations 2014* (S.I. No. 126 of 2014).

E14 Previous affecting provision: power pursuant to section exercised (in relation to reg. 4) (6.03.2014) by *Animal Health and Welfare (Operations and Procedures) Regulations 2014* (S.I. No. 123 of 2014), in operation as per reg. 1; revoked before commencement (5.03.2014) by *Animal Health and Welfare (Revocation) Regulations 2014* (S.I. No. 126 of 2014), reg. 2.

F16**[**Considerations applicable to exercise of power conferred by *section 54A*.

54B.— (1) Before deciding to prescribe a procedure under *section 54A(1)*, the Minister shall have regard to the following considerations:

(*a*) whether the nature of the procedure is such that it is reasonable to expect that a non-registered person with appropriate skills and experience would be able to carry it out;

(*b*) whether the procedure is surgical to an extent that it would require the skills of a registered person;

(*c*) whether the carrying out of the procedure by a non-registered person would be likely to cause a significant risk to the health or welfare of an animal;

(*d*) whether the carrying out of the procedure by a non-registered person would be likely to cause a significant risk to the health or safety of the person;

(*e*) whether the procedure relates to a condition in an animal which would be likely to cause a significant risk to human health.

(2) In *subsection (1)* "non-registered person" means a person who is not a registered person.**]**

Annotations

Amendments:

F16 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 2, commenced on enactment.

F17**[**Offences — regulations under *section 54A*.

54C.— A person who contravenes or fails to comply with regulations made under *section 54A* commits an offence.**]**

Annotations

Amendments:

F17 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 2, commenced on enactment.

Emergency and exceptions to *section 54*.

55.—(1) A registered person may administer first aid or medical assistance to an animal in an emergency, without obtaining the consent of the owner of the animal.

(2) Subject to any matters prescribed under *section 59*, a person who is not a registered person may, in an emergency in relation to an animal, save where otherwise prohibited by law, and notwithstanding *section 54(1)*, carry out such treatment or procedure or administer such an animal remedy as he or she considers necessary, having due regard to the welfare of the animal, where a registered person is not available within a reasonable period of time.

(3) Save where otherwise prohibited by law, and notwithstanding anything in this Act, a farmer who is not a registered person, or an employee of the farmer acting in the course of his or her duties who is not a registered person may carry out a treatment or procedure on, or administer an animal remedy to, an animal owned by the farmer provided that carrying out the treatment or procedure on, or administering the animal remedy to, the animal is incidental to the usual care and management of that animal.

(4) For the purposes of *subsection (3),* "employee of the farmer" means a person employed by the farmer for at least 2 of the 4 months prior to the treatment or procedure being carried out or the animal remedy being administered.

(5) The Minister may, by regulations, exclude from the application of *subsection (3)* specified treatments or animal remedies.

(6) (*a*) Subject to *paragraph (b),* notwithstanding anything in this Act, a student of veterinary medicine may do or perform an act matter or thing the doing or performance of which forms part of the practice of veterinary medicine.

(*b*) The student of veterinary medicine referred to at *paragraph (a)* shall do or perform the act matter or thing if—

(i) it is required to be done or performed as part of the approved programme of education in which the student is participating,

(ii) it is done or performed under the direct supervision and in the presence of a veterinary practitioner, and

(iii) the act matter or thing is, in the opinion of the person providing that approved programme of education and the veterinary practitioner, appropriate to the knowledge, skill and competence of the student.

(7) In *subsection (6)* "student of veterinary medicine" means a person who has duly enrolled in, commenced and is participating in an approved programme of education.

Registered persons not to use incorrect title.

56.—A registered person shall not take or use, or affix to or use in connection with his or her veterinary premises, any title or description that does, or could, reasonably mislead a third party into the opinion that the person possesses a qualification or professional status other than the qualification or professional status relating to that person, the details of which are registered on the Register.

Offence for a registered person to employ a non-registered person.

57.—(1) F18**[**Subject to *section 54A*,**]** a registered person (or an agent or employee acting on his or her behalf) shall not employ a person who is not a registered person, to engage in the practice of veterinary medicine on behalf of the registered person.

(2) A registered person who contravenes *subsection (1)* is guilty of an offence.

Annotations

Amendments:

F18 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(h), commenced on enactment.

Recovery of fees.

58.— A person who fails to comply with *subsection (1)* or *(2)* of *section 54, section 56, 57(1)* or *59(4)* shall not be entitled to charge or recover fees or outlays for veterinary services that he or she provides by engaging in the practice of veterinary medicine while failing to comply with the section concerned.

Regulations to provide for practice of veterinary medicine by non-registered persons.

59.—(1) Notwithstanding *section 54* and following consultation with the Council, the Minister may, by regulations, provide that a person who is not a registered person may, in treating an animal in an emergency, carry out a procedure that comes within the definition of the practice of veterinary medicine.

(2) The regulations referred to in *subsection (1),* may provide that any procedure specified in the regulations shall be performed in compliance with conditions so specified, which conditions may be inserted for the purposes of—

(*a*) giving full effect in the State to any—

(i) provision of the Treaties governing the European Communities,

(ii) regulation, directive or other act adopted by an institution of those Communities, or

(iii) a judgement of the European Court of Justice,

that relates to the practice of veterinary medicine,

(*b*) maintaining and improving standards of animal health and welfare in the State,

(*c*) regulating and ensuring the proper practice of veterinary medicine in the State, or

(*d*) ensuring the adequate provision of veterinary services in the State.

(3) Every regulation made by the Minister under *subsection (1)* or *section F19***[***54A* or**]** *55(5)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under it.

(4) A person who is not a registered person may not carry out a procedure prescribed under *subsection (1)* unless he or she complies with such conditions as may be specified under *subsection (2).*

(5) A person who contravenes *subsection (4)* is guilty of an offence.

Annotations

Amendments:

F19 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(i), commenced on enactment.

Editorial Notes:

E15 Power pursuant to section exercised (27.06.2017) by *Veterinary Practice Act 2005 (Treatment by non-registered person) Regulations 2017* (S.I. No. 278 of 2017).

F20**[**Indemnity insurance.

59A.— (1) The Council may, with the consent of the Minister, make regulations (referred to in this section as "indemnity regulations")—

(*a*) specifying circumstances in which there shall be in place indemnity insurance against losses arising from claims in respect of civil liability incurred by a registered person arising from the practice of veterinary medicine, and

(*b*) otherwise making provision with respect to such indemnity insurance.

(2) Without prejudice to the generality of *subsection (1)*, indemnity regulations may—

(*a*) prescribe specific types of veterinary medicine for which indemnity insurance is mandatory,

(*b*) require a registered person to effect and maintain a policy of indemnity insurance where he or she practises a specified type of veterinary medicine,

(*c*) specify circumstances in which a registered person or type of veterinary medicine may be exempted from the indemnity regulations,

(*d*) enable the Council to take such steps as it considers necessary or expedient to ascertain whether or not the indemnity regulations are being complied with,

(*e*) specify the manner in which a registered person shall bring their compliance with, or exemption from, the indemnity regulations to the notice of clients, or the Council, and

(*f*) include incidental, procedural or supplementary provisions in relation to any of the matters set out in *paragraphs (a)* to *(e)*.

(3) Indemnity regulations do not apply to a registered person in so far as the registered person is, for the time being, acting as an officer or employee of, or under contract to, or otherwise with the authorisation of, a Minister of the Government, a local authority or a body established by or under statute (other than a company established under the Companies Acts).**]**

Annotations

Amendments:

F20 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 3, commenced on enactment.

Editorial Notes:

E16 Power pursuant to section exercised (1.01.2021) by *Veterinary Council of Ireland Indemnity Insurance Regulations 2020* (S.I. No. 576 of 2020), in operation as per reg. 2.

E17 The section heading is taken from the amending section in the absence of one included in the amendment.

Penalties for offences under *Part 5.*

60.—(1) Subject to *subsection (2),* a person guilty of an offence under *section 54*, F21**[***54A*,**]** *57* or *59* is liable—

F22**[**(*a*) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months, or to both,**]**

(*b*) on conviction on indictment—

(i) in the case of a first offence, to a fine not exceeding €130,000, or to imprisonment for a term not exceeding 5 years, or to both,

(ii) in the case of a second or subsequent offence under the section concerned, to a fine not exceeding €320,000, or to imprisonment for a term not exceeding 10 years, or to both.

(2) Unless it is satisfied that there are special and substantial reasons for not so doing, the court shall order a person to pay to the prosecution the costs and expenses, measured by the court, incurred by the prosecution in relation to the prosecution of an offence under this Part, where the person is convicted of the offence.

Annotations

Amendments:

F21 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(j)(i), commenced on enactment.

F22 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(j)(ii), commenced on enactment. A class A fine means a fine not greater than €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

PART 6

VETERINARY EDUCATION AND TRAINING

Interpretation (*Part 6*).

61.—In this Part except where the context otherwise requires—

"approved", in relation to a programme of education or further education, means approved by the Council under *section 64;*

"management" includes—

(*a*) administration of business and financial concerns,

(*b*) budgeting,

(*c*) use of information technology, and

(*d*) establishment and application of standards of professional ethics in relation to the practice of veterinary medicine or veterinary nursing;

"programme of education" means a programme of study of and training that relates to veterinary medicine or veterinary nursing;

"programme of further education" means a programme of further education or training for registered persons that relates to veterinary medicine or veterinary nursing or to management of a veterinary practice or veterinary nursing practice, and is intended to develop the professional knowledge, skills and abilities of the person in relation to veterinary medicine or veterinary nursing;

"provider of education" means a person who provides or proposes to provide a programme of education or a programme of further education.

Education Committee.

62.—(1) The Council shall establish a committee which shall be known as the Veterinary Education and Training Committee, and is referred to in this Act as the "Education Committee".

(2) The Education Committee shall consist of no fewer than 8 and no more than 11 members of the Council, who shall be appointed by the Council, and shall include the following;

(*a*) the member of the Council who was appointed to be such member under *section 16(1)(a);*

(*b*) one of the members of the Council who was appointed to be such member under *section 16(1)(b);*

(*c*) the member of the Council who was appointed to be such member under *section 16(1)(d);*

(*d*) each member of the Council who was appointed to be such member under *section 16(1)(e);*

(*e*) two of the members of the Council who were appointed to be such members under *section 16(1)(h);*

(*f*) the member of the Council who was appointed to be such member under *section 16(1)(i);*

(3) Subject to *subsection (4),* the Council shall not appoint members of the Education Committee until the Minister has appointed to the Council those members who are so appointed pursuant to *section 18(5).*

(4) The appointment by the Council of members of the Education Committee shall be made not later than 6 months after the appointment of the members of the Council pursuant to *section 18(5).*

(5) Subject to this Act, the Council, when appointing each member of the Education Committee, shall specify that his or her term of office as a member of that Committee shall not exceed 4 years and in any event shall not exceed his or her term of office as a member of the Council.

(6) *Schedule 4* applies to the Education Committee.

Functions of Education Committee.

63.—(1) The Education Committee shall advise the Council in relation to the performance of its functions under *paragraphs (d), (j)* and *(m)* of *section 13(2).*

(2) Without prejudice to the generality of *subsection (1),* the Education Committee shall—

(*a*) (i) subject to *subsection (5),* whenever so requested by the Council, but in any event, not less frequently than every 10 years—

(I) review the standards of knowledge, skill and competence and the qualifications required for the purpose of registration under *Part 4* or *8* and the maintenance of such registration,

(II) review programmes of education that have been approved by the Council or in respect of which providers of education are seeking approval from the Council,

(ii) as soon as may be following such a review, furnish a report to the Council of the results and findings of that review and include in the report such recommendations (if any) to the Council as it considers appropriate arising from that review,

(iii) furnish a copy of so much of a report under *subparagraph (ii)* as consists of recommendations to any provider of education who, in the opinion of the Committee, is affected by it,

(*b*) ensure that a review under *paragraph (a)* has regard to any minimum standards in relation to knowledge, skill, competency and qualifications in veterinary medicine or veterinary nursing and practice laid down in a directive, regulation or other act adopted by an institution of the Europear Communities or in a judgment of the Court of Justice,

(*c*) make recommendations to the Council in relation to participation in and approval of programmes of further education, and the qualifications to be obtained from them,

(*d*) whenever requested by the Council, but not less frequently than once every 10 years, draw up and promote, on behalf of the Council, programmes of further education—

(i) to be undertaken by a registered person,

(ii) which may be undertaken by a registered person,

(*e*) make recommendations to the Council in relation to the recognition by it of degrees or other academic awards granted to registered persons who have satisfactorily completed programmes of further education,

(*f*) where appropriate, on behalf of the Council, appoint examiners or hold or supervise examinations of persons who have completed programmes of further education,

(*g*) make recommendations to the Council as regards standards required for recognition by the Council of qualifications obtained from programmes of education obtained outside of the State by persons applying for registration under *Part 4* or *8,* and programmes of further education obtained outside of the State by registered persons,

(*h*) make recommendations to the Council in relation to the specialties in veterinary medicine that it may prescribe under *section 46(2),*

(*i*) make recommendations to the Council in relation to knowledge and skill required in order that a person may be registered as a veterinary practitioner with limited registration,

(*j*) perform such other functions in relation to veterinary education and training and programmes of education as may be conferred on it by the Council.

(3) (*a*) Any delegation of functions of the Council to the Education Committee does not relieve the Council of responsibility for the performance of the function.

(*b*) A decision of the Education Committee is subject to confirmation by the Council.

(4) In reaching a decision to make a recommendation to the Council under this section, the Education Committee may take advice from such experts as it considers appropriate, in relation to veterinary medicine and education, higher and further education, management or any other matter that it considers appropriate.

(5) The first reviews under *clauses (I)* and *(II)* of *subparagraph (i)* of *paragraph (a)* of *subsection (2)* shall be carried out by the Education Committee, and reports in relation to those reviews pursuant to *subparagraph (ii)* of that paragraph, shall be furnished by the Committee to the Council not later than 5 years after the establishment day.

(6) In order to assist it in the performance of its functions under this Part, the Education Committee may appoint persons—

(*a*) to visit providers of education or further education,

(*b*) during the course of such a visit to inspect matters such as staffing, examinations and procedures for examinations, courses of study, accommodation and equipment, and

(*c*) to report to the Committee about their findings.

Approval of programme of education.

64.—(1) Where the Council, on application to it in that behalf, is satisfied that a programme of education or further education will provide a person with knowledge, skill, competence and a qualification to enable the person to be registered under *Part 4* or *8* or continue to be so registered, it may, subject to such conditions as it thinks fit having regard to its functions under this Act, approve of the programme of education or further education.

(2) An application under *subsection (1)* may be made by a provider of education in relation to a programme of education or further education that he or she provides or proposes to provide.

Prescription of educational qualifications for registration.

65.—(1) The Council shall from time to time, prescribe the educational qualifications required to be obtained by a person before he or she is registered under *Part 4* or *8.*

(2) Before prescribing educational qualifications under *subsection (1),* the Council shall consider any relevant report and recommendations furnished to it by the Education Committee under *section 63.*

(3) The educational qualifications prescribed under *subsection (1)* shall include the qualifications awarded on completion of an approved programme of education.

(4) The Council shall by regulations, if so directed by the Minister, amend in such manner as the direction may specify, or revoke any regulations made under this section including this subsection.

(5) (*a*) Where the Council proposes to make regulations that the Council considers will improve the standards of veterinary education and is of opinion that the regulations would affect a provider of education, it shall notify the provider in writing of the proposal, the reasons for it, and of the relevant provisions of the proposed regulations.

(*b*) The notification under *paragraph (a),* shall state that the provider concerned may make representations to the Council in relation to the proposal not later than one month after the date of the notification.

(*c*) This subsection and *subsections (6)* to *(10)* shall not apply in respect of regulations directed by the Minister under *subsection (4)* to be made.

(6) If, after the expiration of one month from the date of a notification under *subsection (5)(a),* and having considered any representations made to it under that subsection, the Council decides to make the regulations concerned, it shall notify the provider of education concerned that it proposes to make the regulations, whether with or without provisions giving effect to any of the representations and, subject to any application under *subsection (7),* not earlier than 21 days after the date of the notification, it may make the regulations at any time after that date whether with or without such provisions as aforesaid.

(7) Where a provider of education receives a notification under *subsection (5),* the Circuit Court, on application to it in that behalf by the provider not later than 21 days from the date of the notification, may make—

(*a*) an order authorising the making of the regulations concerned,

(*b*) an order authorising the making of the regulations concerned subject to the inclusion or deletion of specified provisions or the making of specified amendments to the proposed provisions of the regulations,

(*c*) an order remitting the making of the regulations with or without directions to the Council for reconsideration and the making of a new decision in relation to it,

(*d*) an order prohibiting the making of the regulations, or

(*e*) any other order that it considers appropriate.

(8) The decision of the Circuit Court on an application under this section shall be final, save that, by leave of that Court or the High Court, an appeal by the Council or the provider of education concerned, from the decision, shall lie to the High Court on a question of law.

(9) *Subsections (5), (6)* and *(7)* shall apply with any necessary modifications to a new decision to make regulations under *subsection (7)(c).*

(10) The jurisdiction conferred on the Circuit Court by this section shall be exercised by the judge of the Circuit Court for the time being assigned to the circuit where the provider of education concerned ordinarily resides or carries on any profession, business or occupation.

Annotations

Editorial Notes:

E18 Power pursuant to section exercised (1.07.2022) by *Veterinary Council of Ireland (Prescribed Educational Qualifications) Regulations 2022* (S.I. No. 280 of 2022), in operation as per reg. 2.

Regulations in relation to programmes of further education.

66.—(1) Whenever the Council considers that standards of knowledge in veterinary medicine or veterinary nursing would be improved by prescribing programmes of further education it shall, with the consent of the Minister, make regulations accordingly.

