

VETERINARY SURGEONS ACT 2005

Arrangement of Sections

Section

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SCHEDULES —

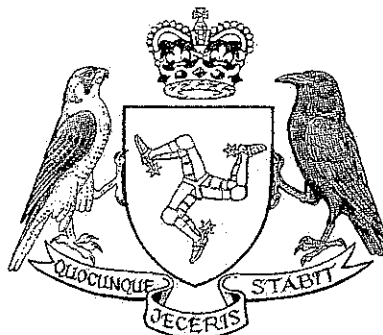
Schedule 1 — Exemptions from restrictions on practice of veterinary surgery.

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Isle of Man } Signed in Tynwald: 15th March 2005
 to Wit } Received Royal Assent: 15th March 2005
 Announced to Tynwald: 15th March 2005

AN ACT

to make provision for restricting the practice of veterinary surgery by unqualified persons; and for connected purposes.

WE, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say):—

1. (1) No individual shall practise, or hold himself or herself out as practising, or as being prepared to practise, veterinary surgery unless that individual is registered in the Register of Veterinary Surgeons (in this Act a registered individual is referred to as a "veterinary surgeon").

Restriction of practice of veterinary surgery by unqualified persons.

[1949/1]

(2) Any individual who contravenes subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 or to custody for a term not exceeding 3 months, or to both.

(3) This section is subject to section 2 and Schedule 1.

2. (1) Section 1 does not prohibit —

Exemptions.

(a) the doing of anything specified in Part I of Schedule 1 and not excluded by Part II of that Schedule;

(b) the carrying out or performance of any minor treatment, test or operation specified in an order made by the Department, so long as any conditions specified in the order are complied with;

[c.14]

[c.29]

(c) the carrying out or performance of any treatment, test or operation by a fully registered person within the meaning of the Medical Act 1985 or a registered dentist within the meaning of the Dental Act 1985 at the request of a veterinary surgeon;

[c.5]

(d) the carrying out of any procedure duly authorised under Part II of the Cruelty to Animals Act 1997;

(e) the performance by a fully registered person within the meaning of the Medical Act 1985 of an operation on an animal for the purpose of removing an organ or tissue for use in the treatment of human beings.

(2) The Department may by order amend Schedule 1.

(3) The Department may by order exempt from section 1 the carrying out or performance of any veterinary treatment, test or operation prescribed by the order, subject to compliance with prescribed conditions, by students of veterinary surgery of any prescribed class.

Use of
descriptions as
to professional
status.

[1949/6]

3. (1) If any individual who is not for the time being a veterinary surgeon, takes or uses the title of veterinary surgeon or any name, title, addition, or description calculated to lead to the belief that the individual is a veterinary surgeon, that individual shall be guilty of an offence.

(2) Without prejudice to subsection (1), if any person uses any description in connection with —

(a) any business carried on by that person, or

(b) any premises at which such a business is carried on,

being in either case a description calculated to lead to the belief that the person, or any individual acting for the purposes of the business, possess any veterinary qualifications which they do not in fact possess, that person shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £5,000 or to custody for a term not exceeding 3 months, or to both.

4. (1) A copy of the Register of Veterinary Surgeons for the time being purporting to be printed and published in pursuance of the U.K. Act shall be evidence in all cases (until the contrary be made to appear) that the individuals named in the copy are on the Register of Veterinary Surgeons. Evidence of registration. [1949/4]

(2) The absence of the name of any individual from such a copy shall be evidence (until the contrary be made to appear) that such individual is not on the Register.

(3) In the case of any person whose name does not appear in such a copy, a certified copy under the hand of the Registrar of the Royal College of Veterinary Surgeons of the entry of the name of such person in the said Register, shall be evidence that such person is on the said Register.

5. (1) A registrar of deaths, on receiving notice of the death of any veterinary surgeon shall as soon as practicable transmit by post to the Department a certificate of the death, with the particulars of time and place of death. Notice of death of veterinary surgeons. [1949/5]

(2) On receipt of a certificate under subsection (1), the Department shall —

- (a) notify the Registrar of the Royal College of Veterinary Surgeons; and
- (b) reimburse the registrar of deaths for the cost of such certificate and transmission.

