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An Comhchoiste um Thalmhaíocht, Bia agus Muir

Grinnscrúdú Mionsonraithe ar an mBille um
Chleachtadh Tréidliachta (Leasú) 2021

Samhain 2021

Joint Committee on Agriculture, Food and the Marine

Detailed Scrutiny of the Veterinary
Practice (Amendment) Bill 2021

November 2021

Membership

The following Deputies and Senators are members of the Joint Committee on Agriculture, Food and the Marine of the 33rd Dáil Éireann and the 26th Seanad Éireann.



Sen. Victor Boyhan
Independent



Sen. Lynn Boylan
Sinn Féin



Martin Browne T.D.
Sinn Féin



Jackie Cahill T.D.
Fianna Fáil
[Cathaoirleach]



Matt Carthy T.D.
Sinn Féin



Michael Collins T.D.
Independent



Sen. Paul Daly
Fianna Fáil



Michael Fitzmaurice
T.D. Independent



Joe Flaherty T.D.
Fianna Fáil



Paul Kehoe T.D.
Fine Gael



Brian Leddin T.D.
Green Party



Sen. Tim Lombard
Fine Gael [Leas-
Chathaoirleach]



Sen. Denis O'Donovan
Fianna Fáil



Michael Ring T.D.
Fine Gael

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Introduction

This is the report of the Joint Committee on Agriculture, Food and the Marine following its detailed scrutiny of the Veterinary Practice (Amendment) Bill 2021.¹

The Veterinary Practice (Amendment) Bill 2021 was referred to the Select Committee on Agriculture, Food and the Marine by order of Dáil Éireann on 25 June 2021. At a private meeting on 21 September 2021, the Select Committee agreed that detailed scrutiny of the Bill should be conducted before order for Committee Stage is moved. Under Dáil Éireann Standing Order 178(4) the Select Committee agreed that the scrutiny of this Bill should be undertaken by the Joint Committee on Agriculture, Food and the Marine ('the Committee').

The Committee held a series of meetings as part of its detailed scrutiny of the Veterinary Practice (Amendment) Bill. In order to avoid a conflict of interest, it was agreed that the Leas-Chathaoirleach, Senator Tim Lombard, would chair these meetings as the Cathaoirleach, Deputy Jackie Cahill, is the sponsor of the Bill.

Procedural basis for Scrutiny

Private Members Bills referred to Select Committee are subject to the provisions of Dáil Éireann Standing Order 178.² Paragraph (4) of Standing Order 178 permits scrutiny of the Bill in Joint Committee, viz. "Nothing in these Standing Orders shall preclude a Joint Committee from undertaking scrutiny, and reporting thereon, save that only the relevant Committee may decide on the recommendation as to whether or not the Bill may proceed to Committee Stage".

Stakeholders

The Committee held two days of hearings in September and October 2021 and engaged with relevant stakeholders as part of the Committee's scrutiny of the Bill. Table 1 below provides details of these meetings with stakeholders.

¹ Houses of the Oireachtas, *Veterinary Practice (Amendment) Bill 2021*, Bill, 18 February 2021. [Link](#) to bill.

² Houses of the Oireachtas, *Consolidated Dáil Éireann Standing Orders relative to Public Business*, Report, 27 January 2021 [Link](#) to report.

Table 1 - Joint Committee Hearings - Stakeholders / Witnesses

28 September 2021	
Sponsor of the Bill	Mr Jackie Cahill, T.D.
Expert witnesses	Mr Gerry Neary, Past President of Veterinary Ireland Mr Finbarr Murphy, Chief Executive of Veterinary Ireland
20 October 2021	
Competition and Consumer Protection Commission (CCPC)	Mr Brian McHugh, Member of the Commission Mr Patrick Kenny, Member of the Commission
Veterinary Council of Ireland (VCI)	Ms Niamh Muldoon, Registrar & CEO Mr Joe Moffitt, President Dr Ailís Ní Riain, Deputy President

Transcripts

The transcripts of the meetings of 28 September 2021³ and 20 October 2021⁴ are available online.