(2) For the purposes of *subsection (1)* the Council shall consider any relevant recommendations furnished to it by the Education Committee under *section 63*.

(3) Without prejudice to the generality of *subsection (1),* regulations made under that subsection may provide for the following—

(*a*) a requirement to participate in approved programmes of further education,

(*b*) the qualifications to be awarded, and by whom, on completion of a programme of further education and passing any examination provided for in the programme,

(*c*) any other matter that the Council considers appropriate.

(4) If the Council considers that it is appropriate to do so, it may prescribe under *subsection (1)* that it shall be a condition of the registration on the Register, or the Register of Veterinary Nurses (as the case may be) or the continuance of registration on the register concerned, of persons, that they comply with regulations or specified regulations under that subsection.

(5) The Council shall, if so directed by the Minister, amend in such manner as the direction may specify or revoke regulations made under this section, including under this subsection.

(6) (*a*) For the purposes of this section, where it proposes to make regulations under this section which would, in the opinion of the Council affect a provider of further education, then *paragraphs (a)* and *(b)* of *subsection (5)* of *section 65* and *subsections (6)* to *(10)* of that section shall apply as if the reference in the said *subsection (5)* to improve the standards of veterinary education were a reference to improve programmes of further education and a reference to a provider of education were a reference to a provider of further education and with any further necessary modifications.

(*b*) *Paragraph (a)* does not apply in respect of regulations directed by the Minister under *subsection (5)* to be made.

Annotations

Editorial Notes:

E19 Power pursuant to section exercised (1.08.2020, 1.01.2021) by *Veterinary Council of Ireland Continuing Veterinary Education for Veterinary Nurses Regulations 2020* (S.I. No. 578 of 2020), in operation as per regs. 2, 3.

E20 Power pursuant to section exercised (1.08.2020, 1.01.2021) by *Veterinary Council of Ireland Continuing Veterinary Education for Veterinary Practitioners Regulations 2020* (S.I. No. 577 of 2020), in operation as per regs. 2, 3.

Persons in programmes of education and programmes of further education.

67.—(1) Before the Council makes regulations under *section 65* or *66* it shall consult with such classes of person or representatives of such classes as it sees fit and, if it considers it appropriate to do so, shall take their views or submissions into account.

(2) Before the Education Committee furnishes a report under *paragraph (a)(ii)* of *section 63(2)* or makes a recommendation under *paragraphs (c), (e), (g), (h)* or *(i)* of that section, it shall consult with such classes of person or representatives of such classes as it sees fit and, if it considers it appropriate to do so, shall take their views or submissions into account.

Disclosure of information or interests.

68.—For the purposes of this Part, *sections 26* and *27* shall be construed as if, in addition to references in those sections to arrangements or proposed arrangements or contracts or other agreements or proposed contracts or other agreements, they contained, with any necessary modifications, references to reports under *paragraph (a)(ii)* of *section 63(2),* recommendations under *paragraphs (c), (e), (g), (h)* and *(i)* of *section 63(2),* approvals under *section 64,* and prescribing matters under *section 65* or *66.*

PART 7

Fitness to Practise

Interpretation (*Part 7*).

69.—In this Part except where the context otherwise requires—

"Fitness to Practise Committee" means the Committee established under *section 71(1);*

"Preliminary Investigation Committee" means the Committee established under *section 70(1);*

"registered person" has the meaning given to it by *section 76(10).*

Preliminary Investigation Committee.

70.—(1) Subject to *sections 72* and *73*, the Council shall establish a committee which shall be known as the Preliminary Investigation Committee of the Veterinary Council of Ireland and is referred to in this Act as the "Preliminary Investigation Committee".

(2) The Preliminary Investigation Committee shall consist of the following persons who shall be appointed by the Council:

(*a*) not more than 2 members of the Council who are registered or who are eligible to be registered under *Part 4* or *8*;

(*b*) not more than 2 members of the Council who are neither registered under *Part 4* or *8* nor eligible to be so registered.

(3) A person who is a member of the Preliminary Investigation Committee shall not be a member of the Fitness to Practise Committee at the same time.

(4) *Schedule 4* applies to the Preliminary Investigation Committee.

Fitness to Practise Committee.

71.—(1) Subject to *sections 72* and *73*, the Council shall establish a committee which shall be known as the Fitness to Practise Committee of the Veterinary Council of Ireland and is referred to in this Act as the "Fitness to Practise Committee".

(2) The Fitness to Practise Committee shall consist of the following persons who shall be appointed by the Council:

(*a*) a person who is either a practising solicitor with not less than 10 years experience nominated for such appointment by the Law Society of Ireland or a practising barrister with not less than 10 years experience nominated for such appointment by the General Council of the Bar of Ireland, who is not, as such solicitor or barrister, in the full-time service of the State and who—

(i) is not a member of the Council,

(ii) is not registered under *Part 4* or *8* and is not eligible to be so registered;

(*b*) not more than 3 members of the Council who are registered, or who are eligible to be registered under *Part 4* or *8*;

(*c*) not more than 3 members of the Council who are neither registered under *Part 4* or *8* nor eligible to be so registered.

(3) If one of the bodies referred to in *subsection (2)(a)*, being the body chosen by the Council to make the nomination in the paragraph concerned, does not furnish a nomination in writing to the Council within 4 months of the receipt by such body of a request in writing from the Council to do so, the Minister may, no later than 6 months after the appointment of members to the Council under *section 18(5)*, nominate a person to be appointed to the Fitness to Practise Committee whom the Minister considers would be appropriate to be so nominated by either body referred to in *subsection (2)(a)*, and the Council shall appoint that person as a member of the Fitness to Practise Committee.

(4) (*a*) The person who is appointed as a member of the Fitness to Practise Committee under *subsection (2)(a)* or *(3)*, as the case may be, shall be the chairperson of that committee.

(*b*) If the Council considers that it is necessary, having regard to all of its functions under this Act, it may appoint another person pursuant to *subsection (2)(a)* or *(3)*, as the case may be, who shall be deputy chairperson of the Fitness to Practise Committee.

(*c*) The deputy chairperson may perform all of the functions that may be performed by the chairperson under this Part.

(*d*) The chairperson and deputy chairperson may be paid out of moneys provided by the Council, such remuneration and such allowances for expenses as may be agreed between the chairperson and the Council or the deputy chairperson and the Council as the case may be.

(5) A person who is a member of the Fitness to Practise Committee shall not be a member of the Preliminary Investigation Committee at the same time.

(6) *Schedule 4* applies to the Fitness to Practise Committee.

(7) In this section "full-time service of the State" in relation to a solicitor, has the meaning given to it in section 54(3) of the Solicitors Act 1954 and, in relation to a barrister, has the meaning given to it in section 43 of that Act.

Appointment to Preliminary Investigation Committee or Fitness to Practise Committee.

72.—(1) Subject to *subsection (2)*, the Council shall not appoint members of the Preliminary Investigation Committee pursuant to *paragraphs (a)* and *(b)* of *section 70(2)*, or members of the Fitness to Practise Committee pursuant to *paragraph (b)* and *(c)* of *section 71(2)* until the Minister has appointed to the Council those members who are so appointed pursuant to *section 18(5)*.

(2) The appointment by the Council of members to the Preliminary Investigation Committee and Fitness to Practise Committee shall be made no later than 3 months after the appointment of the members of the Council pursuant to *section 18(5)*.

Terms of appointment of Preliminary Investigation Committee and Fitness to Practise Committee.

73.—(1) Subject to this Act, the Council, when appointing each member of the Preliminary Investigation Committee and Fitness to Practise Committee, shall specify that his or her term of office as a member of that Committee shall not exceed 4 years and, in any event, (otherwise than in relation to the member of the Fitness to Practise Committee appointed under *section 71(2)(a)*), shall not exceed his or her term of office as a member of the Council.

(2) Notwithstanding *subsection (1)*, the exercise of its functions in relation to a matter brought before the Preliminary Investigation Committee or Fitness to Practise Committee under this Part, and commenced before its term of appointment comes to an end is not affected because its term of appointment has come to an end, and members of the Preliminary Investigation Committee or Fitness to Practise Committee the term of appointment of which has come to an end, in relation to such a matter, shall, as appropriate to the functions conferred on them by this Part, continue to—

(*a*) consider an application for an inquiry under *section 76*,

(*b*) hold an inquiry under *section 78*,

(*c*) make a report under *section 79*,

(*d*) make themselves available to a court hearing proceedings under this Part, if required by the court or the Council to do so,

(*e*) perform any other functions conferred on them under this Act.

Fitness to Practise — transitional.

74.—(1) Notwithstanding the repeal of the Veterinary Surgeons Act 1931 under *section 4*, matters provided for in that Act that are set out in *subsection (2)*, that were begun, whether before or after the establishment day, before the Preliminary Investigation Committee and Fitness to Practise Committee were appointed, shall continue to have effect as if this Act had not been enacted.

(2) The matters referred to in *subsection (1)* are—

(*a*) inquiries into allegations of professional misconduct under section 35 of the Veterinary Surgeons Act 1931,

(*b*) erasure from the Register on account of professional misconduct under section 36 of that Act,

(*c*) restoration to the Register of name erased for professional misconduct under section 37 of that Act,

(*d*) notice of erasure, refusal to register, etc. under section 38 of that Act,

(*e*) appeal to the High Court under section 39 of that Act,

(*f*) inquiry by Council into allegation of disgraceful conduct under section 40 of that Act.

Council may investigate fitness to practise.

75.—The Council may, where it is of opinion that it is reasonable to do so, of its own motion investigate the fitness to practise of a registered person.

Consideration of an application for an inquiry.

76.—(1) The Council, or any person, may apply to the Registrar for an inquiry into the fitness to practise veterinary medicine F23**[**or veterinary nursing**]** of a registered person on the grounds that—

(*a*) his or her behaviour constitutes professional misconduct,

(*b*) he or she is medically unfit to practise veterinary medicine by reason of physical or mental disability,

(*c*) his or her registration is erroneous due to a false or fraudulent declaration or misrepresentation, or

(*d*) he or she has failed to comply with any provision of this Act or any regulations made under it.

(2) (*a*) Where a member of the Council or the Registrar receives a complaint in relation to a registered person in which it is alleged, as regards him or her, that any of the matters referred to in *paragraph (a), (b), (c)* or *(d)* of *subsection (1)* applies, then the member of the Council or the Registrar shall notify the person making the complaint that he or she may make an application under *subsection (1)*.

(*b*) The Registrar shall maintain a record of complaints referred to in *paragraph (a)*, and shall prepare and furnish a report in relation to them, to the Council as required by it and in any event, at least every 6 months.

(3) An application under *subsection (1)* shall be—

(*a*) in writing,

(*b*) signed by the person applying for the inquiry,

(*c*) accompanied by relevant information and documentation.

(4) Immediately upon receipt of an application for an inquiry, the Registrar shall—

(*a*) direct it to the Preliminary Investigation Committee, and

(*b*) notify the Council that the application for an inquiry has been made and the date upon which it was made.

(5) (*a*) Two members of the Preliminary Investigation Committee, one of whom was appointed under *paragraph (a)* of *section 70(2)* and one of whom was appointed under *paragraph (b)* of that section shall consider the application for an inquiry.

(*b*) For the purposes of considering the application, the Preliminary Investigation Committee shall seek observations from the registered person in respect of whom the application was made, or from any other person whom it considers appropriate.

(6) Following consideration of the application the Preliminary Investigation Committee may decide, in relation to it—

(*a*) that the inquiry should not proceed in whole or in part because:

(i) it does not satisfy the requirements of *subsection (3)*;

(ii) it is frivolous, vexatious or made in bad faith;

(iii) it does not refer to any of the grounds set out in *subsection (1)*;

(iv) there is insufficient evidence to warrant an inquiry;

or

(*b*) that the inquiry should proceed in whole or in part.

(7) The Preliminary Investigation Committee shall notify the Council in writing of its decision under *subsection (6)*, including reasons for the decision, as soon as may be.

(8) (*a*) If the Preliminary Investigation Committee fails to make a decision within the meaning of *subsection (6)*, within F24**[**4 months**]** of an application being directed to it under *subsection (4)* it will be taken to have referred the matter, without a decision, to the Council.

(*b*) The Council on a reference of an application for an inquiry to it under *paragraph (a)*, may, having considered the matter and, having regard to its functions under this Act, within F24**[**4 months**]** following that reference, decide any matter referred to in *subsection (6)*.

(*c*) If the Council decides that it is correct to proceed with the inquiry in whole or in part it shall notify the Preliminary Investigation Committee of its decision and the reasons for it in writing, as soon as may be.

(*d*) If the Council decides that it is correct not to proceed with the inquiry, in whole or in part, it shall notify the Preliminary Investigation Committee, in writing of its decision, and the reasons for it, as soon as may be.

(9) If the Council is notified by the Preliminary Investigation Committee that it has decided that the inquiry should not proceed, it may, within F24**[**4 months, and**]** following that notification decide, having regard to its functions under this Act, that it is correct to proceed with the inquiry in whole or in part, and it shall notify the Preliminary Investigation Committee in writing of its decision to proceed and the reasons for it, as soon as may be.

(10) In this section—

F24**[**"professional misconduct", in relation to a registered person, means any act, omission or pattern of conduct that—

(*a*) is connected with the practice of veterinary medicine or veterinary nursing and represents a serious falling short of the standard that could reasonably be expected of a registered person,

(*b*) is infamous or disgraceful in a professional respect (notwithstanding that, if the same or like act, omission or pattern of conduct were committed by a member of another profession it would not be professional misconduct in respect of that profession), or

(*c*) involves fraud or dishonesty of a nature or degree which bears on the carrying on of the profession of a registered person;**]**

"registered person" means a person registered under *Part 4* or *8* and includes a person who is no longer registered at the time of an application for an inquiry under *subsection (1)* but was registered at the time that the conduct the subject matter of the application occurred.

Annotations

Amendments:

F23 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(k)(i), commenced on enactment.

F24 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(k)(ii)-(iv), commenced on enactment.

Decision of Preliminary Investigation Committee and Council as regards application for inquiry.

77.—(1) The Preliminary Investigation Committee shall notify the Registrar, in writing, that an inquiry is not to proceed, including the reasons for the decision if—

(*a*) it was taken to have referred the matter to the Council under *section 76(8)(a)* and received a notice under *section 76(8)(d)*, or

(*b*) it made such a decision and it has not received a notice of a decision to proceed under *section 76(9)*.

(2) Within 21 days of the notification under *subsection (1)* the Registrar shall notify in writing, the person applying for the inquiry, stating the decision, the reason for the decision and the date on which it was made.

(3) A person applying for the inquiry who receives a notification of a decision made under *subsection (1)* may appeal to the Circuit Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(4) On the hearing of an appeal under this section, the Circuit Court may make—

(*a*) an order affirming or setting aside any decision of the Preliminary Investigation Committee or the Council, as the case may be, that an inquiry should not proceed,

(*b*) an order remitting the application for an inquiry with or without directions to the Preliminary Investigation Committee or the Council, as the case may be, for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

(5) The Council shall notify in writing, the chairperson of the Fitness to Practise Committee and the Registrar, that an inquiry is to proceed, including the reasons for the decision if such a decision is made—

(*a*) by the Preliminary Investigation Committee under *section 76(6)(b)*,

(*b*) by the Council under *section 76(8)(c)*,

(*c*) by the Council under *section 76(9)*.

(6) (*a*) Within 21 days of the decision to proceed under *subsection (5)*, the Registrar shall inform the following of the decision by notice in writing to their respective addresses (in the case of the registered person to whom the inquiry relates, his or her address as stated in the Register or the Register of Veterinary Nurses, as appropriate) which shall contain the reasons for the decision:

(i) the person who applied for the inquiry;

(ii) the registered person to whom the inquiry relates;

(iii) if the registered person is employed as a veterinary practitioner or a veterinary nurse, his or her employer.

(*b*) In addition to the notification referred to at *paragraph (a)*, the registered person to whom the inquiry relates shall be furnished with a copy of the application and any documents and information accompanying the application.

Inquiry by Fitness to Practise Committee.

78.—(1) If a decision to proceed to hold an inquiry is notified to the chairperson of the Fitness to Practise Committee under *section 77(5)*, that Committee shall hold the inquiry as soon as practicable.

(2) The following members of the Fitness to Practise Committee shall hear an inquiry—

(*a*) the chairperson, and

(*b*) 4 of its members, two of whom were appointed under *paragraph (b)* of *section 71(2)*, and two of whom were appointed under *paragraph (c)* of that section.

(3) The registered person to whom the inquiry relates shall be given notice, in writing, by the Fitness to Practise Committee, sent to the address of that person as stated in the Register or the Register of Veterinary Nurses, as appropriate, of the nature of the evidence proposed to be considered at the inquiry and that person, any person representing him or her, or any person whom they wish to call to give evidence in relation to the matter on his or her behalf shall be given the opportunity of being present at the inquiry.

(4) The Fitness to Practise Committee shall consider whether the registered person to whom the inquiry relates is fit to practise veterinary medicine on the basis of consideration by it of the following:

(*a*) evidence relating to the person to whom the inquiry relates, which shall be presented to it by or on behalf of the Registrar—

(i) of his or her professional misconduct,

(ii) that he or she is medically unfit to practise veterinary medicine by reason of physical or mental disability,

(iii) that his or her registration is erroneous due to a false or fraudulent declaration or misrepresentation, or

(iv) that he or she has failed to comply with any provision of this Act or any regulations made under it;

(*b*) evidence that the person to whom the inquiry relates, or his or her representative, may wish to present to the Fitness to Practise Committee, including oral evidence presented by any witness that they may wish to call;

(*c*) evidence that the Fitness to Practise Committee decides is appropriate to and will assist it with its inquiry, such as the testimony of a person who has expertise in an area of veterinary science, or any other area that is relevant to the inquiry, or the testimony of the applicant.