6. (1) The Department shall consult with the Royal College of Veterinary Surgeons before making any order under this Act. Orders.

(2) Orders under this Act shall be laid before Tynwald as soon as practicable after they are made, and if Tynwald at the sitting at which the orders are laid or at the next following sitting fails to approve them, the orders shall cease to have effect.

(3) This section does not apply in respect of an order under section 10(2).

7. (1) In this Act, “veterinary surgery” means, subject to subsection (2), the art and science of veterinary surgery and medicine and, without prejudice to the generality of the foregoing, includes — Veterinary surgery : definition.

- (a) the diagnosis of diseases in, and injuries to, animals including tests performed on animals for diagnostic purposes;

- (b) the giving of advice based upon such diagnosis;
- (c) the medical or surgical treatment of animals; and
- (d) the performance of surgical operations on animals.

(2) “Veterinary surgery” does not include —

- (i) the doing of anything specified in Part I of Schedule 1 and not excluded by Part II of that Schedule;
- (ii) any minor treatment, test or operation specified in an order made by the Department under section 2(1)(b), so long as any conditions specified in the order are complied with;
- (iii) any treatment, test, operation or procedure specified in section 2(1)(c) to (e).

Interpretation. **8.** In this Act —

[1949/9]

“animals” means all species other than man;

“the Department” means the Department of Agriculture, Fisheries and Forestry;

“prescribed” means prescribed by the Department;

“Register of Veterinary Surgeons” means the register of veterinary surgeons kept under the U.K. Act;

“U.K. Act” means the Veterinary Surgeons Act 1966 (an Act of Parliament) as that Act has effect from time to time and includes any instrument of a legislative character that re-enacts or replaces that Act with or without amendments;

“veterinary surgeon” has the meaning given by section 1(1).

Amendments
and repeals.

9. (1) The enactments specified in Schedule 2 are amended in accordance with that Schedule.

(2) The enactments mentioned in column 1 of Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

Short title and
commencement.

10. (1) This Act may be cited as the Veterinary Surgeons Act 2005.

(2) This Act shall come into force on such day as the Department may by order appoint and different days may be so appointed for different provisions and for different purposes.

SCHEDULES

Sections 1(3) & 2(1)(a) SCHEDULE 1

EXEMPTIONS FROM RESTRICTIONS ON
PRACTICE OF VETERINARY SURGERY

PART I

*Treatment or operations which may be given or
carried out by unqualified persons*

1. Any minor medical treatment given to an animal by its owner, by another member of the household of which the owner is a member or by a person in the employment of the owner.

2. (1) Any medical treatment or any minor surgery (not involving entry into a body cavity) given, otherwise than for reward, to any animal to which this paragraph applies by the owner of the animal or by a person engaged or employed in caring for the animal.
 - (2) This paragraph applies to —
 - (a) animals kept for the production of food, wool, skin or fur, or for use in the farming of land; and
 - (b) horses.

3. The rendering in an emergency of first aid for the purpose of saving life or relieving pain or suffering.

4. (1) The performance by any person of or over the age of 18 of any of the following operations, that is to say —
 - (a) the castration of male livestock by any means;
 - (b) the docking of the tail of a lamb;
 - (c) the amputation of the dew claws of a dog before its eyes are open.(2) In sub-paragraph (1)(a), “livestock” means any animal kept for the production of food, wool, skin or fur, or for use in the farming of land.

5. (1) The performance, by any person of the age of 17 undergoing instruction in animal husbandry, of any operation mentioned in paragraph 4(1)(a) or (b) and the disbudding of a calf by any such person or by a person of or over the age of 18 undergoing such instruction, if, in each case, either of the following conditions is complied with —
 - (a) the instruction in animal husbandry is given by a veterinary surgeon and the operation is performed under his or her direct personal supervision;

- (b) the instruction in animal husbandry is given under the direction of a recognised institution and the operation is performed under the direct personal supervision of a person appointed by the institution. SCH. 1

(2) In sub-paragraph (1), “recognised institution” means the Isle of Man College when acting jointly with, or on behalf of, the Department in providing any instruction or course of instruction.