Presentations and Submissions

The presentations and submissions made to the Committee for the meetings of 28 September 2021 and 20 October 2021 are available online.⁵

³ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 28 September 2021. [Link](#) to debate.

⁴ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 20 October 2021. [Link](#) to debate.

⁵ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Webpage. [Link](#) to webpage.

Chapter 1 – Veterinary Practice (Amendment) Bill 2021

Overall aim of the Bill

According to the Bill's Explanatory Memorandum⁶ the purpose of this Bill is to amend the Veterinary Practice Act 2005⁷ in order to make statutory provision to prohibit ownership of veterinary practices by persons, other than a veterinary practitioner, in this Bill referred to as “eligible veterinary practitioners”. The Veterinary Practice Act 2005 is silent on ownership of veterinary practices by persons, other than veterinary practitioners.

Summary of the main provisions of the Bill

Part 1 - Preliminary and General

1. Provides for the use of the abbreviation of the title of the Veterinary Practice Act 2005 to the Act of 2005 for ease of reference in the Bill.
2. Amends section 2 interpretation of the Act of 2005 to include the new term “eligible veterinary practitioner”

Part 9 - Veterinary Premises

3. Amends section 109 of the Act of 2005 to provide that only an eligible veterinary practitioner may apply for and be granted a certificate of suitability in respect of a veterinary practice.
4. Amends section 110 of the Act of 2005 to provide that only an eligible veterinary practitioner may apply for a grant or, renewal of a grant of a certificate of suitability in respect of a veterinary practice.
5. Amends section 111 of the Act of 2005 to provide that when the Veterinary Council prescribes matters relating to an application for and grant or a

⁶ Houses of the Oireachtas, *Veterinary Practice (Amendment) Bill 2021 - Explanatory Memorandum*, Report, 18 February 2021. [Link](#) to report.

⁷ Irish Statute Book, *Veterinary Practice Act 2005*, Legislation, 12 July 2005. [Link](#) to legislation.

renewal of a certificate of suitability for a veterinary premise, the Council shall have regard to a new section 139 of the Act of 2005.

6. Amends section 112 of the 2005 Act to provide, in relation to a determination by the Veterinary Council of an application for a certificate of suitability in respect of a veterinary premises, that same may only be determined in respect of an application from an eligible veterinary practitioner.
7. Amends section 113 of the Act of 2005 in relation to a decision to refuse a certificate of suitability for a veterinary premise to an eligible veterinary practitioner.
8. Amends section 114 of the Act of 2005 in relation to a decision to revoke or suspend a certificate of suitability for a veterinary premise to an eligible veterinary practitioner.
9. Amends section 116 of the Act of 2005 in relation to the provision of a certificate of suitability for a veterinary premise to an eligible veterinary practitioner.
10. Amends section 120 of the Act of 2005 in relation to the class of premises to which a certificate of suitability may refer.

Part 12 - *Ownership of a Veterinary Practice*

11. Inserts a new part 12 into the Act of 2005 limiting ownership of a veterinary practice (operating from a registered veterinary premises) to veterinary practitioners only.

Short title, collective citation and commencement

12. Provides for the short title and that the Act shall come into operation on such day as the Minister for Agriculture, Food and the Marine may appoint by order.

Chapter 2 – Findings

The following presents the position of each stakeholder that attended a meeting on the Committee's scrutiny of this Bill.

Sponsor of the Bill

At a meeting on 28 September 2021, the sponsor of the Bill, Jackie Cahill T.D., briefed the Committee on the main provisions of the Bill. Deputy Cahill informed the Committee that he brought this Bill forward as there is a growing concern among the public and veterinarians as to the impact of the increase of corporate ownership of veterinary practices in Ireland. At the meeting on 20 October 2021, Deputy Cahill stated that this Bill has three main purposes:

1. To prevent laypersons and non-professional corporates from potentially illegally practicing veterinary medicine through the purchase and operation of veterinary practices in Ireland.
2. To ensure that the practice of veterinary medicine remains within the regulatory compass of the Veterinary Council of Ireland as currently they have no regulatory control over lay operators.
3. To protect the consumer, animal health and welfare and public health by ensuring that critically important drugs for animal and human health at all times remain under the control of registered veterinary practitioners.