(5) In a case of alleged medical unfitness, the Fitness to Practise Committee may request expert medical evidence and may request that the person to whom the inquiry relates would attend for medical examination by a medical practitioner nominated by the Committee.

(6) For the purposes of an inquiry under this section, the Fitness to Practise Committee may—

(*a*) examine on oath, either by word of mouth or on written interrogatories, any person whom it considers relevant to the inquiry,

(*b*) administer oaths for the purposes of the examination, and

(*c*) record, in writing, the answers of a person so examined.

(7) For the purpose of an inquiry held under this section, the Fitness to Practise Committee shall have the powers, rights and privileges vested in the High Court or a judge of it on the hearing of an action in respect of—

(*a*) the enforcement of attendance of witnesses and their examination on oath or otherwise, and

(*b*) the compelling of production of documents,

and a summons signed by the Chairperson of the Fitness to Practise Committee or by such other member of that Committee as may be authorised by that Committee for that purpose may be substituted for and shall be equivalent to any formal procedure capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of documents.

(8) (*a*) A person shall not—

(i) on being duly summoned to attend before the Fitness to Practise Committee, make default in attending,

(ii) being in attendance as a witness before the Fitness to Practise Committee—

(I) refuse to take an oath lawfully required by it to be taken,

(II) refuse to produce any document in his or her power or control lawfully required by that Committee to be produced by him or her,

(III) refuse to answer any question to which that Committee may lawfully require an answer,

or

(iii) being in attendance before the Fitness to Practise Committee do anything in relation to the inquiry which, if done in relation to proceedings before a Court by a witness in the Court, would be in contempt of such Court.

F25**[**(*b*) Subject to *subsection (9)*, a person who contravenes *paragraph (a)* is guilty of an offence and is liable on summary conviction to a class A fine.**]**

(*c*) The High Court, on application to it in a summary manner by the Fitness to Practise Committee in relation to any matter referred to at *subparagraph (i), (ii)* or *(iii)* of *paragraph (a)*, may make such order as it considers necessary.

(9) A witness whose evidence has been, is being or is to be given before the Fitness to Practise Committee is entitled to the same privileges and immunities as a witness in a Court.

(10) (*a*) If the Fitness to Practise Committee requires the veterinary records of an animal that is under the care of a registered person to be produced for the purposes of an inquiry conducted by that Committee, such records shall not be made available to the Fitness to Practise Committee without the consent of the owner of the animal concerned unless the Committee specifically directs the registered person to produce such records.

F26**[**(*b*) In this subsection "under the care of a registered person" has the same meaning as it has in Regulation 43 of the European Communities (Animal Remedies) (No. 2) Regulations 2007 (S.I. No. 786 of 2007).**]**

Annotations

Amendments:

F25 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(l), commenced on enactment. A class A fine means a fine not greater than €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

F26 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(m), commenced on enactment.

Report of Fitness to Practise Committee.

F27**[79.**— (1) Following an inquiry under *section 78*, the Fitness to Practise Committee shall make a report of the inquiry and its findings to the Council and shall specify in the report—

(*a*) the nature of the application,

(*b*) the evidence laid before it,

(*c*) any other matter in relation to the registered person to whom the inquiry relates as it considers appropriate, and

(*d*) its opinion as to whether one or more of the grounds specified in *section 76(1)* were found to be proven.**]**

(2) The Registrar, within 21 days of the receipt of the report by the Council shall send a copy of it to the registered person to whom the inquiry relates, at his or her address as stated in the Register or the Register of Veterinary Nurses, as appropriate.

Annotations

Amendments:

F27 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 4(a), commenced on enactment.

Removal or suspension from relevant register or conditions attaching to registration.

F28**[80.**—(1) Where the Council receives a report from the Fitness to Practise Committee under *section 79(1)*, in which that Committee gives as its opinion that one or more of the grounds specified in *section 76(1)* were found to be proven, it may decide to do any of the following—**]**

(*a*) remove the name of the registered person from all or some of the parts of the Register or the Register of Veterinary Nurses where he or she is registered, as the Council considers appropriate,

(*b*) direct that for a specified period the registration of the registered person in all or some of the parts of the Register or the Register of Veterinary Nurses where he or she is registered, as the Council considers appropriate, shall not have effect, or

(*c*) attach such of the following conditions as it thinks fit, to the retention of the name of the registered person in all or some of the parts of the Register or the Register of Veterinary Nurses where he or she is registered, as the Council considers appropriate:

(i) that he or she should obtain specified medical treatment;

(ii) that he or she should have limits placed on the type of veterinary medicine or veterinary nursing, as appropriate, practised by him or her;

(iii) that he or she should have geographical or temporal limits placed on the practice by him or her of veterinary medicine or veterinary nursing, as appropriate;

(iv) that he or she should attend specified programmes of education or further education;

(v) other specified conditions.

(2) If the Council makes a decision under *subsection (1)* it shall notify the registered person to whom the decision relates in writing, as soon as practicable stating the decision, the reasons for the decision and the date on which it was made.

(3) A person who receives a notification under *subsection (2)* may appeal to the High Court against the decision specified in the notification within a period of 21 days beginning on the date of such receipt.

(4) On the hearing of an appeal under *subsection (3)* by the registered person to whom the decision relates, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council in relation to matters referred to in *subsection (1)* concerned,

(*b*) an order remitting the decision of the Council in relation to matters referred to in *subsection (1)* with or without directions to the Council, for reconsideration by it and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

(5) Where the registered person to whom the decision relates has made no application under *subsection (3)* within 21 days of the notification under *subsection (2)*, the High Court may, on an application to it in a summary manner by the Council make—

(*a*) an order confirming or setting aside the making of the decision concerned,

(*b*) an order remitting the decision concerned with or without directions to the Council, for reconsideration by it and the making of a new decision in relation to it,

(*c*) any other order that it considers appropriate.

(6) The decision of the High Court on an application under this section shall be final, save that, by leave of that Court or the Supreme Court, an appeal by the Council or the registered person concerned, from the decision, shall lie to the Supreme Court on a question of law.

Annotations

Amendments:

F28 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 4(b), commenced on enactment.

Function of Council to advise, warn or censure.

81.—(1) If the Council sees fit to do so on receipt of a report under *section 79*, and having regard to its functions under this Act, it may decide to advise, warn or censure a person to whom the report relates.

(2) For the purposes of this section, F29**[***subsections (2)* to *(4)* and *(6)***]** of *section 80* shall apply as if the reference to a decision under *subsection (1)* of that section were a reference to a decision under *subsection (1)* of this section.

(3) The Council may exercise the functions referred to in *subsection (1)* in substitution for or in addition to functions that it exercises under *section 80, 82* or *84*.

Annotations

Amendments:

F29 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(n), commenced on enactment.

Contribution by registered person.

82.—(1) Where the Council receives a report under *section 79*, it may, having regard to its functions under this Act, decide to issue a direction to the registered person to whom the report relates, that he or she shall do all or any of the following:

(*a*) pay a sum to be determined, subject to *subsection (2)* by the Council, to the applicant in respect of costs and expenses incurred by him or her under this Part;

(*b*) not charge or recover a sum to be determined, subject to *subsection (2)* by the Council, in respect of fees or outlays from the applicant in respect of veterinary services provided by the registered person to the applicant (whether or not these are agreed by the applicant to be due to the registered person) in settlement of costs and expenses incurred by the applicant under this Part;

(*c*) pay to either the Preliminary Investigation Committee or the Fitness to Practise Committee, or to be shared as directed between those Committees a sum to be determined, subject to *subsection (2)*, by the Council, in respect of the costs and expenses incurred by either of those Committees or both of them under this Part, where the Council has determined that the registered person has refused, neglected or otherwise failed, without reasonable cause, to respond in a timely manner, or at all, to a written request of either of those Committees or both of them and the Council has incurred costs in consequence of the refusal, neglect or failure.

(2) The sum referred to at *paragraphs (a), (b)* and *(c)* of *subsection (1)*, shall have a value not exceeding €5,000 or such other sum as the Minister may fix by order in accordance with *subsection (3)*.

(3) (*a*) The Minister may make an order from time to time amending *subsection (2)* by substituting for the amount standing specified in that subsection for the time being

an amount equal to the amount obtained by multiplying €5,000 by the figure specified in *subsection (4)*, and, if the amount so obtained is not a whole number to Euro and the Minister considers it appropriate to do so, and specifies in the order that the amount has been so rounded, rounding (up or down as he or she thinks fit) the amount to the nearest whole number of Euro.

(*b*) The Minister shall consult with the Council before making an order under *paragraph (a)*.

(*c*) The Minister may, by order amend an order made under this subsection, including under this paragraph.

(4) (*a*) The figure mentioned in *subsection (3)* is the quotient rounded up to 3 decimal places, obtained by dividing the consumer price index number relevant to the year in which the order concerned is made by the consumer price index number relevant to the year 2004.

(*b*) In this section "consumer price index number" means the All Items Consumer Price Index Number compiled by the Central Statistics Office and references to the consumer price index number relevant to any year are references to the consumer price index number at such date in that year as is determined by the Minister with the consent of the Minister for Finance.

(5) If the Council decides to issue a direction under *subsection (1)* it shall notify the registered person to whom the decision relates in writing, as soon as practicable stating the decision, the reasons for it and the date on which it was made.

(6) A person who receives a notification under *subsection (5)* may appeal to the District Court against the decision specified in the notification within a period of 21 days beginning on the date of such receipt.

(7) On the hearing of an appeal under *subsection (6)* by the registered person to whom the decision relates, the District Court may make—

(*a*) an order affirming or setting aside any decision of the Council in relation to matters referred to in *subsection (1)* concerned,

(*b*) an order remitting the decision of the Council in relation to matters referred to in *subsection (1)* with or without directions to the Council, for reconsideration by it and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

(8) Where the registered person to whom the decision relates has made no application under *subsection (6)* within 21 days of the notification under *subsection (5)*, the District Court may, on an application to it in a summary manner by the Council make—

(*a*) an order confirming or setting aside the decision concerned,

(*b*) an order remitting the decision concerned to the Council, with or without directions to it, for reconsideration by it and the making of a new decision,

(*c*) any other order that it considers appropriate.

(9) The decision of the District Court on an application under this section shall be final, save that, by leave of that Court or the High Court, an appeal by the Council or the registered person concerned, from the decision, shall lie to the High Court on a question of law.

(10) The jurisdiction conferred on the District Court by this section shall be exercised by the judge of the District Court for the time being assigned to the district where the registered person concerned ordinarily resides or carries on any profession, business or occupation.

(11) The Council may exercise the functions referred to in *subsection (1)* in substitution for or in addition to functions that it exercises under *section 80* or *81*.

Restoration to relevant register.

83.—(1) Where the name of any person has been removed from a part of the Register, or the Register of Veterinary Nurses by virtue of *section 80(1)(a)* the Council may, as it thinks fit having regard to its functions and on application to it in writing by the person concerned decide, by direction, to restore the name of that person to the Register or the Register of Veterinary Nurses as the case may be and the Council may decide, by direction, to restore the name to the appropriate register subject to such conditions as it sees fit to impose.

(2) Where the registration of a person in a part of the Register or the Register of Veterinary Nurses has ceased to have effect by virtue of *section 80(1)(b)* for a specified period, the Council may, as it thinks fit having regard to its functions and on application to it in writing by the person concerned, decide, by direction, to remove the suspension before the end of the specified period.

(3) Where conditions attach to the retention of the person's name in a part of the Register or the Register of Veterinary Nurses by virtue of *section 80(1)(c)* the Council may, as it thinks fit having regard to its functions and on application to it in writing by the person concerned, decide, by direction to remove in whole or in part those conditions.

(4) If the Council decides to issue a direction under *subsection (1), (2)* or *(3)*, it shall notify the person to whom the decision relates in writing, as soon as practicable stating—

(*a*) the decision,

(*b*) in the case of *subsection (1)* conditions (if any) imposed,

(*c*) in the case of *subsection (3)* conditions (if any) removed,

(*d*) the reasons for the decision,

(*e*) the date on which it was made.

(5) A person who receives a notification under *subsection (4)* may appeal to the High Court against the decision specified in the notification including any condition to which *subsection (1)* or *(3)* relates, within a period of 21 days beginning on the date of such receipt.

(6) On the hearing of an appeal under *subsection (5)* by the person to whom the decision relates, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council in relation to matters referred to in *subsection (1), (2)* or *(3)* concerned,

(*b*) an order remitting the decision of the Council in relation to matters referred to in *subsection (1)* with or without directions to the Council, for reconsideration, by it and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

(7) Where the registered person to whom the decision relates has made no application under *subsection (5)* within 21 days of the notification under *subsection (4)*, the High Court may, on an application to it in a summary manner by the Council make—

(*a*) an order confirming or setting aside the making of the decision concerned,

(*b*) an order remitting the decision concerned to the Council, with or without directions to it, for reconsideration by it and the making of a new decision,

(*c*) any other order that it considers appropriate.

(8) The decision of the High Court on an application under this section shall be final, save that, by leave of that Court or the Supreme Court, an appeal by the Council or the registered person concerned, from the decision, shall lie to the Supreme Court on a question of law.

Person convicted of offence triable on indictment.

84.—(1) Where a person whose name is registered on a part of the Register, or on the Register of Veterinary Nurses is convicted in the State of an offence triable on indictment, or is convicted outside the State of an offence consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State, the Council may decide that the name of such person shall be removed from the part of the Register concerned or the Register of Veterinary Nurses as appropriate.

(2) If the Council makes a decision under *subsection (1)* it shall notify the registered person to whom the decision relates in writing, as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(3) A person who receives a notification under *subsection (2)* may appeal to the High Court against the decision specified in the notification within a period of 21 days beginning on the date of such receipt.

(4) On the hearing of an appeal by the registered person to whom the decision relates not later than 21 days from the date of the notification under *subsection (2)*, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council to remove the name from the part of the Register concerned, or the Register of Veterinary Nurses as appropriate,

(*b*) an order remitting the decision of the Council in relation to the removal of the name with or without directions to the Council, for reconsideration by it and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

(5) Where the registered person to whom the decision relates has made no application under *subsection (3)* within 21 days of the notification under *subsection (2)*, the High Court may, on an application to it in a summary manner by the Council make—

(*a*) an order confirming or setting aside the decision concerned,

(*b*) an order remitting the decision concerned to the Council, with or without directions to it, for reconsideration by it and the making of a new decision,

(*c*) any other order that it considers appropriate.

(6) The decision of the High Court on an application under this section shall be final, save that, by leave of that Court or the Supreme Court, an appeal by the Council or the registered person concerned, from the decision, shall lie to the Supreme Court on a question of law.

Privilege in respect of certain matters.

85.—The contents of the following, published or made available by virtue of this Act, shall be protected by absolute privilege—

(*a*) proceedings of or communications to or by the Council under *section 80, 81, 82, 83* or *84*,

(*b*) proceedings of or communications by the Preliminary Investigation Committee or the Fitness to Practise Committee under *section 76, 77, 78* or *79*,

(*c*) reports of either of those Committees to the Council, or

(*d*) reports made otherwise under this Part by the Council, or either of those Committees in the performance of the functions of the Council or Committees, as appropriate.

Notification to Minister of name removed or restored, etc., from relevant register.

86.—(1) In respect of the Register or the Register of Veterinary Nurses as appropriate, the Council shall notify the Minister, on the occasion of—

(*a*) the removal of the name of a person from it (otherwise than upon the death of the person),

(*b*) the restoration of the name of a person to it,

(*c*) the suspension of the name of a person from it,

(*d*) the termination of a period of suspension from it,

(*e*) the attachment of conditions to the retention of the name of a person on it, or removal of such conditions.

(2) The Council shall also notify the Minister of—

(i) the advice, warning or censure of a person under *section 81*, or

(ii) a direction to pay a sum under *section 82* or not to charge or recover fees by virtue of that section.

(3) The notification referred to in *subsections (1)* and *(2)* shall include the name and address of the person concerned and the reasons for the action taken by the Council.

Personal interest of member of Preliminary Investigation Committee or Fitness to Practise Committee.

87.—(1) Whenever it appears to a member of the Preliminary Investigation Committee, Fitness to Practise Committee or the Council or the chairperson or deputy chairperson of the Fitness to Practise Committee that he or she cannot properly deal with a matter falling to be considered, investigated, reported upon or decided upon under this Part, by reason of the fact that he or she has a personal interest in the matter, or such personal knowledge of the facts or of the relevant parties as might prejudice his or her actions in relation to the matter, he or she shall notify the Preliminary Investigation Committee, or the Fitness to Practise Committee as appropriate, and the Council, and shall not exercise his or her functions under this Part in relation to the matter.

(2) If the Council is satisfied that it is required for the purposes of dealing with a matter referred to at *subsection (1)*—

(*a*) it may appoint—

(i) a member of the Council to be a member of the Preliminary Investigation Committee,

(ii) a member of the Council to be a member of the Fitness to Practise Committee,

(*b*) it may seek a nomination of and appoint in accordance with *section 71(2)(a)*, a person to whom that subsection refers, to act as chairperson or deputy chairperson of the Fitness to Practise Committee.

Members of Preliminary Investigation Committee and Fitness to Practise Committee not to exercise certain functions.

88.—(1) A member of the Preliminary Investigation Committee that considered an application for inquiry under *section 76* and made a decision under *section 77*, shall not, in relation to a person to whom the application or decision relates—

(*a*) participate as a member of the Fitness to Practise Committee that holds an inquiry under *section 78* or makes a report on it under *section 79*, or

(*b*) exercise his or her functions as a member of the Council under *sections 80* to *84*.