6. (1) Any medical treatment or any minor surgery (not involving entry into a body cavity) to any animal by a veterinary nurse if the following conditions are complied with —

- (a) the animal is, for the time being, under the care of a veterinary surgeon and the medical treatment or minor surgery is carried out by the veterinary nurse at his or her direction;
- (b) the veterinary surgeon is the employer or is acting on behalf of the employer of the veterinary nurse; and
- (c) the veterinary surgeon directing the medical treatment or minor surgery is satisfied that the veterinary nurse is qualified to carry out the treatment or surgery.

(2) In sub-paragraph (1), “veterinary nurse” means a nurse whose name is entered in the list of veterinary nurses maintained by the Royal College of Veterinary Surgeons.

7. (1) Any medical treatment or any minor surgery (not involving entry into a body cavity) to any animal by a student veterinary nurse if the following conditions are complied with —

- (a) the animal is, for the time being, under the care of a veterinary surgeon and the medical treatment or minor surgery is carried out by the student veterinary nurse at his or her direction and in the course of the student veterinary nurse’s training;
- (b) the treatment or surgery is supervised by a veterinary surgeon or veterinary nurse and, in the case of surgery, the supervision is direct, continuous and personal; and
- (c) the veterinary surgeon is the employer or is acting on behalf of the employer of the student veterinary nurse.

(2) In this paragraph —

“approved training and assessment centre” means a centre approved by the Royal College of Veterinary Surgeons for the purpose of training and assessing student veterinary nurses;

“student veterinary nurse” means a person enrolled under bye-laws made by the Royal College of Veterinary Surgeons for the purpose of undergoing training as a veterinary nurse at an approved training and assessment centre or a veterinary practice approved by such a centre;

SCH. 1

“veterinary nurse” means a nurse whose name is entered in the list of veterinary nurses maintained by the Royal College of Veterinary Surgeons.

PART II

Exclusions from provisions of Part I

Nothing in section 2(1)(a) shall authorise —

- (a) the castration of a male animal being —
 - (i) a horse, pony, ass or mule,
 - (ii) a bull, boar or goat which has reached the age of 2 months,
 - (iii) a ram which has reached the age of 3 months, or
 - (iv) a cat or dog;
- (b) the removal (otherwise than in an emergency for the purpose of saving life or relieving pain or suffering) of any part of the antlers of a deer before the velvet of the antlers is frayed and the greater part of it has been shed;
- (c) the desnooding of a turkey which has reached the age of 21 days;
- (d) the removal of the combs of any poultry which have reached the age of 72 hours;
- (e) the cutting of the toes of a domestic fowl or turkey which has reached the age of 72 hours;
- (f) the performance of a vasectomy or the carrying out of electro-ejaculation on any animal kept for the production of food, wool, skin or fur, or for use in the farming of land;
- (g) the removal of the supernumerary teats of a calf which has reached the age of 3 months;
- (h) the dehorning or disbudding of a sheep or goat, except the trimming of the insensitive tip of an ingrowing horn which, if left untreated, could cause pain or distress; or
- (i) the docking of lambs’ tails after their first week of life.

Section 9(1)

SCHEDULE 2

AMENDMENT OF ENACTMENTS

Riding Establishments (Inspection) Act 1968 (XX p.502)

In section 2, omit “or a veterinary practitioner”.

In section 6(3) —

- (a) omit the definition of “veterinary practitioner”;
- (b) for the definition of “veterinary surgeon” substitute —

““veterinary surgeon” has the meaning given by section 1(1) of the Veterinary Surgeons Act 2005;”.

Animal Boarding Establishments (Isle of Man) Act 1973 (c.9)

In section 1(4), omit “or veterinary practitioner”.