It is Deputy Cahill's view that *'allowing an unregistered person to own a veterinary practice would mean an unregistered person or body corporate would enjoy a level of control over substantive practice-related decisions, for example, the policy of the veterinary practice including practice protocols, the mix of work accepted and performed in the practice, the materials employed by practitioners in the practice, and the sale and supply of prescription drugs.'*⁸ He stated that this is in direct contravention of the Animal Remedies Regulations⁹, section 28(4) together with

⁸ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 20 October 2021. [Link](#) to debate.

⁹ Irish Statute Book, *S.I. No. 786/2007 - European Communities (Animal Remedies) (No. 2) Regulations 2007*, Regulation, 22 November 2007. [Link](#) to regulation.

Schedule 1, Part 1, paragraphs 1, 2 and 3. According to Deputy Cahill, *'we have lay people purchasing and having the control of drugs.'*¹⁰

As well as this concern of a layperson being able to buy and control drugs, Deputy Cahill also informed the Committee of the key areas of concern with regards to corporate ownership of veterinary practices:

- **Availability of a 24-hour service** – In the interest of animal welfare, access to a 24-hour service must be available. This service is essential to farmers as, due to the nature of their occupation, they need reliable access to a 24-hour service for the wellbeing of their animals. According to Deputy Cahill, *'lay ownership of a veterinary practice will not be able to guarantee a 24-hour service because VCI's code of conduct requires a veterinary practitioner to ensure arrangements are made for 24-hour on-call emergency cover. It is not binding on a non-registered person or body corporate to do that.'*¹¹ Corporate ownership could impact this service if it has control of the availability and services of the veterinary practice.
- **Costs** – There is a concern that costs could increase to the customer if a corporate body has control of sales. There is also a possibility of a monopoly of service if a corporate body purchases multiple practices in one area. According to Deputy Cahill, *'the farmer's relationship with his or her local vet gives farmers a bargaining tool in the cost of medicines. However, if he or she argues prices with a corporate, he or she will have no bargaining power whatsoever.'*¹²
- **Career Progression in the Sector** – According to recent media coverage there is a difficulty in attracting veterinarians into large animal practices. Deputy Cahill informed the Committee that lay ownership will make it more

¹⁰ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 20 October 2021. [Link](#) to debate.

¹¹ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 20 October 2021. [Link](#) to debate.

¹² Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 28 September 2021. [Link](#) to debate.

difficult as young vets will see it ‘*curtail their career progression*’.¹³ If there isn’t career progression available in practices due to lay ownership this could be a deciding factor among veterinarians not to enter private practice and could lead to a significant impact on the availability of vets for large and small animal practices.

Deputy Cahill highlighted that vets have provided a renowned and exemplary service in rural and urban Ireland at a reasonable cost. According to Deputy Cahill, ‘*prior to 2016, the Veterinary Council’s view was that the ownership of a veterinary practice had to be by a vet. They changed their interpretation of the legislation and allowed corporates to buy veterinary practices.*’¹⁴ The purpose of this amendment to the Veterinary Practice Act 2005 is to insist that VCI implement, as they did heretofore, that only veterinarians can own a veterinary practice.

Expert Witnesses

At the meeting on 28 September 2021, Deputy Cahill was accompanied by representatives of Veterinary Ireland as expert witnesses to assist in briefing the Committee on the Bill and provide a perspective from the veterinary industry in Ireland. Veterinary Ireland is a trade union which represents its members on topics pertinent to Irish veterinary surgeons. Veterinary Ireland welcomes the Bill and, to strengthen the intention of the Bill, they proposed amendments (see [Appendix 1](#) of this Report).