(2) A member of the Fitness to Practise Committee that holds an inquiry under *section 78* and makes a report under *section 79*, shall not, in relation to a person to whom the inquiry or report relates—

(*a*) participate as a member of the Preliminary Investigation Committee that considers an application for an inquiry under *section 76* or makes a decision under *section 77*, or

(*b*) exercise his or her functions as a member of the Council under *sections 80* to *84*.

Report of activities of Fitness to Practise Committee to be included in annual report.

89.—(1) The annual report referred to in *section 30* shall include a report of all matters referred to in *section 86* that have occurred since the last such report, and in the case of the first such report, since the appointment of the Preliminary Investigation Committee and the Fitness to Practise Committee.

(2) The report shall identify all relevant particulars in relation to each matter in the report, such as the name and address of each person affected, term of suspension, and conditions attached or removed.

PART 8

VETERINARY NURSES

Interpretation (*Part 8*).

90.—In this Part, except where the context otherwise requires—

"Board" means the Veterinary Nurses Board;

"provisionally register" means register under *section 96* and "provisional registration" shall be construed accordingly;

"veterinary nursing" has the meaning given to it by *section 91*.

Veterinary nursing.

91.—(1) Subject to *section 92* "veterinary nursing" means carrying out any procedures to which *subsection (2)* applies and other cognate phrases shall be construed accordingly.

(2) This subsection applies to the following procedures on animals:

(*a*) those carried out by a veterinary nurse, while assisting and in the presence of a veterinary practitioner—

(i) holding and handling tissue during performance of surgical procedures,

F30**[**(ii) induction, maintenance and termination of general anaesthesia, including performance of endotrachial intubation,**]**

(iii) assisting at the performance of surgical procedures that are not minor,

(iv) assisting at the performance on an animal of a caesarean section operation or other surgery to assist her to give birth to her F30**[**young;**]**

(v) F31**[**...**]**

(*b*) those carried out by a veterinary nurse, under the direction of a veterinary practitioner—

F30**[**(i) administration of medication enterically, intraosseously, or intravenously,**]**

(ii) catheterisation, surgical treatment of abscesses and ulcers, application of external casts and cutaneous suturing,

(iii) the taking of images by x-ray,

(iv) the carrying out of minor medical procedures or minor surgery;

(*c*) procedures standing prescribed under *section 92* and, if the carrying out of any such procedures is made subject to conditions specified under that section, those procedures if carried out in compliance with those conditions.

F30**[**(3) In *paragraphs (a)(iii)* and *(b)(iv)* of *subsection (2)*, "minor" relates to a procedure or surgery that does not involve entry beneath the skin, mucosa or into the cornea.**]**

Annotations

Amendments:

F30 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(o)(i)(I), (II), (ii), (iii), commenced on enactment.

F31 Deleted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(o)(i)(III), commenced on enactment.

Prescribing procedures to which *section 91(2)* applies.

92.—(1) Subject to *subsection (2)*, the Minister may, for any purpose specified in *subsection (3)*, prescribe procedures, in addition to those specified in *paragraphs (a)* and *(b)* of *section 91(2)* to which that subsection applies.

(2) Before prescribing procedures under *subsection (1)*, the Minister shall consult with the Council and the Board.

(3) The purposes referred to in *subsection (1)* are—

(*a*) taking account of—

(i) technological improvements in relation to diagnosing a matter referred to in *section 53(1)(a)(i)*,

(ii) the competence of veterinary nurses to carry out treatments or procedures or administer an animal remedy, due to improvements in programmes of education or further education,

(*b*) giving effect to—

(i) any provision of the Treaties governing the European Communities,

(ii) any regulation, directive, or other act adopted by an institution of the European Communities, or

(iii) a judgement of the European Court of Justice, relating to the practice of veterinary nursing,

(*c*) regulating and ensuring the proper practice of veterinary nursing in the State,

(*d*) ensuring the adequate provision of veterinary nursing services in the State,

(*e*) maintaining and improving standards of public health in the State, or

(*f*) maintaining and improving standards of animal health and welfare in the State.

(4) Without prejudice to the generality of *subsection (1)*, regulations made under that subsection may provide that any procedure specified in the regulation shall be carried out in compliance with conditions so specified, including a condition that—

(*a*) the carrying out of the procedure is supervised by a veterinary practitioner, or

(*b*) specified equipment is used by the veterinary nurse in carrying out the procedure.

(5) Every regulation made by the Minister under *subsection (1)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within 21 days on which that House has sat after the regulation is laid before it, the regulations shall be annulled accordingly, but without prejudice to the validity of anything previously done under it.

Establishment of Register of Veterinary Nurses.

93.—(1) Not later than 2 years after the establishment day, the Council shall establish a Register of Veterinary Nurses to be known as the "Register of Veterinary Nurses".

(2) The Council shall publish a notice in not less than 2 daily newspapers circulating in the State, of the establishment of the Register of Veterinary Nurses and the date of such establishment.

(3) The Council shall maintain the Register of Veterinary Nurses.

F32[(4) The Register of Veterinary Nurses shall contain the following parts, namely—

(*a*) a part consisting of the names and particulars of persons registered under *sections 95*, *95A(1)* and *96A*,

(*b*) a part consisting of the names and particulars of persons provisionally registered under *section 96*,

(*c*) a part consisting of the names and particulars of persons registered for the purpose of provision of services under *section 95A(4)*, and

(*d*) a part consisting of the names and particulars of persons registered with limited registration under *section 96B*.

(5) A person shall be registered as a veterinary nurse by the entry in the Register of Veterinary Nurses, relating to that person, of—

(*a*) his or her full name and address,

(*b*) where appropriate, the educational qualifications of the person,

(*c*) in the case of registration under *section 95A(4)* and where appropriate under *section 96A*, the date on which registration is to expire,

(*d*) in the case of registration under *section 96B*, the date on which registration is to expire and any condition attached to it,

(*e*) where appropriate, confirmation of compliance with any regulations under *section 52* that apply, and

(*f*) such other particulars (if any) as may be prescribed.**]**

Annotations

Amendments:

F32 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 5, commenced on enactment.

General matters relating to registration of veterinary nurses.

94.—(1) A veterinary nurse ceases to be registered under this Part when his or her name is removed from the Register of Veterinary Nurses.

(2) As soon as possible after the Council has entered a person's name on the Register of Veterinary Nurses, it shall send a certificate to that person that certifies that his or her name has been entered in that register and whether he or she is fully or provisionally registered, and, if appropriate, any conditions attaching to such entry.

(3) For the purposes of this Part, *sections 37* and *38* shall be construed as if, in addition to references to the Register where they appear in those sections, reference is also made to the Register of Veterinary Nurses, with any necessary modifications.

Registration as veterinary nurse.

95.—(1) The Council, on application to it in writing in that behalf by a person to whom *subsection (2)* applies, in accordance with regulations made under *section 52(1)* and, on payment to it of the fee fixed under *section 33*, shall register the person as a veterinary nurse.

(2) This subsection applies to a person who—

(*a*) has undergone programmes of education, and acquired educational qualifications prescribed under *section 65*,

(*b*) is of good character and repute and is not an undischarged bankrupt,

(*c*) has not been convicted by a court in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary nursing,

(*d*)(i) is not prohibited or suspended from registration under *Part 4*, or

(ii) is not prohibited from practising or suspended from the practice of veterinary medicine,

either under *Part 7* or provisions similar to those contained in that Part in force in another state, by reason of a conviction for an offence or serious misconduct in connection with the carrying out of professional duties as a veterinary surgeon,

F33**[**(*e*) is not prohibited from practising, or suspended from the practice of, veterinary nursing, either under *Part 7* or provisions corresponding to those contained in that Part in force in another state, by reason of—

(i) a conviction for an offence, or

(ii) serious misconduct,

in connection with the carrying out of professional duties as a veterinary nurse.**]**

(*f*) is not a veterinary practitioner.

(3) A veterinary nurse ceases to be registered under this Part when his or her name is entered in a part of the Register.

(4) If the Council decides that a person who applies to it for registration as a veterinary nurse should not be so registered, it shall notify the person in writing as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(5) A person who receives a notification under *subsection (4)* may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(6) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for registration concerned,

(*b*) an order remitting the application for registration with or without directions to the Council, for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

F34**[**(7) The Council, on application to it in that behalf in writing by a person to whom *subsection (8)* applies, in accordance with regulations made under *section 52(1)* and on payment of the fee prescribed under *section 33*, shall register the person as a veterinary nurse.

(8) For the purposes of *subsection (7)*, this subsection refers to a veterinary nurse who comes within the scope of Article 10 of the Mutual Recognition Directive and who shows to the satisfaction of the Council that he or she—

(*a*) has complied with Article 13 of the Mutual Recognition Directive,

(*b*) is a national of the State or a relevant State,

(*c*) is of good character and repute and is not an undischarged bankrupt,

(*d*) has not been convicted by a court, in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary medicine, and

(*e*) is not prohibited from practising, or suspended from the practice of, veterinary nursing, either under *Part 7* or provisions corresponding to those contained in that Part that apply in another state, by reason of a conviction for an offence, or serious misconduct in connection with the carrying out of professional duties as a veterinary nurse.

(9) *Parts 1* and *2* of *Schedule 3* apply to an application made under *subsection (7)*.

(10) Where a person who is legally established as a veterinary nurse in a relevant State and who—

(*a*) wishes to provide services as a veterinary nurse within the limits and under the conditions laid down in Article 5 of the Mutual Recognition Directive, and

(*b*) furnishes—

(i) a prior declaration of his or her intention to provide services in accordance with Article 7 of the Mutual Recognition Directive in the manner prescribed,

(ii) a certificate from the competent authority of the relevant State where the applicant is established, which confirms such establishment and that he or she is lawfully practising as a veterinary nurse in that State,

(iii) where the profession of veterinary nursing is not regulated in the relevant State where he or she is established, proof that the person has practised as a veterinary nurse for not less than two of the ten years preceding the application,

(iv) a copy of his or her qualification or a statement from the competent authority of the home relevant State that the applicant holds a diploma, certificate or other evidence of formal qualifications as a veterinary nurse, and

(v) proof of nationality,

and the documents referred to in this paragraph are in order, the Council shall register that person as a veterinary nurse for a period not exceeding 12 months.

(11) If the Council is satisfied to do so and, on application to it in that behalf from the person referred to in *subsection (10)*, it may renew the registration for further periods not exceeding 12 months, provided that, in relation to an application for such renewal, the person complies with *paragraphs (a)* and *(b)* of *subsection (10)*.

(12) Parts 1 and 3 of *Schedule 3* apply to applications made under *subsection (10)*.

(13) If the Council decides that a person who applies to it for registration under *subsections (7)* or *(10)* should not be so registered, it shall notify the person in writing as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(14) A person who receives a notification under *subsection (13)* may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(15) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for registration concerned,

(*b*) an order remitting the application for registration with or without directions to the Council for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.**]**

Annotations

Amendments:

F33 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(p), commenced on enactment.

F34 Inserted (1.07.2008) by *European Communities (Veterinary Practice Act 2005) (Qualifications in Veterinary Medicine) Regulations 2007* (S.I. No. 745 of 2007), reg. 3(b), in operation as per reg. 2.

F35**[**Mutual recognition — veterinary nurses.

95A.— (1) The Council, on application to it in that behalf in writing by a person to whom *subsection (2)* applies, in accordance with regulations made under *section 52(1)* and on payment of the fee prescribed under *section 33*, shall register the person as a veterinary nurse.

(2) This subsection applies to a veterinary nurse who comes within the scope of Article 10 of the Mutual Recognition Directive and who shows to the satisfaction of the Council that he or she—

(*a*) has complied with Article 13 of the Mutual Recognition Directive,

(*b*) is a citizen of the State or a relevant State,

(*c*) is of good character and repute and is not an undischarged bankrupt,

(*d*) has not been convicted by a court, in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary medicine, and

(*e*) is not prohibited from practising, or suspended from the practice of, veterinary nursing either under *Part 7* or provisions corresponding to those contained in that Part that apply in another state by reason of—

(i) a conviction for an offence, or

(ii) serious misconduct,

in connection with the carrying out of professional duties as a veterinary nurse.

(3) *Parts 1* and *2* of *Schedule 3* apply to an application made under *subsection (1)*.

(4) Where a person who is legally established as a veterinary nurse in a relevant State and who—

(*a*) wishes to provide services as a veterinary nurse within the limits and under the conditions laid down in Article 5 of the Mutual Recognition Directive, and

(*b*) furnishes—

(i) a prior declaration of his or her intention to provide services in accordance with Article 7 of the Mutual Recognition Directive in the manner prescribed,

(ii) where the profession of veterinary nursing—

(I) is regulated in the relevant State where the applicant is established, a certificate from the competent authority of that State, which confirms such establishment and that he or she is lawfully entitled to practise as a veterinary nurse in that State, or

(II) is not regulated in the relevant State where he or she is established, proof that the person has practised the profession of veterinary nursing for not less than F36**[**1 year**]** in the 10 year period immediately preceding the application,

(iii) a copy of his or her qualification or a statement from the competent authority of the home relevant State that the applicant holds a diploma, certificate or other evidence of formal qualifications as a veterinary nurse, F37**[**...**]**

(iv) proof of nationality, F38**[**and**]**

F39**[**(v) a declaration of his or her knowledge of the English language necessary for practising veterinary nursing,**]**

and the documents referred to in this paragraph are in order,

the Council shall register that person as a veterinary nurse for a period not exceeding 12 months.

(5) If the Council is satisfied to do so, and on application to it in that behalf from the person referred to in *subsection (4)*, it may renew the registration for further periods not exceeding 12 months, provided that, in relation to an application for such renewal, the person continues to comply with *paragraphs (a)* and *(b)* of *subsection (4)*.

(6) *Parts 1* and *3* of *Schedule 3* apply to applications made under *subsection (4)*.

(7) If the Council decides that a person who applies to it for registration under *subsection (1)* or *(4)* should not be so registered, it shall notify the person in writing as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(8) A person who receives a notification under *subsection (7)* may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(9) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for registration concerned,

(*b*) an order remitting the application for registration with or without directions to the Council for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

(10) In this section—

"competent authority", "Mutual Recognition Directive", "relevant State", and "third country" have the meanings assigned to them, respectively, in *section 43(15)*;

"home relevant State" in relation to a veterinary nurse, means the relevant State in which he or she acquired his or her diploma, certificate or other evidence of formal qualification or where he or she is registered as a veterinary nurse.

(11) A word or expression that is used in this section and is also used in the Mutual Recognition Directive has, unless the contrary intention appears, the same meaning in this section, as it has in that Directive.**]**

Annotations

Amendments:

F35 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 8(2), commenced on enactment.

F36 Substituted (9.03.2016) by *Horse Racing Ireland Act 2016* (2/2016), s. 19(b)(i), S.I. No. 138 of 2016.

F37 Deleted (9.03.2016) by *Horse Racing Ireland Act 2016* (2/2016), s. 19(b)(ii), S.I. No. 138 of 2016.

F38 Inserted (9.03.2016) by *Horse Racing Ireland Act 2016* (2/2016), s. 19(b)(iii), S.I. No. 138 of 2016.

F39 Inserted (9.03.2016) by *Horse Racing Ireland Act 2016* (2/2016), s. 19(b)(iv), S.I. No. 138 of 2016.

Provisional registration as veterinary nurse.

96.—(1) The Council, on application to it in writing in that behalf by a person to whom *subsection (2)* applies, in accordance with regulations under *section 52(1)*, and, on payment to it of the fee prescribed under *section 33*, shall provisionally register the person as a veterinary nurse.

(2) This subsection applies to a person who—

(*a*) applies for provisional registration as a veterinary nurse within 6 months of the day of the establishment of the Register of Veterinary Nurses,

(*b*) was practising as a veterinary nurse on the 27th October 2004 and continued so acting in a whole time capacity, under the supervision of a veterinary practitioner, until the day of the establishment of the Register of Veterinary Nurses,

(*c*) undertakes to participate in an approved programme of education appropriate to veterinary nurses as prescribed, and

(*d*) complies with *paragraphs (b), (c), (d), (e)* and *(f)* of *section 95(2)*.

(3) If the Council decides that a person who applies to it for provisional registration as a veterinary nurse should not be so registered, it shall notify the person in writing as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(4) A person who receives a notification under *subsection (3)* may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(5) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for registration concerned,

(*b*) an order remitting the application for registration with or without directions to the Council, for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

(6) Provisional registration under this section shall cease 5 years after the day on which the Register of Veterinary Nurses is established.

(7) Notwithstanding this Act and save where otherwise provided by law, a person who is provisionally registered as a veterinary nurse under this section may practise veterinary nursing.

F40[Registration of persons who would not otherwise qualify for registration under *section 95* or *96*.

96A.—(1) The Council, on application to it in writing in that behalf by a person to whom *subsection (3)* applies, in accordance with regulations under *section 52(1)*, and on payment to it of the fee prescribed under *section 33*, shall register the person as a veterinary nurse.

(2) Registration of a person under *subsection (1)* may be for such period as decided by the Council.

(3) This subsection applies to a person who—

(*a*) does not qualify for registration under *section 95* or *96*,

(*b*) subject to *subsection (9)*, has undergone programmes of training and education, passed examinations and obtained qualifications in veterinary nursing in a state other than of the State that, in the opinion of the Council, are of a standard that is not lower than the standard of such programmes, examinations or qualifications in the State necessary for the practice of veterinary nursing,

(*c*) shows to the satisfaction of the Council that he or she has sufficient language skills for the purpose of the practice of veterinary nursing in the State,

(*d*) is of good character and repute and is not an undischarged bankrupt,

(*e*) has not been convicted by a court in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary nursing, and

(*f*) is not prohibited from practising, or suspended from the practice of, veterinary nursing, either under *Part 7* or provisions corresponding to those contained in that Part in force in another state, by reason of—

(i) a conviction for an offence, or

(ii) serious misconduct,

in connection with the carrying out of professional duties as a veterinary nurse.

