



**BILLE NA dTREIDLEA, 1960.
VETERINARY SURGEONS BILL, 1960.**

*Mar a tugadh isteach.
As introduced.*

ARRANGEMENT OF SECTIONS.

Section.

1. Amendment of section 34 of Veterinary Surgeons Act, 1931.
2. Amendment of section 36 of Veterinary Surgeons Act, 1931.
3. Repeals.
4. Short title and collective citation.

FIRST SCHEDULE.

**SECTIONS SUBSTITUTED FOR SECTIONS 34 AND 36 OF THE
VETERINARY SURGEONS ACT, 1931.**

SECOND SCHEDULE.

ENACTMENTS REPEALED.



BILLE NA dTREIDLEA, 1960.
VETERINARY SURGEONS BILL, 1960.

BILL

entitled

AN ACT TO AMEND THE VETERINARY SURGEONS ACTS, 5
1931 AND 1952, IN RELATION TO THE REGISTER OF
VETERINARY SURGEONS FOR IRELAND.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Amendment of
section 34 of
Veterinary
Surgeons Act,
1931.

1.—The section set out in *Part I* of the *First Schedule* to this Act is hereby substituted for section 34 of the Veterinary Surgeons Act, 1931.

Amendment of
section 36 of
Veterinary
Surgeons Act,
1931.

2.—The section set out in *Part II* of the *First Schedule* to this Act is hereby substituted for section 36 of the Veterinary Surgeons Act, 1931.

Repeals.

3.—Each enactment mentioned in the *Second Schedule* to this Act is hereby repealed to the extent specified in the third column of that Schedule.

Short title
and collective
citation.

4.—(1) This Act may be cited as the Veterinary Surgeons Act, 1960.

(2) The Veterinary Surgeons Acts, 1931 and 1952, and this Act may be cited together as the Veterinary Surgeons Acts, 1931 to 1960.

Sections 1 and 2.

FIRST SCHEDULE.

SECTIONS SUBSTITUTED FOR SECTIONS 34 AND 36 OF THE
VETERINARY SURGEONS ACT, 1931.

25

PART I.

Erasure from
register—
persons convicted
of crimes.

34. (1) Where a person registered in the register is convicted in the State of treason or of a felony or a misdemeanour or is convicted outside the State of a crime or offence which would be a felony or a misdemeanour if committed in the State, the Council may decide that the name of such person should be erased from the register.

(2) On making a decision under this section, the Council shall forthwith send by post to the person to whom the decision relates, at his address as stated in the register, a notice in writing stating the decision, the date thereof and the reason therefor.

(3) A person to whom a decision under this section of the Council relates may, within the period of fourteen days beginning on the date of the decision, apply to the High Court for cancellation of the decision, and if he so applies—

(a) the High Court, on the hearing of the application, may either—

(i) cancel the decision, or

(ii) confirm the decision and direct the Council to erase the name of such person from the register,

5 (b) if at any time the Council satisfies the High Court that such person has delayed unduly in proceeding with the application, the High Court shall, unless it sees good reason to the contrary, confirm the decision and direct the Council to erase the name of such person from the register,

(c) the High Court may direct how the costs of the application are to be borne.

10 (4) Where a person to whom a decision under this section of the Council relates does not, within the period of fourteen days beginning on the date of the decision, apply to the High Court for cancellation of the decision, the Council may apply *ex-parte* to the High Court for confirmation of the decision and, if the Council so applies, the High Court, on the hearing of the application, shall, unless it sees good reason to the contrary, confirm the decision and direct the Council to erase the name of such person from the register.

(5) The decision of the High Court on an application under this section shall be final.

20 (6) On erasing the name of a person from the register pursuant to an order of the High Court under this section, the Council shall forthwith send by post to such person, at his address as stated in the register, notice in writing of the erasure.

25 (7) A person whose name has been erased from the register under this section may at any time be restored to the register by special direction of the Council but not otherwise, and when a person is so restored to the register, the Council may attach to the restoration such conditions (including the payment of a fee not exceeding the fee which would be payable by such person if he was then being registered for the first time) as the Council thinks fit.

PART II.

36. (1) Where the Council as the result of an inquiry held by it under this Act into the conduct of a person alleged to have been guilty of conduct disgraceful to him in a professional respect or, as the result of the report of a committee (other than a committee appointed under the Agreement) appointed by the Council under this Act to hold an inquiry into the conduct of any such person, finds that such person was guilty of conduct disgraceful to him in a professional respect, the Council may, by a resolution in favour of which not less than six members of the Council vote, decide either that the name of such person should be erased from the register or that during a period of specified duration registration of his name in the register should not have effect.

Erasure from register or suspension of registration—persons guilty of professional misconduct.

45 (2) Where, as the result of the report of a committee appointed under the Agreement to investigate an allegation in relation to a person who is registered in the register and is also registered in the general veterinary register, the Council finds that such person has been guilty of conduct disgraceful to him in a professional respect, the Council may, by a resolution in favour of which not less than six members of the Council vote, decide either that the name of such person should be erased from the register or that during a period of specified duration registration of his name in the register should not have effect.