In the Committee meeting, Veterinary Ireland highlighted their support for this Bill and highlighted to the Committee why this Bill is needed to address the following key issues:

- **Certificate of Suitability (COS)** – Currently a lay person who is not a veterinary practitioner can own a veterinary practice. According to Veterinary Ireland a COS holder is certifying that they will run the practice and is also certifying that they will provide a 24-hour service. However, if the practice is

¹³ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 20 October 2021. [Link](#) to debate.

¹⁴ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 28 September 2021. [Link](#) to debate.

owned by a corporate body and if the holder of the COS is not the practice manager, they have no control of the operations of the practice and cannot guarantee a 24-hour service to its customer. Veterinary Ireland is concerned that if the COS holder does not own the practice, they may not be able to honour their commitment. Veterinary Ireland supports that the Certificate of Suitability holder must have some ownership of the practice in the Bill.

- **Purchase of Medicines** – Veterinary Ireland is concerned with cases of where drugs are purchased in a COS holder's name and paid for by the layperson who owns the practice. They raised the issue of who owns these drugs, the person who ordered them or the person who paid for them? Veterinary Ireland contends that the drugs belong to the person who paid for them, and therefore it is illegal for them to be purchased by a layperson.

Competition and Consumer Protection Commission (CCPC)

The Committee resumed scrutiny of the Bill on 20 October 2021. In the first session of the meeting the Committee were joined by members of the CCPC.

Role:

Under the Competition and Consumer Protection Act 2014¹⁵ the CCPC's role is to promote competition and to promote and protect the interests and welfare of consumers. In the pursuit of these functions, they enforce competition and consumer protection law.

Position on the Bill:

The CCPC stated that they understand that the intention of the Bill *'is in part to ensure that the availability of critical veterinary services, such as the provision of 24-hour care, is not reduced due to such services being incompatible with the priorities of management in a corporate owned practice.'*¹⁶ However, CCPC believe that this ban would be unique in Europe and it would be difficult to predict the effects of such a measure on the current veterinary sector and that they have not seen evidence

¹⁵ Irish Statute Book, *Competition and Consumer Protection Act 2014*, Legislation, 28 July 2014. [Link](#) to legislation.

¹⁶ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 20 October 2021. [Link](#) to debate.

that this analysis has been done. The CCPC believes that a variety of types of veterinary practices, including incorporated practices, should have a role to play in this sector.

In the Committee meeting, the CCPC raised the following concerns in relation to the Bill:

- **Competition** - The CCPC believe that the provisions contained in the Bill would be disproportionate and would lead to a restriction of competition in the market for veterinary services and could have a negative consequence for consumers, including farmers and the wider agricultural sector. The CCPC stated that any perceived benefits of the proposed legislation are, in their view, unquantified and unclear. The CCPC is also concerned also about potential unintended consequences of the proposed legislation should it be enacted.
- **EU Law** - Directive 2006/123/EC¹⁷ is intended to provide a level playing field and eliminate barriers to the provision of services by businesses and professionals across the Member States of the EU. The Services Directive requires that any legal restrictions on the exercise of a service are permissible only where they comply with the principles of non-discrimination, necessity and proportionality. Any restrictions on the legal form that veterinary practices take should be justified on a clear evidential basis of protecting the public from detriment, including harm to the animals under the care of veterinary practitioners. It is the view of the CCPC that there is a real risk that an outright ban on corporate ownership could be successfully challenged as being disproportionate. The CCPC stated that they believe that the Bill could be *'at odds with efforts to ensure that Ireland remains in compliance with EU law and continues to be a welcoming location for new businesses and investment by service providers.'*¹⁸

¹⁷ EUR-Lex, *Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market*, Directive, 12 December 2006. [Link](#) to directive

¹⁸ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 20 October 2021. [Link](#) to debate.

