



Jersey

VETERINARY SURGEONS (AMENDMENT No. 2) (JERSEY) LAW 2016

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VETERINARY SURGEONS (AMENDMENT No. 2) (JERSEY) LAW 2016

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

Adopted by the States

8th September 2015

Sanctioned by Order of Her Majesty in Council

10th February 2016

Registered by the Royal Court

19th February 2016

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

1 Interpretation

In this Law, “Law” means the Veterinary Surgeons (Jersey) Law 1999¹.

2 Article 1 amended

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

“ ‘Veterinary Officer’ means the person for the time being appointed by the Minister under Article 2(1) or (2) of the Diseases of Animals (Jersey) Law 1956²;”.

3 Article 10 amended

In Article 10 of the Law for paragraph (2) there shall be substituted the following paragraphs –

“(2) Nothing in Article 2 or 9(1) prohibits a person who is not a recognized veterinary surgeon from carrying out an activity that is described in Part 1 of Schedule 1 provided that –

- (a) in relation to an activity that must be carried out by a person of a description specified in that Part, the person falls within that description; and
- (b) such activity is not excluded from the application of Part 1 of Schedule 1 by Part 2 of that Schedule.

- (3) Nothing in Article 2 or 9(1) prevents a person who is not a recognized veterinary surgeon from carrying out any activity that is described in paragraph 1 or 2 of Schedule 2 provided that –
- (a) the person is approved to carry out that activity under paragraph 3(1) or (2) of that Schedule;
 - (b) the person carries out that activity in accordance with any conditions imposed under paragraph 3(4) or (5) of that Schedule; and
 - (b) the person’s approval is not suspended or revoked in accordance with paragraph 4 of that Schedule.”.

4 Article 10A inserted

After Article 10 there shall be inserted the following Article –

“10A Fees for certain exemptions

The Minister may prescribe by Order fees for the giving of approvals by the Veterinary Officer under paragraph 3 of Schedule 2.”.

5 Article 11 substituted

For Article 11 of the Law there shall be substituted the following Article –

“11 Amendment of Schedules

The Minister may by Order amend Schedules 1 and 2.”.

6 Schedule amended

In the Schedule –

- (a) for the heading and subheadings to the Schedule before paragraph 1 of Part 1 there shall be substituted the following heading and subheadings –

“SCHEDULE 1

(Article 10(2))

**EXEMPTIONS FROM RESTRICTIONS ON PRACTICE OF
VETERINARY SURGERY NOT REQUIRING APPROVAL OF
VETERINARY OFFICER**

PART 1

ACTIVITIES THAT MAY BE CARRIED OUT”;

- (b) paragraphs 8, 9 and 10 of Part 1 shall be deleted.

7 Schedule 2 inserted

After Schedule 1 there shall be inserted the following Schedule –

“SCHEDULE 2

(Article 10(3))

**EXEMPTIONS FROM RESTRICTIONS ON PRACTICE OF
VETERINARY SURGERY REQUIRING APPROVAL OF
VETERINARY OFFICER****1 Equine dental activities**

A person who is approved by the Veterinary Officer in accordance with paragraph 3 may carry out any of the following activities in relation to horses –

- (a) examination, evaluation and recording of dental abnormalities;
- (b) the removal of loose teeth or dental fragments with negligible periodontal attachments;
- (c) the removal of erupted, non-displaced wolf teeth in the upper or lower jaw;
- (d) palliative rasping of fractured and adjacent teeth;
- (e) the use of motorised dental instruments to reduce overgrowths and remove sharp enamel points.

2 Other activities

(1) A person who is approved by the Veterinary Officer in accordance with paragraph 3 may carry out any of the following activities for which such approval has been given –

- (a) artificial insemination of a domestic animal;
- (b) a procedure to transfer, or to assist in transferring, embryos between cattle; or
- (c) the implantation into an animal of a transponder.

(2) In paragraph (1) ‘transponder’ means a read-only passive radio frequency device.

3 Approval by Veterinary Officer

(1) The Veterinary Officer may approve a person to carry out the activities described in paragraph 1 if –

- (a) the person is a current member of the British Association of Equine Dental Technicians; and
- (b) the requirements of sub-paragraph (3) are complied with.

- (2) The Veterinary Officer may approve a person to carry out any activity described in paragraph 2 if –
 - (a) the person –
 - (i) has successfully completed a course which entitles that person to carry out that activity under the law of the United Kingdom (or any part of the United Kingdom), or
 - (ii) is otherwise entitled under the law of the United Kingdom (or any part of the United Kingdom) to carry out that activity; and
 - (b) the requirements of sub-paragraph (3) are complied with.
- (3) Those requirements are that –
 - (a) the person has made an application for approval to the Veterinary Officer in such form and accompanied by such information as the Veterinary Officer may require; and
 - (b) the application is accompanied by such fee as may be prescribed under Article 10A.
- (4) An approval under sub-paragraph (1) or (2) must be in writing and, subject to paragraph (5), may be subject to such conditions as the Veterinary Officer may determine.
- (5) The Veterinary Officer's approval must be subject to the condition that –
 - (a) in the case of an activity described in paragraph 1(c), the person carries out the activity under the direct and continuous personal supervision of a recognized veterinary surgeon; or
 - (b) in the case of an activity described in paragraph 2(1)(c), where the person is a veterinary nurse, the person carries out the activity under the direction of a recognized veterinary surgeon who is available to assist but who may not necessarily be present.
- (6) In sub-paragraph (5)(b), 'veterinary nurse' means a nurse whose name is entered in the register of veterinary nurses maintained by the Royal College of Veterinary Surgeons.

4 Suspension or revocation of approval

- (1) If the Veterinary Officer reasonably considers that a person approved under paragraph 3 –
 - (a) no longer meets the criteria described in paragraph 3(1)(a) or (2)(a), as the case may be;
 - (b) otherwise is no longer fit to carry out the activity to which the person's approval relates; or
 - (c) has breached a condition of approval,the Veterinary Officer may take the action described in sub-paragraph (2).

- (2) That action is either or both of the following –
 - (a) suspension of the Veterinary Officer’s approval with immediate effect; and
 - (b) revocation of the Veterinary Officer’s approval after giving 21 days’ notice to the person.
- (3) A person’s approval shall not be revoked under this paragraph unless the person concerned has been given the opportunity to make representations to the Veterinary Officer and the Veterinary Officer has taken those representations into account.
- (4) A suspension or revocation under this paragraph shall be given in writing and with reasons.

5 Appeal against Veterinary Officer’s decision

- (1) A person aggrieved by a decision of the Veterinary Officer to –
 - (a) refuse an application for approval under paragraph 3; or
 - (b) suspend or revoke an approval under paragraph 4,may, within 28 days of the decision, or within such longer period as the Court may allow, appeal to the Court on the ground that the decision is unreasonable having regard to all the circumstances of the case.
- (2) On hearing the appeal the Court may –
 - (a) confirm, reverse or vary the decision against which the appeal is brought;
 - (b) make such order as it thinks fit; and
 - (c) make such order as to the costs of the appeal that it thinks fit, including any order with respect to the payment of costs.
- (3) Subject to any interim order the Court may make, an appeal to the Court shall not have the effect of suspending the Veterinary Officer’s decision.”.

8 Citation and commencement

This Law may be cited as the Veterinary Surgeons (Amendment No. 2) (Jersey) Law 2016 and shall come into force 7 days after it is registered.

M.N. DE LA HAYE, O.B.E.

Greffier of the States

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- ¹ *chapter 02.900*
² *chapter 02.400*