(4) Registration of a person under this section may, if the Council decides that it is appropriate to do so, be subject to a condition that the practice of veterinary nursing by the person shall be supervised by a specified veterinary practitioner for a specified period of time after the person is registered.

(5) If the Council decides that a person who applies to it for registration under this section should not be so registered or, that the person should be so registered subject to a condition imposed as respects supervision under *subsection (4)*, it shall notify the person in writing as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(6) A person who receives a notification under *subsection (5)* may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(7) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for registration, or imposition of the condition as respects supervision concerned,

(*b*) an order remitting the application for registration or decision to impose the condition, with or without directions to the Council for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.

(8) Nothing in this section shall prevent the Council from exercising its functions pursuant to *section 13(2)(m)*.

(9) In order that the Council may be satisfied that the standard that applies to the programmes of education and training undergone, examinations passed and qualifications obtained is not of a standard that is lower than the standard of such programmes, examinations or qualifications that is necessary for the practice of veterinary nursing, it may require a person to whom *subsection (3)* applies, to sit and pass an examination set by or on behalf of the Council in that regard.**]**

Annotations

Amendments:

F40 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2015), s. 6, commenced on enactment.

F41**[**Limited registration — veterinary nurses.

96B.—(1) Notwithstanding any provision of this Act, subject to *subsection (4)*, and, on satisfying itself of the need to effect registration under this section for the purpose specified in *subsection (2)*, the Council—

(*a*) on application to it in writing in that behalf by a person to whom *subsection (3)* applies, in accordance with regulations under *section 52(1)*, and

(*b*) on payment to it of the fee prescribed under *section 33*,

shall register the person as a veterinary nurse with limited registration.

(2) The Council shall be satisfied that the person making the application is required to participate in the provision of approved programmes of education or further education before registering the person.

(3) This subsection applies to a person who—

(*a*) satisfies the Council that he or she has the requisite knowledge and skill for the purposes of *subsection (2)*,

(*b*) is of good character and repute and is not an undischarged bankrupt,

(*c*) shows to the satisfaction of the Council that he or she has sufficient linguistic skills for the purposes of *subsection (2)*,

(*d*) has not been convicted by a court in the State or elsewhere, of an offence that, in the opinion of the Council, is such as to render the person unfit to practise veterinary nursing, and

(*e*) is not prohibited from practising, or suspended from practice of, veterinary nursing, either under *Part 7*, or provisions corresponding to those contained in that Part in force in another state, by reason of—

(i) a conviction for an offence, or

(ii) serious misconduct,

in connection with carrying out of professional duties as a veterinary nurse.

(4) Limited registration of a person may be made subject to such conditions as the Council considers it appropriate to impose, including conditions specifying—

(*a*) the duration of such registration,

(*b*) the places where the person may practise veterinary nursing,

(*c*) the class or classes of treatments or procedures that may be carried out by the person.

(5) The Council may amend any conditions imposed under *subsection (4)* during the period of registration under this section where it is of opinion that it is appropriate to do so.

(6) The Council shall enter any conditions imposed under *subsection (4)*, or any amendments to them, in the Register and in the certificate of registration that is issued to the person concerned.

(7) A person who is registered under this section shall not put himself or herself forward for election, and shall not vote in respect of an election of members to the Council unless the person has been so registered for not less than 3 consecutive years.

(8) If the Council decides that a person who applies to it for limited registration should not be so registered, or that the person should be so registered subject to conditions, or that the conditions imposed under *subsection (4)* should be amended, it shall notify the person in writing as soon as practicable stating the decision, the reason for the decision and the date on which it was made.

(9) A person who receives a notification under subsection (8) may appeal to the High Court against the decision specified in the notification within a period of 3 months beginning on the date of such receipt.

(10) On the hearing of an appeal under this section, the High Court may make—

(*a*) an order affirming or setting aside any decision of the Council relating to the application for limited registration concerned or to amend any conditions subject to which a person has been registered,

(*b*) an order remitting the application for limited registration or the decision to impose conditions or to amend conditions imposed by the Council in relation to such registration, with or without directions to the Council, for reconsideration and the making of a new decision in relation to it, or

(*c*) any other order that it considers appropriate.**]**

Annotations

Amendments:

F41 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2015), s. 6, commenced on enactment.

Offences in relation to practice of veterinary nursing or use of title.

97.—(1) Subject to *sections* F42**[***54A***]**, *55* and *59*, nothing in this Act shall be construed as permitting a veterinary nurse to practise veterinary medicine, other than to the extent that it consists of the practice of veterinary nursing.

(2) Subject to *sections* F42**[***54A,***]** *55* and *59*, a person, in the case of *paragraph (a)*, other than a registered person, and in the case of *paragraphs (b)* and *(c)*, other than a veterinary nurse, shall not—

(*a*) do or perform any act, matter or thing the doing or performance of which forms part of the practice of veterinary nursing,

(*b*) use the title or description that would give the impression that he or she is registered under *Part 8* such as "veterinary nurse" or any abbreviation or derivative of them, either alone or in connection with any other title or description, or

(*c*) represent that they are registered on the Register of Veterinary Nurses.

(3) A body corporate shall not—

(*a*) do or perform any act, matter or thing the doing or performance of which forms part of the practice of veterinary nursing,

(*b*) represent itself as registered on the Register of Veterinary Nurses,

(*c*) represent itself as prepared to do or perform any act matter or thing the doing or performance of which constitutes part of the practice of veterinary nursing.

(4) Subject to F43**[***sections 54A* and *55***]** where a person who is not a registered person treats, by the practice of veterinary nursing, whether for reward or otherwise, an animal the property of another person, he or she shall be taken to have represented that he or she is a veterinary nurse.

(5) A person who contravenes this section is guilty of an offence.

(6) A person who is guilty of an offence under this section is liable—

F44**[**(*a*) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months, or to both,**]**

(*b*) on conviction on indictment—

(i) in the case of a first offence, to a fine not exceeding €130,000, or to imprisonment for a term not exceeding 5 years, or to both,

(ii) in the case of a second or subsequent offence, to a fine not exceeding €320,000, or to imprisonment for a term not exceeding 10 years, or to both.

(7) *Subsections (2)* and *(3)* shall come into operation on the day that is 6 months after the day on which the Register of Veterinary Nurses is established.

Annotations

Amendments:

F42 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2015), s. 9(q)(i), commenced on enactment.

F43 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2015), s. 9(q)(ii), commenced on enactment.

F44 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2015), s. 9(q)(iii), commenced on enactment. A class A fine means a fine not greater than €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

Establishment of Board.

98.—(1) Where the Minister is satisfied that—

(*a*) there is a sufficient number of veterinary nurses in the State to justify the establishment of a body to regulate veterinary nurses and the practice of veterinary nursing in the State, or

(*b*) the establishment of such a body would contribute to the regulation of the practice of veterinary nursing or the practice of veterinary medicine (other than veterinary nursing) in the State,

he or she may, after consultation with the Council, make an order providing that as on and from such a day as may be appointed by the order (in this Part to be known as the "appointed day"), there shall stand established a body which shall be known as Bord Altraí Tréidliachta na hÉireann or, in the English language, the Veterinary Nurses Board of Ireland, and in this Act referred to as the "Board", to perform the functions conferred on it by or under this Act.

(2) The Board is a body corporate with perpetual succession and it has power to sue and it may be sued in its corporate name and may acquire, hold and transfer property, or an interest in property both real and personal.

Procedure of Board.

99.—(1) Subject to this Act, the Board shall regulate, by standing orders or otherwise, the procedure and business of the Board.

(2) The Minister shall make regulations under *paragraph (f)* of *section 102(1)* and *subparagraphs (a)(iv)* and *(b)(iv)* of *section 102(2)* for the purposes of this section.

Functions of Board.

100.—The principal function of the Board is to perform the functions in relation to veterinary nurses and the practice of veterinary nursing vested in the Council and, accordingly, those functions shall become and be transferred from the Council to the Board and stand vested in the Board as on and from the appointed day.

Transitional arrangements in relation to functions of Board.

101.—(1) Notwithstanding *section 100*, any performance of a function transferred by that section that was begun, but not completed—

(*a*) by the Council, arising from its functions under *Part 6*, or the Education Committee,

(*b*) by the Council, arising from its functions under *Part 7*, the Preliminary Investigation Committee or the Fitness to Practise Committee,

may be completed by the Council, the Education Committee, the Preliminary Investigation Committee or the Fitness to Practise Committee after that day.

(2) Regulations made under this Act by the Minister or the Council before the establishment of the Board, that apply to veterinary nurses or veterinary nursing shall not be affected by such establishment, and such regulations, where they refer and apply to the Council, shall, in so far as they relate to veterinary nurses or veterinary nursing, be read as if they referred and applied to the Board.

Regulations in respect of Board.

102.—(1) Where the Minister proposes to make or has made an order under *section 98*, he or she shall by regulations, provide for the following matters in respect of the Board:

(*a*) the appointment of its members by the Minister;

(*b*) the number of its members, which shall be at least 12 and not more than 15;

(*c*) its composition, which shall include—

(i) at least 4 persons who are appointed by the Minister whom he or she considers to be representative of those who have qualifications and experience in relation to—

(I) animal welfare,

(II) training and education in veterinary nursing,

(III) food safety,

(IV) consumer matters,

whom the Minister considers would be of value to that Board in the performance of its functions,

(ii) at least 3 persons nominated by the Council for appointment of whom one person shall be a member of the Council and one person shall be registered or eligible to be registered under *Part 4*,

(iii) at least 5 persons who are registered veterinary nurses who are chosen for such appointment in accordance with rules made under *subsection (4)*;

(*d*) the appointment by the Minister of 5 persons whom he or she considers representative of the persons eligible to be elected members of the Board pending the holding of elections under rules made by the Board pursuant to *subsection (4)*;

(*e*) the appointment to the Board by the Minister of those persons elected pursuant to rules made under *subsection (4)* and the cessation from membership of the Board of those persons appointed to the Board for the purposes of *paragraph (d)*;

(*f*) the seal, elections, membership, president, and meetings of the Board in a manner that corresponds, as appropriate, to those matters as provided for in respect of the Council under *Schedule 2*;

(*g*) the staff of the Board, including its Registrar, and all matters affecting staff, disclosure of information, disclosure of interests, membership of a House of the Oireachtas or the European Parliament;

(*h*) the functions of the Board's Registrar;

(*i*) the accounts and audits of the accounts of the Board;

(*j*) gifts to the Board;

(*k*) the expenses of the Board and the Minister.

(2) Regulations made under *subsection (1)* shall provide for the following matters that are consequential or supplemental to the exercise of the functions transferred to the Board:

(*a*) the number and composition of committees to exercise a function as respects fitness to practise (including preliminary investigation), in relation to which the Minister shall provide—

(i) that members of any such committee, other than the chairperson, are members of the Board,

(ii) that other than the chairperson, any such committee shall consist of an equal number of registered persons and non-registered persons,

(iii) that the chairperson of any such committee that performs functions corresponding to those of the Fitness to Practise Committee shall not be a member of the Board and shall be appointed in the same manner as the chairperson of the Fitness to Practise Committee is appointed under *section 71*,

(iv) for the membership, chairperson and meetings of the committees in a manner that corresponds, as appropriate, to those matters as provided for in respect of the Council under *Schedule 4*;

(*b*) the number and composition of a committee to exercise a function as respects education and training, in relation to which the Minister shall provide—

(i) that the exercise of its functions shall be subject to consultation with the Council,

(ii) that only members of the Board shall be members of the committee,

(iii) that the committee shall consist of an equal number of registered persons and non-registered persons,

(iv) for the membership, chairperson and meetings of the committee in a manner that corresponds, as appropriate, to those matters as provided for in respect of the Council under *Schedule 4*;

(*c*) if appropriate, transfer of documentation and information acquired by authorised officers following on inspections under *Part 9*, or investigations under *Part 10*;

(*d*) if appropriate, the transfer of matters relating to the administration of the affairs of the Council, from the Council to the Board;

(*e*) the establishment of committees, other than those referred to in *paragraphs (a)* and *(b)*, by the Board to perform the functions of the Board;

(*f*) if appropriate, prescribing fees in relation to performance by the Board of its functions or provision of services by it before the Board makes regulations under *section 33*;

(*g*) any other such matters as the Minister considers appropriate.

(3) Regulations made under *subsection (1)* may provide for procedures for the nomination and election of the first members to be appointed to the Board and, for the purposes of facilit-

ating the appointment of the first members, may provide for such nomination or election by the persons concerned before the Minister makes the Order under *section 98*.

(4) (*a*) The Board shall make rules for the purpose of—

(i) the election of persons for appointment by the Minister as members of the Board, pursuant to regulations made under *subsection (1)* for the purposes of *paragraphs (a)* and *(c)(iii)* of that subsection,

(ii) where appropriate, the election of a person for appointment by the Minister as a member of the Council pursuant to *section 16(1)(i)*.

(*b*) The elections referred to in *paragraph (a)* shall be held on a ballot and in a manner provided for by the rules.

(*c*) Rules made under *paragraph (a)* may provide for such incidental supplementary and consequential provisions as the Board considers necessary or expedient.

(*d*) Without prejudice to the generality of *paragraphs (a)* and *(c)*, rules may make provision in relation to—

(i) returning officers,

(ii) ballot papers,

(iii) date of election,

(iv) any other matter that, in the opinion of the Board, is required for the purposes of the election of persons for appointment as members of the Board, or where appropriate, a member of the Council.

Conferral of additional functions on Board

103.—(1) The Minister may by order—

(*a*) confer on the Board such additional functions connected with the functions of the Board for the time being, as the Minister considers appropriate,

(*b*) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral of additional functions on the Board.

(2) The Minister may by order amend or revoke an order under this section, including an order under this subsection.

(3) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which the House has sat after that order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done under it.

(4) Nothing in this section shall be construed as restricting the power of any Minister of the Government to make regulations under section 3 of the European Communities Act 1972.

Ministerial directions to Board.

104.—The Minister may give general policy directions to the Board in writing in relation to the performance by the Board of its functions and the Board shall comply with any such directions.

PART 9

VETERINARY PREMISES

Interpretation (*Part 9*).

105.—In this Part, except where the context otherwise requires—

"certificate holder" shall be construed in accordance with *section 109*;

"certificate of suitability" shall be construed in accordance with *section 109*;

"exempted place" means a place where the practice of veterinary medicine by a registered practitioner occurs—

(*a*) under regulations made under the European Communities Act 1972,

(*b*) by or under an Act that relates to—

(i) export or slaughter of animals, or

(ii) export of meat,

or

(*c*) under regulations made under *section 107*;

"register of certificates of suitability" shall be construed in accordance with *section 120*;

"State premises" means a veterinary premises that is under the control of—

(*a*) a Minister of the Government, or

(*b*) a local authority;

F45**[**"under the care of a registered practitioner" has the same meaning as it has in Regulation 43 of the European Communities (Animal Remedies) (No. 2) Regulations 2007 (S.I. No. 786 of 2007);**]**

"veterinary premises" includes any place where the practice of veterinary medicine by a registered person occurs, including an ambulance or other vehicle equipped to facilitate such practice.

Annotations

Amendments:

F45 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(r), commenced on enactment.

Where practice of veterinary medicine may occur.

106.—(1) A registered person shall not practise veterinary medicine otherwise than at—

(*a*) a premises to which a certificate of suitability applies,

(*b*) a State premises,

(*c*) a premises, including a farm, that is under the control of the person who owns the animal or who for the time being has custody of the animal that is under the care of a registered practitioner, which registered practitioner usually practises veterinary medicine at a premises to which a certificate of suitability applies,

(*d*) an exempted place,

(*e*) a place where an emergency veterinary procedure is performed,

(2) It is an offence for a registered person to contravene *subsection (1)*.

(3) *Subsection (1)* shall not come into operation until such time as the Council shall make regulations under *section 108*.

Regulations in respect of places and events.

107.—(1) Where the Minister is of opinion that it is appropriate, for the purposes of facilitating the sale of animals or sporting events relating to animals, that—

(*a*) a veterinary examination, or

(*b*) treatment of an animal at such a sale or sporting event, which treatment is required as a result of participation by the animal at the sale or sporting event,

may take place otherwise than at a premises to which a certificate of suitability applies, then the Minister may, following consultation with the Council, prescribe places and events where such veterinary examination or treatment of an animal may be carried out by a registered practitioner without the requirement of such a certificate of suitability.

(2) Without prejudice to the generality of *subsection (1)*, the regulations referred to in that subsection may provide that the veterinary examination or treatment specified in the regulations shall be performed in compliance with conditions so specified which conditions may provide for one or more of the following:

(*a*) classes of sales or sporting events to which the regulations relate;

(*b*) classes of veterinary examination that may be carried out;

(*c*) specified aspects of veterinary medicine that may be practiced in treating an animal;

(*d*) classes of equipment that may be used in carrying out the veterinary examination or treatment;

(*e*) at which sales of animals or sporting events relating to animals, and where at those sales or events the veterinary examination or treatment may take place;

(*f*) classes of animals to be examined or treated;

(*g*) the appointment of the registered practitioner to carry out the examinations or treatment;

(*h*) such other matters that the Minister considers appropriate.

(3) A registered practitioner shall comply with any conditions specified in regulations under this section.

(4) In this section "veterinary examination" means the examination of an animal by a registered practitioner to determine the fitness and suitability of the animal for sale or participation in a sporting event, as the case may be, and such examination may constitute the practice of veterinary medicine.

(5) Every regulation made by the Minister under *subsection (1)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within 21 days of the day on which that House has sat after the

regulation is laid before it, the regulations shall be annulled accordingly, but without prejudice to the validity of anything previously done under them.