- **Constitutionality** - The CCPC highlighted to the Committee that the Constitution extends certain rights, including property rights, which may be affected by the passage of the Bill into law. It is the CCPC's view that *'enhanced regulation could instead be employed to ensure that veterinary practices continue to provide a high standard of care irrespective, of ownership structure'*.¹⁹

Suggestion of regulation:

The CCPC suggested to the Committee that proportionate regulation could provide reassurance for consumers that veterinarians employed by corporate owned practices would continue to deliver such services as part of a regulated obligation on the practice. The CCPC considers that there is an opportunity to reassess how regulation of veterinary services can remain responsive to changes in the market, while ensuring that restrictions on entry into that market are proportionate.

Veterinary Council of Ireland (VCI)

In the second session of the meeting on 20 October 2021, the Committee were joined by representatives of VCI.

Role:

VCI is a statutory body set up under the Veterinary Practice Act 2005 which is responsible for the regulation and management of the veterinary professions in Ireland. The functions of VCI include protection of the public through the supervision of veterinary education, the maintenance of the Register of veterinary practitioners and veterinary nurses, the registration of veterinary premises, and through disciplinary action in cases of professional misconduct. VCI issue Certificates of Suitability, as deemed appropriate, to applications from registered persons for specified veterinary practice premises which meet regulations and standards as laid down by VCI.

¹⁹ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 20 October 2021. [Link](#) to debate.

Position on the Bill:

VCI stated that it does not express a view one way or the other in relation to the desirability or otherwise of a restriction on ownership as proposed in the Bill. VCI informed the Committee that historically, section 54(2) of the Veterinary Practice Act 2005 was interpreted to prevent a body corporate from owning a veterinary practice and that this understanding was reflected in the Code of Professional Conduct published by VCI. However, legal advice received by VCI advised that the legislation does not speak to the ownership of practices and it is VCI's view that they do not have legal authority in determining the ownership of practices under current legislation. VCI stated that the parameters of their powers are established under the Veterinary Practice Act 2005 and that they have no legal powers over the regulation of the market in relation to corporate ownership of veterinary practices.

In its submission to the Committee, the VCI highlighted aspects of the Bill that they believe may require further consideration:

- **Pre-existing Corporate Ownership** – VCI raised their concern with regards to the pre-existing corporate structures where there are already owners, including shareholders, that are not registered veterinary practitioners. VCI believe that the proposed Bill is not clear on this matter and that there may *'be legal or constitutional issues here around property ownership and expropriation that might need to be considered.'*²⁰
- **Implications for VCI's Regulatory Role** – The Bill's amendments would require VCI to probe the exact ownership structure of all veterinary practices to ensure that Section 139 within the proposed Part 12 in the Bill is not breached.
 - **Resources** - VCI is independently resourced from fees for registration, by individuals or veterinary practice premises, and that the enforcement of the Bill may carry a resource burden. The requirement

²⁰ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 20 October 2021. [Link](#) to debate.

to probe the exact ownership structure of all veterinary practices could be a significant task. The VCI does not currently collect such data.

- **Investigative powers** - VCI highlighted that the focus of investigations of ownership will involve those who are not registered veterinary practitioners. If restrictions on persons other than registered veterinary practitioners are to be brought into effect, then it will be necessary to ensure that there are appropriate enforcement and investigative powers to ensure that the law can be enforced.
- **Position of other professions** - VCI highlighted in their submission that no similar proposed ownership restrictions have been imposed by the State in respect of the practice of other professions such as pharmacy, medicine, physiotherapy, and dentistry where it would seem that there is significant lay ownership and private equity investment.
- **Technical and definitional issues** – VCI raised the below points in relation to the Bill's proposed amendment Part 12 that they believe may merit some further consideration:
 - **138** *'the legal and ethical entity through which the practice of veterinary medicine (as defined in section 53) is delivered to the public.'* - VCI stated that it is not entirely clear as to what the meaning of an ethical entity is.
 - **139(4)** – This amendment proposes that the VCI would grant exemptions to *'registered animal charities and veterinary teaching institutions'*. VCI believes that the terms listed need to be defined more clearly. VCI highlighted their concern that entities such as Dublin Zoo or "industry" holders of "Certificates of Suitability" such as a poultry business which employs veterinary practitioners in order to offer treatment and care to a flock could not hold a Certificate of Suitability under the proposed amendments in the Bill and do not seem to fall under the exemption categories.