55 (3) Where the Council of the Royal College of Veterinary Surgeons has, in pursuance of the Agreement set forth in the First Schedule to this Act, reported to the Council a case in which the Council of that College has determined to remove from the general veterinary register the name of a person who is registered

in that register and is also registered in the register and in relation to whom the Council of that College has in accordance with that Agreement investigated an allegation of conduct disgraceful in a professional respect, the Council shall consider the facts stated in the report, and, if the Council on consideration of the report finds 5 that the person to whom the report relates has been guilty of conduct disgraceful to him in a professional respect, the Council may, by a resolution in favour of which not less than six members of the Council vote, decide either that the name of such person should be erased from the register or that during a period of specified 10 duration registration of his name in the register should not have effect.

(4) On making a decision under this section, the Council shall forthwith send by post to the person to whom the decision relates, at his address as stated in the register, a notice in writing stating the decision, the date thereof and the reason therefor. 15

(5) A person to whom a decision under this section of the Council relates may, within the period of fourteen days beginning on the date of the decision, apply to the High Court for cancellation of the decision, and if he so applies—

(a) the High Court, on the hearing of the application, may 20 either—

(i) cancel the decision, or

(ii) declare that it was proper for the Council to make a decision under this section in relation to such person and either (as the Court may consider 25 proper) direct the Council to erase his name from the register or direct that during a specified period (beginning not earlier than seven days after the decision of the Court) registration of his name in the register shall not have effect, 30

(b) if at any time the Council satisfies the High Court that such person has delayed unduly in proceeding with the application, the High Court shall, unless it sees good reason to the contrary, declare that it was proper for the Council to make a decision under this section in 35 relation to such person and either (as the Court may consider proper) direct the Council to erase his name from the register or direct that during a specified period (beginning not earlier than seven days after the decision of the Court) registration of his name in the register 40 shall not have effect,

(c) the High Court may direct how the costs of the application are to be borne.

(6) Where a person to whom a decision under this section of the Council relates does not, within the period of fourteen days begin- 45 ning on the date of the decision, apply to the High Court for cancellation of the decision, the Council may apply *ex-parte* to the High Court for a declaration that it was proper for the Council to make a decision under this section in relation to such person and, if the Council so applies, the High Court, on the hearing of the 50 application, shall, unless it sees good reason to the contrary, declare accordingly and either (as the Court may consider proper) direct the Council to erase the name of such person from the register or direct that during a specified period (beginning not earlier than seven days after the decision of the Court) registration of his name 55 in the register shall not have effect.

(7) On the hearing of an application under this section, the High Court may, if it thinks proper so to do, admit and have regard to evidence of persons of standing in the veterinary profession as to what is conduct disgraceful to a veterinary surgeon in 60 a professional respect.

(8) The decision of the High Court on an application under this section shall be final.

5 (9) (a) On erasing the name of a person from the register pursuant to an order of the High Court under this section, the Council shall forthwith send by post to such person, at his address as stated in the register, notice in writing of the erasure.

10 (b) Where an order of the High Court under this section directs that during a specified period registration of the name of a person in the register shall not have effect, the Council shall, before the commencement of that period,—

15 (i) send by post to such person, at his address as stated in the register, notice in writing of the direction of the High Court, and

(ii) notify the Minister of such direction.

20 (10) A person whose name has been erased from the register under this section may at any time be restored to the register by special direction of the Council but not otherwise, and when a person is so restored to the register, the Council may attach to the restoration such conditions (including the payment of a fee not exceeding the fee which would be payable by such person for registration if he was then being registered for the first time) as the Council thinks fit.

25 (11) Where the registration of a person in the register stands suspended under this section, the Council may, if it so thinks fit on application made to it by such person, by special direction terminate the suspension either unconditionally or subject to such conditions as it thinks fit.

30 (12) Where a suspension of a person's registration in the register becomes terminated under this section by special direction of the Council, the Council shall immediately notify the Minister of the termination.

35 (13) References in this Act to the erasure by the Council of the name of a person from the register on account of professional misconduct shall be construed as referring only to an erasure of the name of a person from the register made by the Council under this section.

SECOND SCHEDULE.

Section 3.

ENACTMENTS REPEALED.

Number and Year.	Short title.	Extent of Repeal.
No. 36 of 1931.	Veterinary Surgeons Act, 1931.	Section 37; in section 38, the words "or on account of professional misconduct; or" and paragraph (c); in subsection (1) of section 39, the words "or on account of professional misconduct; or" and paragraph (d); subsection (3) of section 39.
No. 18 of 1952.	Veterinary Surgeons Act, 1952.	Section 7.

BILLE

(*mar a tugadh isteach*)

dá ngairtear

Acht do leasú Achtanna na dTréidlia, 1931 agus 1952, maidir le Clár Tréidleá na hÉireann.

An tAire Talmhaíochta a thug isteach.

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
12 Iúil, 1960.*

BAILE ATHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais,
An Stuaire, Árd Oifig an Phoist, Baile Átha Cliath, nó trí
aon díoltóir leabhar.

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[*Luach : Naoi bPingne Glan.*]

BILL

(*as introduced*)

entitled

An Act to amend the Veterinary Surgeons Acts, 1931 and 1952, in relation to the Register of Veterinary Surgeons for Ireland.

Introduced by the Minister for Agriculture.

*Ordered by Dáil Éireann to be printed,
12th July, 1960.*

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly
from the Government Publications Sale Office
G.P.O. Arcade, Dublin.

Printed by CAHILL & Co., LTD.

[*Price Ninepence Net.*]