



PREMISES ACCREDITATION SCHEME REGULATIONS



VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS) REGULATIONS

VETERINARY PREMISES REGULATIONS

These Regulations are made pursuant to Section 33, 108 and 111 of the Veterinary Practice Act 2005 and the Veterinary Practice (Amendment) Act 2012 (the Act);

1. Veterinary premises are hereby classified into the following classes:-
 - (a) Veterinary Practice
 - (b) Veterinary Clinic
 - (c) Veterinary Hospital
 - (d) Mobile Veterinary Unit
 2. The equipment and resources as set out in the Premises Accreditation Scheme Standards Document shall be available at Veterinary Practices / Veterinary Clinics / Veterinary Hospitals/Mobile Veterinary Units.
 3. Notices to the public pursuant to Section 108(3)(c) of the Act shall be in the form of a Certificate of Suitability as set out in Appendix 1 and shall contain the following information:-
 - Description of the veterinary premises to which the certificate of suitability refers including its address;
 - The class of veterinary premises to which the certificate of suitability refers and the class of practice of veterinary medicine or nursing, as the case may be, that may be carried out there;
 - The name and registered number of the certificate holder;
 - The certificate number;
 - The expiry date of the certificate of suitability;
 - Any conditions attaching to the certificate of suitability.
- The Certificate of Suitability is a numbered certificate signed by the Registrar and the President and sealed with the seal of the Council.
4. The fee payable on the application by a registered person for the grant of a certificate of suitability will be as determined from time to time by resolution of the Council.
 5. The fee payable by a registered person on the application for the grant of a renewal of a certificate of suitability will be as determined from time to time by resolution of the Council.
 6. The fee payable by a registered person for an inspection in relation to any non-compliance with matters prescribed under section 108, shall be determined from time to time by resolution of the Council.
 7. Per Section 111 (1) (a) of the Act; an application for the grant of a certificate of suitability shall be in the form as set out in Appendix 2.
 8. Per Section 111 (1) (a) of the Act; an application for the renewal of a grant of a certificate of suitability shall be in the form as set out in Appendix 3.

VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS) REGULATIONS

9. Per Section 111 (1) (b) of the Act; the documentation required by a registered person to show compliance with matters prescribed under Section 108 of the Act is that referred to in the application forms as set out in Appendices 2 and 3.
10. Per Section 111 (1) (c); the information to be included in a certificate of suitability is that as set out in Appendix 1.
11. A Certificate of Suitability shall be valid for such period of time as the Council may from time to time determine. A Certificate of Suitability issued after 1 January 2018 will result in the issuing of a certificate for the balance of the unexpired period and the fee will be applied on a pro rata basis.
12. The Council shall establish and maintain a register of every Certificate of Suitability issued by it under these Regulations.
13. Per Section 120 (2) of the Act each entry in the Register shall show:-
 - (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.
14. Every registered person who practises veterinary medicine shall do so at a premises to which a Certificate of Suitability applies unless the exemptions listed at Regulation 14 apply. Every registered person shall complete and submit a Premises Accreditation Scheme (PAS) declaration form - VCI form No.26.0.2.
15. Any registered person who practises veterinary medicine at:-
 1. a State premises;
 2. an exempted place being a place where the practice of veterinary medicine by a registered person occurs:
 - i. under regulations made under the European Communities Act 1972;
 - ii. by or under an Act that relates to
 1. export or slaughter of animals
 2. export of meat;
 - iii. under regulations made under Section 107 of the Act (relating to sales and sporting events);
 3. a place where an emergency veterinary procedure is performed;
 4. in Northern Ireland;shall not be required to have a Certificate of Suitability for such premises and shall so inform the Registrar on the PAS Declaration Form VCI form No 26.0.2.

VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS) REGULATIONS

16. If more than one registered person carries out the practice of veterinary medicine or veterinary nursing at a premises, one registered person shall be designated the certificate of suitability holder in respect of that premises.
17. One or more classifications may only be valid for a specified period of time to be determined by Council.
18. A Certificate of Suitability shall be issued, in accordance with Section 109 of the Act , to each registered person who is the designated certificate of suitability holder specified in the 'Application for Certificate of Suitability and Self-Assessment Questionnaire', VCI form No.26.0.3 or VCI form No.26.0.5 RMVU, set out in Appendix 2 or 'Application for the renewal of a grant of a Certificate of Suitability and Self-Assessment Questionnaire', VCI form No.26.0.4, set out in Appendix 3, in respect of that premises.
19. Where it is intended to establish a veterinary premises a registered person shall make application to the Council for the issue of a Certificate of Suitability before he or she commences the practice of veterinary medicine or veterinary nursing at or from such premises.
20. On receipt of the completed 'Application for Certificate of Suitability and Self-Assessment Questionnaire', VCI form No.26.0.3 or VCI form No.26.0.5 RMVU, set out in Appendix 2, the Registrar shall make arrangements with the registered person for the inspection of the premises by an Authorised Officer(s) appointed under Part 10 of the Act.
21. On receipt of the completed 'Application for the renewal of a grant of a Certificate of Suitability and self-assessment questionnaire', VCI form No.26.0.4, set out in Appendix 3, the Registrar may make arrangements with the registered person for the inspection of the premises by an Authorised Officer(s) appointed under Part 10 of the Act.
22. The Council reserves the right to decide on the reasonableness of any request for a postponement of an inspection. In the event that an Authorised Officer is refused entry to a premises, the Council may exercise its jurisdiction under Section 114 (1) (c) of the Act.
23. An Authorised Officer appointed by the Council shall be permitted to enter at any reasonable time any premises at, or from which, the registered person practises veterinary medicine and to examine any books, documents and records and to carry out any examinations, tests, inspections and checks he or she reasonably considers necessary in respect of confirmation of the Council's PAS standards.
24. The Council may, from time to time, request an Authorised Officer to inspect a veterinary premises in respect of which a Certificate of Suitability has been issued to ensure compliance with these regulations, the PAS standards or, where a Certificate of Suitability has been issued with conditions attached, to ensure that these conditions are being complied with.
25. The Council may, from time to time, select a sample of registered veterinary premises for inspection. A Certificate of Suitability holder at the selected veterinary premises shall be required to co-operate fully with the inspection. Except for good cause, failure to comply with the inspection shall be grounds for revocation of a Certificate of Suitability.

VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS) REGULATIONS

26. Following an inspection under these Regulations, an Authorised Officer shall, as soon as may be after the inspection, make a written report of it and furnish the written report to Council with a summary copy to the applicant/Certificate of Suitability holder.
27. Having considered the application for a grant or a renewal of a grant of a Certificate of Suitability, the Council may decide to:-
- grant or renew the Certificate, as the case may be;
 - grant or renew the Certificate, subject to certain conditions;
 - refuse to grant or renew the Certificate, as the case may be.
28. Where the Council decides to grant or renew a grant of a Certificate of Suitability that is subject to conditions, the registered person to whom it is granted shall comply with them. 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.
29. A Certificate of Suitability is non-transferable and shall apply to one veterinary premises only at its registrable address. In circumstances where it is intended to relocate premises or for there to be a change of Certificate of Suitability holder the Certificate of Suitability holder is required to make a new application.
30. The printed Certificate of Suitability is issued in accordance with Section 122 (1) of the Act.
31. The certificate holder shall display the extract from the Register of Certificates of Suitability in a prominent place at the veterinary premises to which it relates.
32. Where the circumstances of the Certificate of Suitability holder changes Section 114 of the Act applies. Revocation of a Certificate of Suitability can occur under the following circumstances:-
- The certificate of suitability holder so requests;
 - The certificate of suitability holder has ceased to be registered under Part 4 or 8 of the Act;
 - The certificate of suitability holder has obtained the certificate of suitability through false statements or any other irregular means;
 - The certificate holder ceases to practise veterinary medicine or veterinary nursing, as the case may be, at the premises;
 - The certificate holder is prohibited or suspended from the practice of veterinary medicine or veterinary nursing, as the case may be, either under Part 7 of the Act, or provisions corresponding to those contained in Part 7 of the Act that apply in another state, from practising in the veterinary profession by reason of a conviction for an offence or serious mis-conduct in connection with the carrying out of professional duties;
 - An authorised officer cannot duly carry out an inspection under Section 117(2) of the Act because he or she has been refused entry to all or part of the premises to which the certificate relates, or;
 - 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;
 - A certificate holder will be deemed by the Veterinary Council to have ceased to practise veterinary medicine or nursing at the premises if they are absent from the

VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS) REGULATIONS

premises for a period equal to or greater than four consecutive months. Examples of situations where a certificate holder will be regarded as having ceased to practise at the premises may include but are not limited to periods of parental leave, sick leave, holiday leave, administrative leave if equal to or greater than four consecutive months.

33. Where a Certificate of Suitability holder no longer practises veterinary medicine or veterinary nursing at the premises to which the certificate relates the certificate of suitability holder shall advise the Council in writing that he/she wishes the Council to revoke the Certificate of Suitability. Where it is intended to continue to perform acts of veterinary medicine and/or veterinary nursing from this premises an application from a registered person for the grant of a Certificate of Suitability shall be submitted on the appropriate VCI form No. 26.0.3 or VCI form No.26.0.5 RMVU .
34. Where conditions apply to a Certificate of Suitability, or there is a refusal to grant or renew a Certificate of Suitability, the registered person may appeal using the procedures outlined in Section 113 of the Act.
35. The Council may refuse to grant or renew a Certificate of Suitability where the conditions of the granting, or renewal of the granting, of a Certificate of Suitability are not complied with.
36. The Council may revoke or suspend a Certificate of Suitability, as specified in Section 114 of the Act. Where the Council revokes or suspends a Certificate of Suitability the registered person may appeal using the procedures outlined in Section 114 of the Act.
37. The grant, or renewal of a Certificate of Suitability for veterinary premises shall not render the Council liable for any act or default of the certificate of suitability holder.
38. A premises for which a Certificate of Suitability has been granted in class (a) or class (d) may not have a name which implies that it has a Certificate of Suitability granted in class (b) or (c). A premises for which a Certificate of Suitability has been granted in class (b) may not have a name which implies that it has a Certificate of Suitability granted in (c). A premises which has a Certificate of Suitability granted in class (d) must be associated with a premises which had a Certificate of Suitability granted in class (b) or class (c).
39. The name of a premises shall not contain elements that are misleading to the public, in bad taste, offensive, contrary to the best interest of the public, or contrary to the standing and dignity of the veterinary profession.
40. The name of a premises shall not suggest or imply that someone at the premises practises a specialty unless there is a registered person at that premises who is listed in the Council's Specialist Register.
41. The name of a premises shall not explicitly or implicitly claim superiority over any other premises.
42. The name of a premises shall not be so similar to the name of any existing premises so as to cause confusion to the public.

Section 2

*The following equipment and resources shall be available at
Veterinary Practices/Veterinary Clinic/Veterinary Hospitals/Mobile Veterinary Units
(Please see PAS Standards Document (Rev.4 14/09/17))*

VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS)
REGULATIONS

Appendix One
Certificate of Suitability Sample



CERTIFICATE OF SUITABILITY*

Premises Accreditation Scheme

Name of Premises

Address of Premises

Registered Veterinary Classification

Certificate Holder: (Reg. No. 000/00)