VCI stated that it is '*anxious to ensure that any proposed legislation to be enforced by it is suitably robust and capable of enforcement by it in the public interest and in the interest of animal health and welfare.*'²¹

²¹ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 20 October 2021. [Link](#) to debate.

Recommendations and Observations

The Committee in its scrutiny of the Veterinary Practice (Amendment) Bill 2021 and pursuant to Standing Orders, agreed to report to the Houses of the Oireachtas that it has undertaken and completed detailed scrutiny of the Bill. The Committee has made the following recommendations and observations: -

1. The Committee welcomes the principle and intention of the Bill and notes that the Bill has passed Second Stage reading. The Committee also welcomes that this Bill presents the unique opportunity for legislation to be proactive towards a potential issue rather than reactive.
2. The Committee recommends that the Sponsor of the Bill considers the proposed technical amendments by Veterinary Ireland and also considers the drafting concerns that the Veterinary Council of Ireland raised in their submission with regards to the technical and definitional issues listed in Part 12. Any drafting issues identified in the Bill, particularly around the definition of terms and potential legal ambiguities, should be resolved. The Committee notes that neither the Consumer Competition Protection Commission nor the Veterinary Council of Ireland referred to any recorded issues regarding competition or consumer dissatisfaction with the framework arising from the Veterinary Council of Irelands previous interpretation of legislation, in place until 2018.
3. The CCPC raised concerns with regards to the impact of the Bill on EU law and constitutionality which the Sponsor of the Bill addressed at the meeting on 20 October 2021. The Committee recommends that theses clarifications are clearly reflected in future amendments to the Bill.
4. The Committee agrees with the Sponsor of the Bill that animal welfare is paramount and that access to 24-hour services are essential for the farming community in particular. Prompt access to medicine is crucial for the wellbeing of animals. This service needs to be a requirement in operating a veterinary practice.

5. The Committee acknowledges that current veterinary practices that may be owned by a layperson or corporate shouldn't be impacted by this Bill as the Sponsor informed the Committee that it is not the intention of the Bill to be retrospective. The text of the Bill may need to be amended to ensure clarity on this point.
6. The Committee notes that currently VCI does not have the remit to oversee ownership of veterinary practices and cannot regulate owners who are not a registered veterinary practitioner. If this Bill is implemented additional investigative powers and resources will need to be directed to VCI to allow them to implement their role effectively with regards to veterinary practices ownership.
7. The Committee recommends that all stakeholders engage together to encourage new entrants in the sector to view large animal practices as an attractive career option to ensure coverage and expertise in both urban and rural areas. The Committee notes that the increase of lay ownership may alter the incentive of practitioners to enter this field if they don't see a viable career progression.
8. The Committee is concerned that it is possible for a veterinary practice to continue to sell drugs even when the holder of the Certificate of Suitability for the veterinary premise leaves employment in the practice.
9. It is the view of the Committee that with the increase of lay ownership in Ireland there is a possibility of monopoly of services in areas and with that the possibility of cost increases to the consumer. Veterinary practices need to continue to deliver good service to their customers at a reasonable price. There is the possibility that lay ownerships' interest in making profits could put animal care at second place which is unacceptable.

Conclusion

The Committee concluded that that the Veterinary Practice (Amendment) Bill 2021 proceed to Third Stage consideration and that the Sponsor of the Bill take account of the observations of the Committee in framing their amendments to the Bill.