Annotations

Editorial Notes:

E21 Power pursuant to section exercised (1.01.2007) by *Veterinary Practice Act 2005 (Prescribed Places and Events) Regulations 2006* (S.I. No. 611 of 2006), in operation as per reg. 1.

Regulations in respect of veterinary premises.

108.—(1) For the purpose of—

(*a*) promoting and protecting the health, safety and welfare of animals,

(*b*) protecting the safety of owners and carers of animals and registered persons engaged in the practice of veterinary medicine or veterinary nursing and the public, and

(*c*) maintaining proper standards as regards veterinary premises in the State,

the Council shall make regulations relating to veterinary premises.

(2) The power under *subsection (1)* shall be first exercised not later than 1 year after the establishment day.

(3) Without prejudice to the generality of *subsection (1)*, regulations under that subsection shall include the following as respects a veterinary premises or class of veterinary premises:

(*a*) classification into such classes as general premises, large animal clinics, small animal clinics, veterinary hospitals and any other class or classes that in the opinion of the Council, should be included;

(*b*) availability of equipment and resources at any specified class of veterinary premises such as facilities for clients, examinations, treatment, confinement, isolation, food storage and preparation, anaesthesia, radiology, pharmacy, laboratory needs, surgery, necropsy, nursing care, records and record management, bio security and any other facilities that in the opinion of the Council, should be included;

(*c*) type and content of any notice to the public that may or shall be placed there;

(*d*) suitability for the practice of certain specified aspects of veterinary medicine.

(4) For the purposes of this section "class of veterinary premises" means a class of veterinary premises, having regard to the type of veterinary practice practised at such premises and the size and location of, and facilities at, such premises.

Certificate of suitability.

109.—(1) Where the Council is satisfied, on an application made to it under this Part by a registered person that a veterinary premises—

(*a*) is suitable and fit for the purpose of the practice of veterinary medicine, and

(*b*) complies with regulations made by the Council under this Part that apply in respect of the veterinary premises to which the application relates,

then, it may grant a certificate to that effect in respect of the veterinary premises (in this Part referred to as a "certificate of suitability") to the person who applies for the certificate (in this Part referred to as the "certificate holder").

(2) Only a registered person may apply for, or be granted, a certificate under *subsection (1)*.

(3) Subject to this Part, a certificate of suitability remains in force for the period of time stated in it.

(4) (*a*) For the purposes of this Part, a certificate holder shall continue to be so called where a decision of the Council under *section 113* or *114* affects the certificate of suitability that he or she holds, until the decision of the Council takes effect under *section 113(3)* or *114(7)*, or until an appeal under *section 113(4)* or *114(8)* is determined or withdrawn.

(*b*) If the Council is satisfied to do so, a certificate of suitability may, on application by the certificate holder, be renewed by it with effect from the expiration of the period to which it relates.

(*c*) For the purposes of this Part references to a certificate of suitability shall, where appropriate, be construed as including references to a certificate that has been renewed under *paragraph (b)*.

Application for issue of certificate of suitability.

110.—An application for a grant or a renewal of a grant of a certificate of suitability shall be in writing, accompanied by any fee prescribed under *section 33(1)* and shall—

(*a*) be made to the Council,

(*b*) comply with matters prescribed under *section 111*,

(*c*) specify the veterinary premises to which the application relates,

(*d*) identify the applicant and confirm that he or she is a registered person.

Regulations in relation to certificates of suitability.

111.—(1) In addition to prescribing fees (if any) pursuant to *section 33(2)(g)* in respect of the grant or renewal of a grant of a certificate of suitability, the Council shall prescribe matters relating to an application for and grant or a renewal of a grant of a certificate of suitability, including—

(*a*) the form of an application,

(*b*) any documentary evidence required to show compliance with matters prescribed under *section 108*,

(*c*) information to be included in the certificate of suitability,

(*d*) periods for which certificates of suitability are to remain in force,

(*e*) renewal of a certificate of suitability,

(*f*) subject to *section 117*, inspections of veterinary premises.

(2) Matters referred to in *paragraphs (a)* to *(f)* of *subsection (1)* shall be first prescribed not later than one year after the establishment day and in any event shall not be prescribed any later than the making of regulations under *section 108.*

(3) Before prescribing matters under this section, the Council may, if it thinks fit, take advice from experts in veterinary medicine, health and safety, building construction, engineering and planning, or in any other field of expertise that it considers appropriate.

Determination of application for certificate of suitability.

112.—(1) The Council shall determine an application for a grant or a renewal of a grant of a certificate of suitability by deciding to—

(*a*) grant or renew it, as the case may be, or

(*b*) grant or renew it, as the case may be, subject to attachment of such of the following conditions that, in its opinion having regard to its functions under this Part, are appropriate:

(i) that limits should be placed on the type of veterinary medicine or veterinary nursing, as appropriate, that should be practised at the veterinary premises;

(ii) that time restrictions should apply;

(iii) that specified changes should be made to the veterinary premises within specified periods of time;

(iv) other specified conditions,

or

(*c*) refuse to grant or renew it, as the case may be.

(2) Where the Council grants or renews a grant of a certificate of suitability that is subject to conditions, the registered person to whom it is granted shall comply with them.

(3) Where a person to whom a certificate of suitability is granted or renewed that is subject to conditions refuses or fails to comply with all or any of them, he or she is guilty of an offence.

Decision to refuse a certificate of suitability or apply conditions.

113.—(1) In relation to an application for a grant or a renewal of a grant of a certificate of suitability, where the Council proposes—

(*a*) to grant or renew it subject to conditions, or

(*b*) to refuse to grant or renew it,

the Council shall notify the applicant in writing at his or her address as stated in the Register or the Register of Veterinary Nurses, as the case may be, of the proposal and the reasons for it.

(2) The notification under *subsection (1)* shall state that the applicant concerned may make representations to the Council in relation to the proposal not later than 21 days after the notification.

(3) If, after the expiration of 21 days from the notification under *subsection (1)*, and having considered any representations made to it under *subsection (2)*, the Council decides to grant or renew the certificate of suitability subject to conditions or to refuse to grant or renew it, with or without taking account of those representations, it shall notify the applicant in writing, at the address referred to in *subsection (1)* of its decision, and the Council may so grant or renew the certificate of suitability subject to such conditions or refuse to so grant or renew it.

(4) A registered person who receives a notification under *subsection (3)* may appeal to the District Court against the decision specified in the notification within a period of 21 days beginning on the date of such receipt.

(5) On the hearing of an appeal by the registered person to whom the decision relates, the District Court may—

(*a*) make an order affirming or setting aside any decision of the Council in relation to matters referred to in *subsection (3)*,

(*b*) make an order remitting the decision of the Council in relation to matters referred to in *subsection (3)* with or without directions to the Council, for reconsideration by it and the making of a new decision in relation to the matter, or

(*c*) make any other order that it considers appropriate.

(6) (*a*) Where no appeal is made under *subsection (4)*, the decision of the Council shall take effect after the expiry of the period referred to in that subsection.

(*b*) Where an appeal is made under *subsection (4)*, the decision of the Council shall stand suspended until the appeal is determined or withdrawn.

(7) The decision of the District Court on an application under this section and *section 114*, shall be final save that, by leave of the Court or the High Court, an appeal by the Council or the applicant registered person concerned, from the decision, shall lie to the High Court on a question of law.

(8) The jurisdiction conferred on the District Court by this section and *section 114*, shall be exercised by the judge of the District Court for the time being assigned to the District where the registered person to whom the decision relates ordinarily resides or carries on any profession, business or occupation.

Revocation or suspension of certificate of suitability.

114.—(1) The Council may revoke a certificate of suitability if—

(*a*) the certificate holder so requests,

(*b*) the certificate holder—

(i) has ceased to be registered under *Part 4* or *8*,

(ii) obtained the certificate of suitability through false statements or any other irregular means,

(iii) ceases to practise veterinary medicine or veterinary nursing, as the case may be, at the premises,

(iv) is convicted of an offence under any provision of this Act,

(v) is prohibited or suspended from the practice of veterinary medicine or veterinary nursing, as the case may be, either under *Part 7*, or provisions corresponding to those contained in *Part 7* that apply in another state, from practising in the veterinary profession by reason of a conviction for an offence or serious misconduct in connection with the carrying out of professional duties,

(*c*) an authorised officer cannot duly carry out an inspection under *section 117(2)* because he or she has been refused entry to all or part of the premises to which the certificate relates, or

(*d*) since the grant of the certificate of suitability concerned, the circumstances relevant to that grant have changed and are such that, if a similar application for a certificate of suitability were made in the changed circumstances, it would be refused.

(2) A revocation to which *subsection (1)(a)* relates shall have effect upon receipt of the request for the revocation by the Council from the certificate holder.

(3) The Council may suspend a certificate of suitability for a period not exceeding 12 months if—

(*a*) in the opinion of the Council, either public health or health safety or welfare of animals requires the suspension without delay,

(*b*) in the opinion of the Council, it is required to investigate complaints made to it, which if verified, could result in the revocation of the certificate of suitability under *subsection (1)*, or

(*c*) a fee prescribed under *section 33(1)* is not duly paid.

(4) (*a*) A suspension under *subsection (3)(a)* shall have effect as soon as the Council notifies the certificate holder concerned in writing or the certificate holder receives a notification under *subsection (5)*, whichever first occurs.

(*b*) A suspension of a certificate of suitability under *subsection (3)* may be revoked at any time by the Council.

(5) Whenever the Council proposes to revoke or suspend or has suspended a certificate of suitability under this section, other than under *subsection (1)(a)*, it shall notify the certificate holder in writing of the proposal or suspension and the reasons for it.

(6) The notification under *subsection (4)(a)* or *(5)* as the case may be shall state that the certificate holder concerned may make representations to the Council in relation to the suspension or the proposal to revoke or suspend, as the case may be, not later than 21 days after the notification.

(7) If after the expiration of 21 days from the notification under *subsection (5)*, and having considered any representations made to it under *subsection (6)*, the Council decides—

(*a*) to continue the suspension of or revoke or suspend, the certificate of suitability, or,

(*b*) lift the suspension of or revoke or suspend, the certificate of suitability,

it shall notify the certificate holder in writing of its decision.

(8) A certificate holder who receives a notification to which *subsection (7)(a)* relates may appeal to the District Court against the decision specified in the notification within a period of 21 days beginning on the date of such receipt.

(9) On hearing of an appeal by the certificate holder to whom the decision relates, the District Court may—

(*a*) make an order affirming or setting aside any decision of the Council in relation to matters referred to in *subsection (7)*,

(*b*) make an order remitting the decision of the Council in relation to matters referred to in *subsection (7)*, with or without directions to the Council, for reconsideration by it and the making of a new decision in relation to the matter, or

(*c*) make any other order that it considers appropriate.

(10) (*a*) Where no appeal is made under *subsection (8)*, the decision of the Council shall, except where *subsection (4)(a)* applies, take effect after the expiry of the period referred to in *subsection (8)*.

(*b*) Where an appeal is made under *subsection (8)*, the decision of the Council shall, except where *subsection (4)(a)* applies, stand suspended until the appeal is determined or withdrawn.

Liability.

115.—The grant or renewal of a grant of a certificate of suitability under this Part by the Council shall not render the Council liable for any act or default of the certificate holder.

Transitional.

116.—(1) Notwithstanding anything in this Part, a veterinary premises shall be deemed to have a certificate of suitability granted in respect of it by the Council for a period beginning on the date on which the Council first prescribes matters under *section 108* and expiring when a certificate of suitability is first granted in respect of the veterinary premises concerned or 4 years after the date on which the Council first prescribes matters under *section 108*, whichever first occurs.

(2) The certificate of suitability deemed to have been issued under *subsection (1)* shall be deemed to have been so issued to the registered person who carries on the practice of veterinary medicine or veterinary nursing, as the case may be, at the premises.

(3) If more than one person carries out the practice of veterinary medicine or veterinary nursing, as the case may be, at a premises and a question arises as to who is the registered person to whom the certificate of suitability is deemed to have been issued, the matter shall be decided by the Council.

Inspection of veterinary premises.

117.—(1) Where an application is made for a grant of a certificate of suitability under this Part, the Council may cause the veterinary premises to be inspected by an authorised officer.

(2) In any other case where the Council considers that it is appropriate, having regard to its functions under this Part, it may cause an authorised officer to inspect a veterinary premises in respect of which a certificate of suitability has been issued, to ensure that—

(*a*) it complies with matters prescribed under *section 108*, that apply, and

(*b*) where a certificate of suitability has been issued with conditions attached, that those conditions are being complied with.

(3) In relation to every inspection carried out by an authorised officer under this section he or she shall, as soon as may be after the inspection—

(*a*) make a written report of it,

(*b*) furnish the written report to the Council, and

(*c*) furnish a copy of the written report to the applicant or the certificate holder, as the case may be.

F46**[**Non-application of *Part 9* to registered persons acting on behalf of State, etc.

117A.— This Part does not apply to a registered person in so far as the registered person is acting, for the time being as an officer or employee of, or under contract to, or otherwise with the authorisation of, a Minister of the Government, a local authority or a body established by or under statute (other than a company established under the Companies Acts).**]**

Annotations

Amendments:

F46 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(s), commenced on enactment.

False statement.

118.—(1) A person shall not make a statement in writing that is, to the person's knowledge false or misleading in a material respect, in or in relation to—

(*a*) an application for a grant of a certificate of suitability,

(*b*) any representations made to the Council under *section 113(2)* or *114(6)*.

(2) A person who contravenes *subsection (1)* is guilty of an offence.

(3) Where a person is convicted of an offence under *subsection (2)*, any certificate of suitability granted to that person or to some other person on whose behalf the convicted person was authorised to act, consequent on the application or representations in relation to which the statement was made, shall be revoked from the date of the conviction.

Forged certificate of suitability.

119.—(1) A person shall not forge or fraudulently alter or use or permit the fraudulent alteration or use of a certificate of suitability.

(2) A person who contravenes *subsection (1)* is guilty of an offence.

Register of certificates of suitability.

120.—(1) The Council shall establish and maintain a register of certificates of suitability of every certificate of suitability that it grants under this Part.

(2) There shall be entered in the register of certificates of suitability—

(*a*) the full name, address and description of the certificate holder,

(*b*) description of the veterinary premises to which the certificate of suitability refers including its address,

(*c*) the date on which the certificate of suitability was issued and its expiry date,

(*d*) any renewals of the certificate,

(*e*) if appropriate, the class of veterinary premises to which the certificate of suitability refers, and the class of practice of veterinary medicine or veterinary nursing, as the case may be, that may be carried out there,

(*f*) any conditions attaching to the certificate of suitability,

(*g*) such other particulars of, or in respect of, the certificate of suitability or the veterinary premises to which it relates as the Council may from time to time prescribe.

(3) Whenever a certificate of suitability, or any conditions that apply to it, is altered or revoked, there shall be entered in the register of certificates of suitability such particulars of the alteration or revocation, as the case may be, as the Council may from time to time direct.

(4) For the purposes of this Part, *sections 37* and *38* shall be construed as if, in addition to references to the register where they appear in that section, reference is also made to the register of certificates of suitability and with other necessary modifications.

Certificate of suitability not transferable.

121.—(1) The holder of a certificate of suitability shall not transfer it to any other person and any such purported transfer shall be void.

(2) A certificate of suitability shall apply to one veterinary premises and shall not be transferred to any other veterinary premises and any such purported transfer shall be void.

Obligation to display extract from the register of certificates of suitability.

122.—(1) The Council shall make and issue an extract from the register of certificates of suitability in respect of a veterinary premises to which a certificate of suitability relates, to the certificate holder, on the face of which the Council shall certify it to be such an extract.

(2) An extract referred to in *subsection (1)* shall be displayed by the certificate holder in a prominent place at the veterinary premises to which it relates.

(3) A person who contravenes *subsection (2)* is guilty of an offence.

Penalties for offences under *Part 9.*

123.—F47**[**(1) A person who commits an offence under *section 106, 112, 118, 119* or *122* is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or to both.**]**

(2) Unless it is satisfied that there are special and substantial reasons for not so doing, the court shall order a person to pay to the prosecution the costs and expenses, measured by the court, incurred by the prosecution in relation to the prosecution of an offence under this Part, where the person is convicted of the offence.

Annotations

Amendments:

F47 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(t), commenced on enactment. A class A fine means a fine not greater than €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

PART 10

INVESTIGATIONS BY COUNCIL

Appointment of authorised officers of Council.

124.—(1) The Council may appoint in writing, either generally, or in respect of any matter or event, a person to be an authorised officer of the Council for the purposes of this Act, and in this Act referred to as an "authorised officer".

(2) Every authorised officer shall be furnished with a warrant of appointment as an authorised officer and, when exercising a power conferred on him or her by this Act shall, if requested by a person affected by this Part, produce the warrant or a copy of it to that person.

(3) An appointment under this section shall cease—

(*a*) where it is made for a fixed period, on the expiration of that period or upon revocation by the Council, whichever is earlier,

(*b*) where the person appointed is a member of the staff of the Council, upon his or her ceasing to be such a member or upon revocation by the Council whichever is earlier, or

(*c*) in any other case, upon revocation by the Council.

Functions of authorised officers.

125.—An authorised officer may—

(*a*) carry out an investigation at the request of the Council where the Council has reasonable cause to suspect that—

(i) an offence is being committed or has been committed under this Act, or

(ii) a registered person is acting in a manner that constitutes professional misconduct,

(*b*) in respect of an investigation under *paragraph (a)*, furnish a written report of his or her findings to the Council within 21 days of concluding it,

(*c*) carry out an inspection of a veterinary premises and furnish a written report under *section 117*.

F48[Power to inspect premises for the purposes of *section 125(a)* or *(c)*.