Certificate No. 0000

President: _____

Expiry Date : DD Month YYYY

Registrar: _____

* Under Section 109 of the Veterinary Practice Act 2005

Appendix Two

Application Form for Grant of a Certificate of Suitability
(please see VCI Form No.26.0.3 G Rev.6 01/01/18)

Appendix Three

Application Form for the renewal of a Grant of a Certificate of Suitability
(please see VCI Form No.26.0.4 ROG Rev.6 01/01/18)

Appendix Four

Application Form for Grant of a Certificate of Suitability
(please see VCI Form No.26.0.5 RMVU G Rev.1 01/01/18)

**APPENDIX FIVE- EXTRACTS FROM
VETERINARY PRACTICE ACT 2005
-and-
VETERINARY PRACTICE (AMENDMENT) ACT 2012**

PART 9 Veterinary Premises

Note

Part 9, ss.105-123 were applied by regs. 1(2), 29(f), and 31(10) (b) of the European Communities (Animal Remedies Regulations) 2007 with effect from April 2, 2007.

105. Interpretation (Part 9).

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

“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.

106. Where practice of veterinary medicine may occur,

(1) A registered person shall not practise veterinary medicine otherwise than a:-

(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,

107. Regulations in respect of places and events.

(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.

Note

Places prescribed by regs. 1 and 2 of Veterinary Practice Act 2005 (Prescribed Places and Events) Regulations 2006 (S.I. 611. of 2006) with effect from January 1, 2007, as follows;

2. The places and events where a veterinary examination or the veterinary treatment of an animal may take

VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS) REGULATIONS

place without the requirement that a certificate of suitability applies to the premises are:-

- (a) the public sale of an animal;
- (b) a sporting event, including a race meeting, involving an animal, and
- (c) a show or exhibition (whether as part of another event or otherwise) that involves an animal.

3. The exemptions referred to in paragraph 2 apply solely:-

- (a) for the duration of, and
- (b) to a veterinary examination or veterinary treatment necessitated by participation of an animal in an event referred to at (a), (b), or (c) of that paragraph.

(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.

108. Regulations in respect of veterinary premises.

(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.

109. Certificate of suitability.

(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,

VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS) REGULATIONS

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).

110. Application for issue of certificate of suitability.

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.

111. Regulations in relation to certificates of suitability.

(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.

112. Determination of application for certificate of suitability.

(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.

113. Decision to refuse a certificate of suitability or apply conditions.

VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS) REGULATIONS

(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.

114. Revocation or suspension of certificate of suitability.

(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,

VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS) REGULATIONS

(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.

115. Liability.

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.

116. Transitional.

(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.

117. Inspection of veterinary premises.

(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.

VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS) REGULATIONS

(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.

117A Non-application of Part 9 to registered persons acting on behalf of State, etc

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).

118. False statement.

(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.

119. Forged certificate of suitability.

(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.

120. Register of certificates of suitability.

(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.

121. Certificate of suitability not transferable.

(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.

122. Obligation to display extract from the register of certificates of suitability.

(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.

VETERINARY COUNCIL OF IRELAND - PREMISES ACCREDITATION SCHEME (PAS) REGULATIONS

123. Penalties for offences under Part 9:-

(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.

PART 10 Investigations by Council

125.—An authorised officer may:-

(c) carry out an inspection of a veterinary premises and furnish a written report under *section 117*.

APPENDIX FIVE – EXTRACT FROM STATUTORY INSTRUMENT (Regulations under section 107 of the Veterinary Practice Act 2005)

The places and events where a veterinary examination or the veterinary treatment of an animal may take place without the requirement that a certificate of suitability applies to the premise are:-

- (a) the public sale of an animal;
- (b) a sporting event, including a race meeting, involving an animal, and
- (c) a show or exhibition (whether as part of another event or otherwise) that involves an animal.

The exemptions referred to above apply solely:-

- (a) for the duration of, and
- (b) to a veterinary examination or veterinary treatment necessitated by participation of an animal in an event referred to at (a), (b), or (c) above.