Senator Tim Lombard

Leas-Chathaoirleach

30 November 2021

Appendix 1: Proposed Amendments to the Bill by the Expert Witnesses

Proposed Amendments to the Veterinary Practice (Amendment) Bill 2021

Part 9 - Veterinary Premises

7 (c) - Amendment of section 113 of Act of 2005

Change the order of "registered person" and "eligible veterinary practitioner", so as to read:

113(c) in subsections (5), (7) and (8) by the substitution of "eligible veterinary practitioner"

for "registered person" in each place it occurs."

9 (b) - Amendment of section 116 of Act of 2005

Replace "registered person" with "eligible veterinary practitioner", so as to read:

116(b) the substitution of the following subsection for subsection (3):

"(3) If more than one person carries out the practice of veterinary medicine at a premises and a question arises as to who is the eligible veterinary practitioner to whom the certificate of suitability is deemed to have been issued, the matter shall be decided by the Council."

Part 12 – Ownership of a Veterinary Practice

11 – Amendment to proposed insertion of 139

The addition of a sentence at the end of section 139 (1), "It is the responsibility of the Veterinary Council of Ireland to take all measures necessary to ensure that the conditions of this subsection are complied with.", so as to read:

Ownership of a veterinary practice

139. (1) A veterinary practice, operating from registered veterinary premises, shall be wholly owned by veterinary practitioners (registered under Part 4) who practice veterinary medicine from said premises, and certificates of suitability for those premises shall only be sought, obtained and retained in the name of an eligible veterinary practitioner (as defined in section 138). It is the responsibility of the Veterinary Council of Ireland to take all measures necessary to ensure that the conditions of this subsection are complied with.

The deletion from lines 24 and 25 of "registered animal charities and veterinary teaching institutions."

The addition of subsections 139 (4) (i) to 139 (4) (ii) of "(i) An institution providing an approved programme of education to enable the person to be registered under Part 4, or (ii) A charitable organisation that exclusively provides subsidised veterinary services to the public on a charitable basis. In this subsection, "charitable organisation" has the meaning given to it by section 2 of the Charities Act 2009." 139 (4) to read:

(4) For the purposes of this section, exemptions from the requirements for total veterinary ownership and eligible veterinary practitioner status shall be granted to –

- (i) An institution providing an approved programme of education to enable the person to be registered under Part 4, or
- (ii) A charitable organisation that exclusively provides subsidised veterinary services to the public on a charitable basis. In this subsection, "charitable organisation" has the meaning given to it by Section 2 of the Charities Act 2009.

Appendix 2: Terms of Reference of the Committee

Scope and context of activities of Select Committees (DSO 94 and SSO 70)

DSO 94

- (1) The Dáil may appoint a Select Committee to consider and, if so permitted, to take evidence upon any Bill, Estimate or matter, and to report its opinion for the information and assistance of the Dáil. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum, and may appoint a date upon which the Committee shall report back to the Dáil.
- (2) It shall be an instruction to each Select Committee that—
 - (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil;
 - (c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 125(1) ¹; and
 - (d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a State body within the responsibility of a Government Department or
 - (iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

- (3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Cathaoirleach of one of the Select Committees concerned, waives this instruction.

¹ Retained pending review of the Joint Committee on Public Petitions.

SSO 70

- (1) The Seanad may appoint a Select Committee to consider any Bill or matter and to report its opinion for the information and assistance of the Seanad and, in the case of a Bill, whether or not it has amended the Bill. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum thereof, and may appoint a date upon which the Committee shall report back to the Seanad.
- (2) It shall be an instruction to each Select Committee that—
 - (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Seanad;
 - (c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 108 (1) ¹; and
 - (d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a State body within the responsibility of a Government Department, or
 - (iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Cathaoirleach, whose decision shall be final.