126.—(1) An authorised officer, in order to perform his or her functions under *section 125(a)* or *(c)*, may do all or any of the following:

(*a*) enter and inspect, at all reasonable times, a premises in which he or she has reasonable grounds for believing veterinary medicine is carried on or which is otherwise connected with the practice of veterinary medicine;

(*b*) at such premises inspect and take copies of any books, records, other documents (including documents stored in non-legible form) or extracts from them, which he or she finds in the course of his or her inspection;

(*c*) remove any such books, records or documents from such premises and detain them for such period as he or she reasonably considers to be necessary for the purposes of his or her functions under this Act;

(*d*) carry out, or have carried out, such examinations, tests, inspections and checks as he or she reasonably considers to be necessary for the purposes of his or her functions under this Act of—

(i) the premises,

(ii) any equipment at the premises,

(iii) any animal remedies at the premises,

(iv) any animals at the premises;

(*e*) require any person at the premises or the owner or person in charge of the premises and any person employed there to give to him or her such assistance and information and to produce to him or her such books, documents, or other records (and in the

case of documents or records stored in non-legible form, produce to him or her legible reproductions of them) that are in that person's power or procurement, as he or she may reasonably require for the purpose of his or her functions under this Act;

(*f*) take samples of any animal remedy or any article used in the practice of veterinary medicine found at the premises for the purposes of analysis and examination;

(*g*) secure for later inspection any premises or part of any premises in which an animal is or has been kept or where an animal remedy or an article used in the practice of veterinary medicine is found or ordinarily kept, or records, books or documents are found or ordinarily kept, for such period as may reasonably be necessary for the purposes of his or her functions under this Act;

(*h*) take possession of or remove from the premises for examination and analysis any animal found on the premises or any animal remedy or article used in the practice of veterinary medicine and detain them for such period as he or she considers reasonably necessary for the purposes of his or her functions under this Act.

(2) Where, upon reasonable grounds, an authorised officer believes that a person has committed an offence under this Act he or she may require that person to provide him or her with his or her name and the address at which he or she ordinarily resides.

(3) An authorised officer shall not, except under a warrant under *section 126A* or with the consent of the occupier, enter a domestic dwelling for the purposes of this section.

(4) In this section and *section 126A*—

"premises" means any place, ship or other vessel, aircraft, railway wagon or other vehicle, and includes a container used to transport animal remedies, animals, or equipment used in the practice of veterinary medicine but does not include a State premises within the meaning of *section 105*;

"record" includes, in addition to a record in writing—

(*a*) a disc, tape, sound-track or other device, including an electronic device, in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,

(*b*) a film, tape or other device, including an electronic device, in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form,

(*c*) a photograph,

and any reference to a copy of a record includes—

(i) in the case of a record to which *paragraph (a)* applies, a transcript of the sounds or signals embodied in it,

(ii) in the case of a record to which *paragraph (b)* applies, a still reproduction of the images embodied in it, and

(iii) in the case of a record to which *paragraphs (a)* and *(b)* apply, such a transcript together with such a still reproduction;

"vehicle" means any conveyance in or by which any person or thing, or both, is transported which is designed for use on land, or in water or in the air, or in more than one of those ways, and includes—

(*a*) part of a vehicle,

(*b*) an article designed as a vehicle but not capable of functioning as a vehicle,

(*c*) a container or skip designed or used for carriage on a vehicle or a trailer designed for use or used with a vehicle.**]**

Annotations

Amendments:

F48 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 7(1)(a), commenced on enactment.

F49**[**Search warrants.

126A.— If a judge of the District Court is satisfied on the sworn information of an authorised officer that there are reasonable grounds for suspecting that information required by an authorised officer for the purpose of *section 125(a)* or *(c)* is held at any premises, place or vehicle, the judge may issue a warrant authorising the authorised officer, accompanied if the authorised officer considers it necessary by other authorised officers, at any time or times within one month from the date of issue of the warrant, on production of the warrant if so required, to enter, if need be by reasonable force, the premises, place or vehicle and exercise all or any of the powers conferred on an authorised officer under *section 126*.**]**

Annotations

Amendments:

F49 Inserted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 7(1)(b), commenced on enactment.

Power to inspect premises for the purpose of *section 125(c)*.

127.—F50**[**...**]**

Annotations

Amendments:

F50 Repealed (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 7(2), commenced on enactment.

Offences under *Part 10.*

128.—(1) A person who falsely represents himself or herself to be an authorised officer is guilty of an offence.

(2) A person commits an offence if such person—

(*a*) obstructs an authorised officer or member of the Garda Síochána in the exercise of a power conferred by *section 126*,

(*b*) without reasonable excuse, fails to comply with a request made by an authorised officer or member of the Garda Síochána under *section 126*,

(*c*) in purported compliance with such a request, gives information that the person knows is false or misleading.

Indemnification of authorised officers, etc.

129.—Where the Council is satisfied that an authorised officer appointed by it, or any other member of the staff of the Council, has discharged his or her duties in relation to the enforcement of the provisions of this Act in good faith, the Council shall indemnify the authorised officer, or such member of the staff of the Council, against all actions or claims howsoever arising in respect of the discharge by him or her of his or her duties.

Functions of Council on receipt of report of investigation by authorised officer.

130.—(1) The Council shall consider a written report from an authorised officer following his or her investigation under this Part, as soon as possible after receipt of it by the Council.

(2) Following consideration of the written report the Council shall take whatever of the following actions that it considers appropriate—

(*a*) take no action,

(*b*) apply to the Registrar, under *section 76(1)* for an inquiry into the fitness to practise veterinary medicine of the registered person to whom the written report of the authorised officer refers,

(*c*) if it appears to the Council that any person to whom the written report refers is guilty of an offence, the Council shall direct the Registrar to take specified action and the Registrar shall take such action,

(*d*) take such other action as it considers appropriate in the circumstances.

(3) For the purposes of *subsection (2)(c)*, specified action to be taken by the Registrar may include referring the matter to the Minister, the Garda Síochána, the Revenue Commissioners, or the Director of Public Prosecutions and, in such a case, the Registrar shall furnish such information, and give such access to and facilities for inspecting and taking any copies of any documents being information or documents in the possession or under the control of the authorised officer, the Council, or the Registrar and relating to the matter in question as the Minister, Garda Síochána, Revenue Commissioners, or Director of Public Prosecutions, as the case may be, may require.

F51**[**Penalties for offences under *Part 10*.

131.— A person who commits an offence under *section 128* is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or to both.**]**

Annotations

Amendments:

F51 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(u), commenced on enactment.

PART 11

MISCELLANEOUS

Adaptation of certain references.

132.—On and from the establishment day, references (however expressed) in any enactment to—

(*a*) the Veterinary Council constituted under the Veterinary Surgeons Act 1931 shall be construed as references to the Council established under this Act, and

(*b*) a registered veterinary surgeon, a veterinarian, a veterinary surgeon or any abbreviation or derivative of them shall, unless the context otherwise requires, be construed as a reference to a veterinary practitioner.

Regulations.

133.—(1) The Minister may—

(*a*) by regulations provide, subject to the provisions of this Act, for any matter referred to in this Act as prescribed or to be prescribed by him or her,

(*b*) in addition to any other power conferred on him or her to make regulations, make regulations generally for the purposes of, and for the purpose of giving full effect to, this Act.

(2) The Council may by regulations provide, subject to the provisions of this Act, for any matter referred to in this Act as prescribed or to be prescribed by the Council.

(3) Regulations made under this Act in respect of registered persons may apply either generally or by reference to a specified class or classes of registered persons.

(4) Regulations made under this Act in respect of veterinary premises may apply either generally or by reference to a specified class or classes of veterinary premises.

Annotations

Editorial Notes:

E22 Power pursuant to section exercised (1.01.2026) by *Veterinary Council of Ireland (Fees) Regulations 2025* (S.I. No. 455 of 2025), in operation as per reg. 2.

E23 Power pursuant to section exercised (1.07.2022) by *Veterinary Council of Ireland (Recognition of Qualifications and Registration) (Veterinary Practitioner) Regulations 2022* (S.I. No. 282 of 2022), in operation as per reg. 2.

E24 Power pursuant to section exercised (1.07.2022) by *Veterinary Council of Ireland (Recognition of Qualifications and Registration) (Veterinary Nurse) Regulations 2022* (S.I. No. 281 of 2022), in operation as per reg. 2.

E25 Power pursuant to section exercised (1.07.2022) by *Veterinary Council of Ireland (Prescribed Educational Qualifications) Regulations 2022* (S.I. No. 280 of 2022), in operation as per reg. 2.

E26 Power pursuant to section exercised (1.08.2020, 1.01.2021) by *Veterinary Council of Ireland Continuing Veterinary Education for Veterinary Nurses Regulations 2020* (S.I. No. 578 of 2020), in operation as per regs. 2, 3.

E27 Power pursuant to section exercised (1.08.2020, 1.01.2021) by *Veterinary Council of Ireland Continuing Veterinary Education for Veterinary Practitioners Regulations 2020* (S.I. No. 577 of 2020), in operation as per regs. 2, 3.

E28 Power pursuant to section exercised (1.01.2021) by *Veterinary Council of Ireland Indemnity Insurance Regulations 2020* (S.I. No. 576 of 2020), in operation as per reg. 2.

E29 Previous affecting provision: power pursuant to section exercised (1.07.2022) by *Veterinary Council of Ireland (Fees) Regulations 2022* (S.I. No. 279 of 2022), in operation as per reg. 2; superseded (1.01.2026) as per E-note above.

Service of documents, etc.

134.—(1) A notice or other document under this Act is to be addressed to the person concerned by name, and may be served on or given to the person in one of the following ways:

(*a*) by delivering it to the person;

(*b*) by leaving it at the address at which the person ordinarily resides or, in the case of a registered person, at the address of that person contained in the register; or

(*c*) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in the case of a registered person, to the address of that person contained in the Register or the Register of Veterinary Nurses as the case may be.

(2) For the purposes of this section, a company within the meaning of the F52**[**Companies Acts**]**, is to be taken to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body is to be taken to be ordinarily resident at its principal office or place of business.

Annotations

Amendments:

F52 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(v), commenced on enactment.

Summary proceedings.

135.—(1) Summary proceedings for an offence under this Act may be brought and prosecuted by the Minister or the Council.

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Act may be instituted within 24 months from the date on which the offence was committed.

Offence by body corporate.

136.—Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been attributable to any wilful neglect on the part of, any person being a director, manager, secretary or any other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Expenses of Minister.

137.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of monies provided by the Oireachtas.

Section 4.

SCHEDULE 1

PART 1

Acts Repealed

Number and Year 1	Short Title 2	Extent of Repeal 3
No. 36 of 1931	Veterinary Surgeons Act 1931	The whole Act
No. 18 of 1952	Veterinary Surgeons Act 1952	The whole Act
No. 34 of 1960	Veterinary Surgeons Act 1960	The whole Act

PART 2

Enactments Revoked

Number and Year 1	Citation 2	Extent of Revocation 3
S.I. No. 288 of 2003	European Communities (Recognition of Qualifications in Veterinary Medicine) Regulations 2003	The whole Regulations
S.I. No. 265 of 2004	European Communities (Recognition of Qualifications in Veterinary Medicine) Regulations 2004	The whole Regulations

Section 12.

SCHEDULE 2

Council: Seal, Elections, Membership, Chair and Meetings

1. In this Schedule, except where the context otherwise requires, "member" means a member of the Council, including the President of the Council and Deputy President of the Council elected under *paragraph 16.*

Seal

2. The Council shall provide itself with a seal as soon as possible after it is established.

3. The seal of the Council shall be authenticated by the signature of—

(*a*) the President of the Council or another member of the Council authorised by it to act in that behalf, and

(*b*) the Registrar or another member of the staff of the Council authorised by it to act in that behalf.

4. Judicial notice shall be taken of the seal of the Council and every document purporting to be an instrument made by the Council and to be sealed with the seal of the Council (purporting to be authenticated in accordance with *paragraph 3*) shall be received in evidence and taken to be such instrument without proof unless the contrary is shown.

5. Any contract or instrument which would not require to be under seal if entered into or executed by a person not being a body corporate, may be entered into or executed on behalf of the Council by any person generally or specially authorised by the Council in that behalf.

Elections

6. If an election of persons to be nominated for appointment by the Minister under *paragraph (h)* or *(i)* of *section 16(1)* as members to the Council is contested—

(*a*) a poll shall be taken and each elector shall have the same number of votes as there are positions in relation to which such nominations can be made,

(*b*) an elector shall not cast more than one vote for any candidate.

7. Where, at an election referred to in *paragraph 6*, 2 or more persons receive an equal number of votes, it shall be determined by lot which of those persons shall be nominated for appointment.

Membership

8. A member (other than the President of the Council) may resign from office as a member at any time by notice in writing to the President of the Council and the resignation shall take effect on receipt of the notice by the President of the Council.

9. A registered person shall cease to be a member on his or her ceasing to be a registered person.

10. Any member of the Council who is absent from 3 consecutive meetings of the Council, but taking no account of any meeting held pursuant to *paragraph 19*, shall cease to be a member unless the absence was due to illness or was approved of by the Council.

11. Where a member of the Council resigns or otherwise ceases to be a member, the Council shall, as soon as practicable, notify the Minister of that fact.

12. (1) Subject to *subparagraph 2*, a member shall not be appointed to serve more than 2 consecutive terms of office.

(2) Any term of office as a first member of the Council, shall not be included for the purposes of *subparagraph 1*.

13. Where a casual vacancy occurs in the membership of the Council, the Council shall, as soon as practicable notify the Minister and the following shall apply—

(*a*) where a vacancy relates to a person who was appointed by virtue of *paragraph (a), (b)* or *(c)* of *section 16(1)*, the Minister shall appoint a person to be a member of the Council who is a person to whom the relevant paragraph relates,

(*b*) where the vacancy relates to a person who was appointed by virtue of *paragraph (d), (e), (f)* or *(g)* of *section 16(1)*, the Minister shall appoint a person to be a member of the Council who is a person duly nominated by the person or body concerned or, where no person is so nominated, the Minister shall appoint a person to be a member of the Council in accordance with *section 17(2)*,

F53**[**(*c*) where the vacancy relates to a person who was appointed by virtue of *paragraph (h)* or *(i)* of *section 16(1)*, the Minister shall appoint a person nominated by the Council, being a person who under this Act would be eligible for election to fill such vacancy.**]**

14. (*a*) The Minister may at any time remove from office for stated reasons any member of the Council appointed under *paragraph (a), (b)* or *(c)* of *section 16(1)*.

(*b*) Where requested by the person, body or bodies which made the nomination under *paragraph (d), (e), (f)* or *(g)* of *section 16(1)*, the Minister may, where he or she considers it appropriate, remove from office any member of the Council appointed to which that nomination relates.

15. A vacancy arising by the death, resignation or removal from office of a member shall be filled by the appointment of an eligible person in accordance with this Act, to hold office for the unexpired period of the term of office of the person whose ceasing to be a member caused the vacancy.

President of Council and Deputy President of Council

16. (1) The Council shall elect from among its members—

(*a*) a chairperson, who shall be known as the President of the Veterinary Council of Ireland and in this Schedule is referred to as the "President of the Council",

(*b*) a deputy chairperson, who shall be known as the Deputy President of the Veterinary Council of Ireland and in this Schedule is referred to as the "Deputy President of the Council".

(2) Subject to *section 19*, and this Schedule, the President of the Council and Deputy President of the Council shall each hold office for such term as may be specified by the Council at the time of his or her appointment, unless—

(*a*) he or she ceases to be, or becomes disqualified from being, a member,

(*b*) he or she resigns the office of President of the Council or Deputy President of the Council, or

(*c*) the Council by a resolution, of which not less than 7 days notice of the intention to propose is given to each member and for which not less than two-thirds of the members vote, removes the President of the Council or Deputy President of the Council as President or Deputy President, as the case may be.

(3) (*a*) The President of the Council or Deputy President of the Council may at any time resign from office as President or Deputy President, as the case may be, by notice in writing given to the Council and the resignation shall take effect—

(i) where such notice is given at a meeting upon the notice in writing being so given, and

(ii) in any other case, on the date of the meeting of the Council next held after the receipt by the Council of the notice.

(*b*) The Council shall, as soon as practicable, notify the Minister of a resignation to which this subparagraph relates.

(4) Where, at an election for the President of the Council or Deputy President of the Council, 2 or more persons receive an equal number of votes, it shall be determined by lot which of those persons shall be elected to the office concerned.

Meetings

17. (1) The Minister shall fix the date, time and place of the first meeting of the Council.

(2) The Council shall hold at least 4 meetings in each year and such and so many other meetings and at such times as the President of the Council may determine are necessary for the proper performance of its functions.

(3) If the Minister requests that the Council meet to consider a matter that, in the opinion of the Minister is of urgent public concern, it shall do so as soon as may be following the request.

F53**[**18. The quorum for a meeting of the Council shall be—

(*a*) where there is no vacancy in its membership, 8 members,

(*b*) where there are not more than 2 vacancies in its membership, 7 members, and

(*c*) where there are more than 2 vacancies, such number of members as the Minister shall direct.**]**

19. (1) The Registrar, or in his or her absence the President of the Council, shall convene a meeting of the Council when requested so to do by not less than 10 members.

(2) If the Registrar, or in his or her absence the President of the Council, refuses to convene a meeting of the Council under *subparagraph (1)*, any 5 members may convene a meeting of the Council as soon as practicable.

(3) If the Registrar, or in his or her absence the President of the Council, without refusing, does not, within 7 days after a request for that purpose has been made to him or her under *subparagraph (1)*, convene a meeting of the Council, any 5 members may, on the expiration of that period, convene a meeting of the Council.

20. (1) At least 3 days before a meeting of the Council, notice of the time and place of the meeting shall be sent to each member of the Council signed—

(*a*) by the Registrar, President of the Council or Deputy President of the Council, or

(*b*) if the meeting is convened by members, by those members.