In section 2(1), omit “or veterinary practitioner”.

In section 5(2) —

- (a) omit the definitions of “Isle of Man Supplementary Veterinary Register”, ““Supplementary Veterinary Register” and “Register of Veterinary Surgeons””, and “Veterinary Practitioner”;
- (b) for the definition of “veterinary surgeon” substitute —

““veterinary surgeon” has the meaning given by section 1(1) of the Veterinary Surgeons Act 2005;”.

Misuse of Drugs Act 1976 (c.21)

In section 7(3) —

- (a) in paragraph (a), omit “,veterinary practitioner”;
- (b) in paragraph (b), omit “veterinary practitioner,”.

In section 38 —

- (a) for the definition of “practitioner” substitute —

““practitioner” means a doctor, dentist or veterinary surgeon;”.

- (b) omit the definition of “veterinary practitioner”;

- (c) for the definition of “veterinary surgeon” substitute —

““veterinary surgeon” has the meaning given by section 1(1) of the Veterinary Surgeons Act 2005;”.

Section 9(2)

SCHEDULE 3

REPEAL OF ENACTMENTS

<i>Chapter no./ Vol. page no.</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
XVII p.794	Veterinary Surgeons Act 1949	The whole Act.
XX p.502	Riding Establishments (Inspection) Act 1968	In section 2, the words "or a veterinary practitioner". In section 6(3), the definition of "veterinary practi- tioner".
1973 c.9	Animal Boarding Establishments (Isle of Man) Act 1973	In sections 1(4) and 2(1), the words "or veterinary practitioner". In section 5, the definitions of "Isle of Man Supple- mentary Veterinary Register", "Supplemen- tary Veterinary Register" and "Register of Veter- inary Surgeons" and "Veterinary Practitioner".
1976 c.21	Misuse of Drugs Act 1976	In section 7(3) — (a) in paragraph (a), the words "veterin- ary practitioner"; (b) in paragraph (b), the words "veterinary practitioner". In section 38, the definition of "veterinary practi- tioner". In Schedule 3, in paragraph 1(2)(c), the words "veterinary practitioner or".
1976 c.22	Medicines Act 1976	In sections 7(8)(b)(iii), 9, 10(2), 23(2)(b), 33, 40, 55(3), and 58, the words "or veterinary practi- tioner" and "and veter- inary practitioner", wher- ever occurring.

		In section 16(2)(a) and 58(1)(c), the words “and veterinary practitioners”.	SCH. 3
		In section 124(1), the definition of “veterinary practitioner”.	
1979 c.8	Poisons Act 1979	In sections 3(c) and 8(4), the words “or veterinary practitioner” and “or a veterinary practitioner” respectively.	
1980 c.9	Jury Act 1980	In Schedule 1, in Group E, the words “and veterinary practitioners”.	
1981 c.27	Breeding of Dogs and Cats Act 1981	In section 4(3) — (a) in the definition of “veterinary officer of the Department” the words “veterinary practitioner or”; (b) omit the definition of “veterinary practitioner”.	
1986 c.6	Statute Law Revision Act 1986	In Schedule 1, paragraph 7.	
1990 c.2	Wildlife Act 1990	In section 8(2)(c), the words “or veterinary practitioner”.	
1997 c.5	Cruelty to Animals Act 1997	In sections 3(3) and 9, the words “or a veterinary practitioner” and “or veterinary practitioner” wherever occurring. In sections 16(5)(b) and 17(5)(b), the words “veterinary practitioner”. In Schedule 1, in paragraphs 5 and 6, the words “or veterinary practitioner” and “or practitioner”. In Schedule 4, in paragraph 3(2) and 4(2), the words “a veterinary practitioner or” wherever occurring.	

SCH. 3

2003 c.4

Medicines Act 2003

In Schedule 2 —

- (a) in the definition of “practitioner”, paragraph (b)(ii);
- (b) the definition of “veterinary practitioner”.

In Schedule 3, paragraph 11(2).