¹ Retained pending review of the Joint Committee on Public Petitions

Functions of Departmental Select Committees (DSO 95 and SSO 71)

DSO 95

- (1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—
 - (a) legislation, policy, governance, expenditure and administration of—
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
 - (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.
- (2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—
 - (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
 - (b) shall be referred to the Committee by order of the Dáil.
- (3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—
 - (a) for the accountability of the relevant Minister or Minister of State, and
 - (b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.
- (4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—
 - (a) consents to such consideration, or
 - (b) has reported on such accounts or reports.
- (5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—
 - (a) the Committee Stage of a Bill,
 - (b) Estimates for Public Services, or

- (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.
- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Cathaoirleach of the Select Committee appointed pursuant to this Standing Order shall also be Cathaoirleach of the Joint Committee.
- (8) Where a Select Committee proposes to consider—
 - (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings,

the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

- (i) members of the European Parliament elected from constituencies in Ireland,
 - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.
- (9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
 - (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.²

² Retained pending review of the Joint Committee on Public Petitions.

SSO 71

- (1) The Seanad may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Seanad on any matter relating to—

- (a) legislation, policy, governance, expenditure and administration of-
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
 - (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.
- (2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which –
- (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
 - (b) shall be referred to the Committee by order of the Seanad.
- (3) The principal purpose of Committee consideration of matters of policy, governance expenditure and administration under paragraph (1) shall be—
- (a) for the accountability of the relevant Minister or Minister of State, and
 - (b) to assess the performance of the relevant Government Department or a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.
- (4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—
- (a) consents to such consideration, or
 - (b) has reported on such accounts or reports.
- (5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Dáil Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Seanad: provided that the Joint Committee shall not consider-
- (a) the Committee Stage of a Bill,
 - (b) Estimates for Public Services, or
 - (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.

- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Cathaoirleach of a Joint Committee appointed pursuant to this Standing Order shall be a member of Dáil Éireann.
- (8) Where a Select Committee proposes to consider—
 - (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 116, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action, non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant EC Council (of Ministers) of the European Union and the outcome of such meetings,

the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

- (i) members of the European Parliament elected from constituencies in Ireland,
 - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.
- (9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
 - (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 113 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.²

² Retained pending review of the Joint Committee on Public Petitions.

Powers of Select Committees (DSO 96 and SSO 72)

DSO 96

Unless the Dáil shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

- (1) power to invite and receive oral and written evidence and to print and publish from time to time—
 - (a) minutes of such evidence as was heard in public, and
 - (b) such evidence in writing as the Committee thinks fit;
- (2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;
- (3) power to draft recommendations for legislative change and for new legislation;
- (4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—
 - (a) require any Government Department or other instrument-making authority concerned to—
 - (i) submit a memorandum to the Select Committee explaining the statutory instrument, or
 - (ii) attend a meeting of the Select Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Dáil, and
 - (b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;
- (5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss—
 - (a) policy, or
 - (b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;

- (6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;
- (7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;
- (8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 197;
- (9) subject to any constraints otherwise prescribed by law, power to require that principal officeholders of a—
 - (a) State body within the responsibility of a Government Department or
 - (b) non-State body which is partly funded by the State,

shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil; and

- (10) power to—
 - (a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
 - (b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 120(4)(a).

SSO 72

Unless the Seanad shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

- (1) power to invite and receive oral and written evidence and to print and publish from time to time –

- (a) minutes of such evidence as was heard in public, and
 - (b) such evidence in writing as the Committee thinks fit;
- (2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Seanad;
- (3) power to draft recommendations for legislative change and for new legislation;
- (4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to –
 - (a) require any Government Department or other instrument making authority concerned to –
 - (i) submit a memorandum to the Select Committee explaining the statutory instrument, or
 - (ii) attend a meeting of the Select Committee to explain any such statutory instrument: provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Seanad, and
 - (b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;
- (5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss–
 - (a) policy, or
 - (b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Seanad: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;
- (6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

- (7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;
- (8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 168;
- (9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a –
 - (a) State body within the responsibility of a Government Department, or
 - (b) non-State body which is partly funded by the State,

shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Seanad; and

- (10) power to-
 - (a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
 - (b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 107(4)(a).

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