(2) If the meeting is convened by members, the notice convening the meeting shall specify the business to be transacted at that meeting.

21. At a meeting of the Council—

(*a*) if present, the President of the Council shall chair the meeting, or

(*b*) if and so long as the President of the Council is not present, or if the office is vacant, the Deputy President of the Council, if present, shall chair the meeting,

(*c*) in any other case the members present shall choose one of their number to chair the meeting.

22. Minutes of the proceedings of all meetings of the Council shall be drawn up and entered in a book kept for that purpose and such minutes shall be signed by the person chairing the next such meeting.

23. The names of all members present at a meeting of the Council shall be recorded in the minutes of the proceedings of the meeting.

24. Subject to *paragraphs 16* and *18*—

(*a*) at a meeting of the Council every act of the Council and every question coming before the Council shall be determined by a majority of the votes of members (including the person chairing the meeting) present and voting in relation to the act or question, and

(*b*) in the case of an equal division of votes on any question arising at a meeting of the Council (other than the election of the President of the Council or Deputy President of the Council) the President of the Council or other person chairing the meeting shall have a second or casting vote.

25. Subject to *paragraph 18*, the Council may act notwithstanding one or more than one vacancy among its members or any deficiency in the appointment of a member which may subsequently be discovered.

Annotations

Amendments:

F53 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 9(w), commenced on enactment.

F54[SCHEDULE 3

MUTUAL RECOGNITION AND ESTABLISHMENT OF SERVICES

Sections 43 and 95A.

PART 1

Interpretation

1. In this Schedule—

"application" means an application for registration under *section 43* or *section 95A(1)* or *(4)*;

"competent authority", "Mutual Recognition Directive", "relevant State", "third country" and "veterinary practitioner" have the meanings assigned to them, respectively, in *section 43(15)*;

"home relevant State" in relation to a veterinary practitioner or veterinary nurse, means the relevant State in which he or she acquired his or her diploma, certificate or other evidence of formal qualification or where he or she is registered as a veterinary practitioner or veterinary nurse, as the case may be.

2. A word or expression that is used in this Schedule and is also used in the Mutual Recognition Directive has, unless the contrary intention appears, the same meaning in this Schedule, as it has in that Directive.

PART 2

Provisions to apply to Applications under Mutual Recognition Requirements of the European Union

1. The Council shall acknowledge the application as soon as possible and in any event within 1 month of receiving it and shall identify any required documentation which has not been provided by the applicant or by the competent authority in the relevant State.

2. Subject to *paragraphs 3* and *4*, the Council shall determine the application as soon as possible, and in any event within—

(*a*) 3 months after receiving all documents prescribed under *section 52* or required, in the case of an application by a person referred to in *section 43(2)*, and

(*b*) 4 months after receiving all documents prescribed under *section 52* or required, in the case of an application by a person referred to in *section 43(4)* or *(6)* or *section 95A(1)*.

3. The Council shall not consider evidence that does not comply with the second subparagraph of Article 21(1) of the Mutual Recognition Directive.

4. The Council shall not consider, in relation to an application under *section 43(2)*, *(4)* or *(6)* or *section 95A(1)*, documentation from a competent authority in a relevant State which is more than 3 months old on the date such documentation is submitted to the Council for the purposes of *section 43(3)(c)* to *(e)*, *(5)(d)* to *(f)* or *(7)(c)* to *(e)* or *section 95A(2)(c)* to *(e)*.

5. The Council, following determination of an application for recognition, may satisfy itself that an applicant has the necessary language skills in accordance with Article 53 of the Mutual Recognition Directive and where the Council, in exceptional cases, considers this to be necessary, it may require the applicant to undergo a language test.

6. The Council may require the competent authorities of a relevant State to confirm or verify any of the matters referred to in Article 50(2) or (3) of the Mutual Recognition Directive.

7. The Council shall ensure the confidentiality of any information issued or received under Article 50 of the Mutual Recognition Directive.

8. Prior to registering an applicant in accordance with *section 43(2)*, *(4)* or *(6)*, the Council may require him or her to make a declaration that complies with Article 50(4) of the Mutual Recognition Directive.

9. In the case of an application to which *section 43(6)* or *section 95A(1)* refers, the Council, where it considers it appropriate, may apply Article 14 of the Mutual Recognition Directive.

10. A person registered under *section 43(2)*, *(4)* or *(6)* or *section 95A(1)* shall use the professional title applicable to that profession on the same basis as a person trained in the State.

11. The Council may register an applicant subject to a condition requiring him or her, when using any academic title in accordance with Article 54 of the Mutual Recognition Directive, being an academic title which is relevant to the application, to indicate by whom it was conferred or awarded.

12. Where the Council is of opinion that the academic title to which any diploma, certificate, or other document on which an application is grounded is capable of being understood as indicating that a person entitled to use such title or qualification has pursued a programme of education other than that which he or she has in fact undergone, the Council may, in accordance with Article 54 of the Mutual Recognition Directive, make it a condition of registration that the person concerned shall use the title, qualification or status in a manner directed by the Council.

13. Where a condition is attached by the Council under this Schedule and there is a failure by the person to whom the condition relates to comply with the condition, the Council, if it thinks fit, may—

(*a*) direct that, during such period as shall be specified in the direction, his or her registration shall not have effect, or

(*b*) remove his or her name from the Register.

14. Where the Council is requested by a competent authority in another relevant State to furnish certification as to any matters referred to in Annex VII (1)(*d*) to the Mutual Recognition Directive and where such certification relates to its functions deriving from that Directive, it shall do so within 2 months of receiving the request.

PART 3

Provisions to apply to Applications that Relate to Provision of Services

1. Subject to *paragraph 2*, documents referred to in *sections 43(9)(b)* and *95A(4)(b)* shall be furnished to the Council before the first day, as notified by the applicant to the Council, on which the applicant intends to provide such services.

2. If the applicant cannot furnish the documents, referred to in *section 43(9)(b)* or *95A(4)(b)*, as the case may be, but he or she satisfies the Council that there are compelling reasons why he or she should commence providing services on the day as notified by the applicant, as being the first day on which he or she intends to provide such services, then the documents may be furnished to the Council within 15 days after that day.

3. The Council, where it considers it appropriate to do so, may request from the competent authority in the relevant State concerned, information on the legality of the applicant's establishment, his or her good conduct or confirmation of the absence of any disciplinary or criminal sanctions related to the practice of veterinary medicine as a veterinary practitioner or as a veterinary nurse.

4. The Council, following determination of an application for recognition, may satisfy itself that an applicant has the necessary language skills in accordance with Article 53 of the Mutual Recognition Directive and where it, in exceptional cases, considers this to be necessary, it may require the applicant to undergo a language test.

5. No fee shall be payable to the Council in respect of the application, and *section 54*, *58* or *97(2)*, as the case may be, shall not apply to the applicant during the period beginning on the day that his or her application is received and ending on the day that the Council decides whether or not to register the applicant.

6. A person registered under *section 43(9)* shall, for the purposes of providing professional services in the State, use a professional title on the same basis as a person trained in the State.

7. A person registered under *section 95A(4)* shall, for the purposes of providing professional services in the State—

(*a*) use a professional title which is designated for a veterinary nurse by the competent authority in the relevant State where he or she is established, or

(*b*) where no professional title is designated for a veterinary nurse in the relevant State where he or she is established, use the formal qualification which he or she holds.

8. In the case of a person referred to in *paragraph 7*, the Council may, as a condition of registration, require the person to furnish recipients of his or her professional services with any relevant information referred to in Article 9 of the Mutual Recognition Directive.

9. Where a document, referred to in Article 7(2)(*b*) of the Mutual Recognition Directive, is issued by the Council and the Council subsequently takes a decision in respect of the person concerned in accordance with *section 80*, *81*, *82* or *84*, the Council shall immediately so inform the competent authority of each relevant State.

10. The Council shall participate in administrative co-operation with the competent authority in a relevant State in accordance with Articles 8(2) and 56(1) and (2) of the Mutual Recognition Directive.**]**

Annotations

Amendments:

F54 Substituted (18.07.2012) by *Veterinary Practice (Amendment) Act 2012* (25/2012), s. 8(3), commenced on enactment.

Editorial Notes:

E30 Previous affecting provision: schedule substituted (6.11.2007) by *European Communities (Veterinary Practice Act 2005) (Qualifications in Veterinary Medicine) Regulations 2007* (S.I. No. 745 of 2007), reg. 3(c); substituted as per F-note above.

Sections 62(6), 70(4) and *71(6).*

SCHEDULE 4

EDUCATION COMMITTEE, PRELIMINARY INVESTIGATION COMMITTEE AND FITNESS TO PRACTISE COMMITTEE: — MEMBERSHIP, CHAIR AND MEETINGS

1. (1) In this Schedule, except where the context otherwise requires—

"member" means a member of the Committee, including the chairperson;

"Committee" means the Education Committee, Preliminary Investigation Committee or the Fitness to Practise Committee.

(2) *Paragraphs 12* to *16* and *paragraph 19* do not apply to the Preliminary Investigation Committee or the Fitness to Practise Committee.

Membership

2. (1) Subject to *subparagraph (2)*, the Council may from time to time, remove from office, for stated reasons, a member including the chairperson.

(2) The chairperson of the Fitness to Practise Committee may only be removed from office by the Council with the prior consent in writing of the Minister.

3. A member (other than the chairperson) may resign from office as a member at any time by notice in writing to the chairperson and the resignation shall take effect on receipt of the notice by the chairperson.

4. A registered person shall cease to be a member on his or her ceasing to be a registered person.

5. Any member (including the chairperson) who is absent from 3 consecutive meetings of the Committee, but taking no account of any meeting held pursuant to *paragraph 14*, shall cease to be a member unless the absence was due to illness or was approved of by the Committee.

6. (1) Subject to *sections 62(5)* and *73(1)*, each member's term of office, unless the member dies, resigns or becomes disqualified, shall not exceed the term in office of the Committee concerned.

(2) (*a*) Subject to *clause (b)*, a member shall not serve more than 2 consecutive terms of office.

(*b*) A term of office as a member of the first Committee shall not be included for the purposes of *clause (a)*.

(3) The terms of office referred to in *subparagraph (2)* shall include any term of office as chairperson.

7. A member is to be taken to have vacated his or her office if the member—

(*a*) dies,

(*b*) is an undischarged bankrupt,

(*c*) makes a composition or arrangement with creditors,

(*d*) becomes mentally incapacitated,

(*e*) on conviction on indictment by a court of competent jurisdiction, is sentenced to a term of imprisonment,

(*f*) resigns the office under *paragraph 3*,

(*g*) ceases to be registered under *Part 4* or *8*, or

(*h*) is disqualified or restricted from being a director of a company.

Chairperson of Education Committee

8. (*a*) The Education Committee shall from time to time elect from among its members a chairperson.

(*b*) The Education Committee shall from time to time elect from among its members a deputy chairperson.

9. The chairperson and deputy chairperson elected under *paragraph 8* shall each hold office for such term as may be specified by the Education Committee at the time of his or her appointment, unless—

(*a*) he or she ceases to be, or becomes disqualified from being, a member,

(*b*) he or she resigns the office of chairperson or deputy chairperson, or

(*c*) the Committee by a resolution, of which not less than 7 days notice of the intention to propose is given to each member and for which not less than two-thirds of the members vote, removes the chairperson or deputy chairperson as chairperson or deputy chairperson.

10. Where, at an election of the chairperson or deputy chairperson of the Education Committee, 2 or more persons receive an equal number of votes, it shall be determined by lot which of those persons shall be chairperson or deputy chairperson.

Resignation of Chairperson of Education Committee or Fitness to Practise Committee

11. (1) The chairperson or deputy chairperson of the Education Committee or the Fitness to Practise Committee, may at any time resign from office as chairperson or deputy chairperson as the case may be, by notice in writing given to the Committee and the resignation shall take effect—

(*a*) where such notice is given at a meeting, upon the notice in writing being so given, and

(*b*) in any other case, on the date of the meeting of the Committee next held after the receipt by the Committee of the notice.

(2) Where the chairperson of the Fitness to Practise Committee gives notice under *subparagraph (1)*, then—

(*a*) he or she shall give notice also to the Registrar, and

(*b*) shall cease to be a member of that Committee upon the notice taking effect.

(3) The Registrar shall, as soon as practicable, inform the Minister of the resignation of the chairperson of the Fitness to Practise Committee.

Meetings

12. (1) The Council shall fix the date, time and place of the first meeting of each new Committee.

(2) The Committee shall hold at least 4 meetings in each year and such and so many other meetings and at such times as the chairperson may determine are necessary for the proper performance of its functions by the Committee.

13. The quorum for a meeting of the Committee shall be 4.

14. (1) The Registrar, or in his or her absence the chairperson, shall convene a meeting of the Committee when requested so to do by not less than 6 members.

(2) If the Registrar, or in his or her absence the chairperson, refuses to convene a meeting of the Committee under *subparagraph (1)*, any 5 members may convene a meeting of the Committee as soon as practicable.

(3) If the chairperson, without refusing, does not, within 7 days after a request for that purpose has been made to him or her under *subparagraph (1)*, convene a meeting of the Committee, any 5 members may, on the expiration of that period, convene such a meeting.

15. (1) At least 3 days before a meeting of the Committee notice of the time and place of the meeting shall be sent to each member of the Committee signed—

(*a*) by the chairperson, or

(*b*) if the meeting is convened by members, by those members.

(2) If the meeting is convened by members, the notice convening the meeting shall specify the business to be transacted at that meeting.

16. At a meeting of the Committee—

(*a*) if present, the chairperson shall chair the meeting, or

(*b*) if and so long as the chairperson is not present, or if the office of chairperson is vacant, the deputy chairperson, if present, shall chair the meeting, or

(*c*) in any other case, the members who are present shall choose one of their number to chair the meeting.

17. Minutes of the proceedings of all meetings of the Committee shall be drawn up and entered in a book kept for that purpose and such minutes shall be signed by the person chairing.

18. The names of all members present at a meeting of the Committee shall be recorded in the minutes of the proceedings of the meeting.

19. Subject to *paragraph 10* and *13*—

(*a*) at a meeting of the Education Committee every act of the Education Committee and every question coming before the Education Committee shall be determined by a majority of the votes of members (including the chairperson) present and voting in relation to the act or question, and

(*b*) in the case of an equal division of votes on any question arising at a meeting of the Education Committee (other than the election of the chairperson or deputy chairperson) the chairperson or other person presiding at that meeting shall have a second or casting vote.

20. Subject to *paragraph 13*, the Committee may act notwithstanding one or more than one vacancy among its members or any deficiency in the appointment of a member which may subsequently be discovered.

21. Subject to this Act, the Committee may from time to time make such standing orders as it thinks fit for the regulation of its proceedings and may amend or revoke such standing orders.

Number 22 *of* 2005

VETERINARY PRACTICE ACT 2005

REVISED

Updated to 1 January 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

• *Horse Racing Ireland Act 2016* (2/2016)

- *Freedom of Information Act 2014* (30/2014)
- *Animal Health and Welfare Act 2013* (15/2013)
- *Ombudsman (Amendment) Act 2012* (38/2012)
- *Veterinary Practice (Amendment) Act 2012* (25/2012)
- *Consumer Protection Act 2007* (19/2007)

All Acts up to and including *National Training Fund (Amendment) Act 2025* (21/2025), enacted 23 December 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Veterinary Council of Ireland (Fees) Regulations 2025* (S.I. No. 455 of 2025)
- *Further and Higher Education, Research, Innovation and Science (Transfer of Departmental Administration and Ministerial Functions) Order 2023* (S.I. No. 291 of 2023)
- *Veterinary Council of Ireland (Recognition of Qualifications and Registration) (Veterinary Practitioner) Regulations 2022* (S.I. No. 282 of 2022)
- *Veterinary Council of Ireland (Recognition of Qualifications and Registration) (Veterinary Nurse) Regulations 2022* (S.I. No. 281 of 2022)
- *Veterinary Council of Ireland (Prescribed Educational Qualifications) Regulations 2022* (S.I. No. 280 of 2022)
- *Veterinary Council of Ireland (Fees) Regulations 2022* (S.I. No. 279 of 2022)
- *Veterinary Council of Ireland Continuing Veterinary Education for Veterinary Nurses Regulations 2020* (S.I. No. 578 of 2020)
- *Veterinary Council of Ireland Continuing Veterinary Education for Veterinary Practitioners Regulations 2020* (S.I. No. 577 of 2020)
- *Veterinary Council of Ireland Indemnity Insurance Regulations 2020* (S.I. No. 576 of 2020)
- *Veterinary Practice Act 2005 (Treatment by non-registered person) Regulations 2017* (S.I. No. 278 of 2017)
- *European Union (Veterinary Practice Act 2005) (Amendment) Regulations 2014* (S.I. No. 362 of 2014)
- *Animal Health and Welfare (Operations and Procedures) (No. 2) Regulations 2014* (S.I. No. 127 of 2014)
- *Animal Health and Welfare (Revocation) Regulations 2014* (S.I. No. 126 of 2014)
- *Animal Health and Welfare (Operations and Procedures) Regulations 2014* (S.I. No. 123 of 2014)
- *European Communities (Veterinary Practice Act 2005) (Qualifications in Veterinary Medicine) Regulations 2007* (S.I. No. 745 of 2007)
- *European Communities (Veterinary Practice Act 2005) (Amendment) Regulations 2007* (S.I. No. 117 of 2007)
- *Veterinary Practice Act 2005 (Prescribed Places and Events) Regulations 2006* (S.I. No. 611 of 2006)
- *Veterinary Practice Act 2005 (Establishment Day) Order 2005* (S.I. No. 598 of 2005)

All statutory instruments up to and including *European Union (Restrictive Measures concerning Iraq) Regulations 2026* (S.I. No. 1 of 2026), made 6 January 2026, were considered in the preparation of this revision.