



## **AHVLA Briefing Note 03/14**

### **Removal of Veterinary Inspector status: clarification of implications for Official Veterinarians**

#### **Purpose**

1. Official Veterinarians (OVs) have recently received a communication from AHVLA confirming the removal of their Veterinary Inspector status from 6 April 2014.
2. Feedback received suggests that some confusion exists as to the implication of this change. This Briefing Note seeks to clarify the minimal impact on OVs.

#### **Background**

3. The terms Official Veterinarian (OV) and Veterinary Inspector, also referred to as Local Veterinary Inspector (LVI), do not mean the same thing.
4. Official Veterinarian is the term used to describe a veterinary surgeon authorised to perform work on behalf of an EU member state. This work is normally of a statutory nature, but does not usually require the office holder to also hold legal enforcement powers.
5. Veterinary Inspector (VI) status conveys enforcement powers under the Animal Health Act 1981; for example legal powers of entry to premises, and powers to test, treat and detain animals. Such powers are seldom required by OVs; a recent consultation suggested that most OVs are unaware that they currently even hold these powers.
6. From 6 April 2014 OVs will no longer hold appointments as Veterinary Inspectors, as it is not appropriate for such powers to be given to a large number of individuals who do not need them. Removal clarifies the relationship between the OV and the client in a way which reduces concerns about potential conflicts of interest. Following advice from HMRC, it also simplifies responsibilities for tax and National Insurance liabilities.
7. The removal of VI powers does not, in all other respects, affect the authority provided by the authorisation as an OV. This includes the right to sign certificates in an 'official' capacity and to retain use of the OV stamp.

8. In future, issues requiring the use of enforcement powers will be managed differently. For example, with respect to TB testing, legislative changes are being introduced which automatically apply movement restrictions to herds in which reactors are identified, without the need to serve a TB2 restriction notice.
9. It is not felt that there is any adverse impact on the level of authority the OV will have with clients. There are no known instances where OVs have needed to invoke VI powers in order to gain entry to premises independently of AHVLA or the local authority. If, for example, a keeper refuses to allow a TB test to take place, it will be necessary, as now, to refer the matter to AHVLA.

## **Q&A**

### **1. What is changing?**

From 6 April 2014, Official Veterinarians will no longer be appointed as 'Veterinary Inspectors' under the Animal Health Act 1981. This does not affect authorisation as an Official Veterinarian (OV).

### **2. What does this mean?**

OVs retain their authorisation and this change does not materially affect any functions that they are currently authorised to perform in an official capacity.

Veterinary Inspector status confers legal powers that are rarely required by OVs, such as powers to enter premises where this has been refused, and powers to serve enforcement notices.

With the exception of serving restriction notices on herds in which TB test reactors are identified, these powers are seldom used by OVs. An exception to this may be in the event of a significant outbreak of notifiable exotic disease. In such a scenario there will be a mechanism to appoint veterinary surgeons as VIs on a temporary basis, if required.

### **3. Why change?**

It is no longer appropriate for large numbers of individuals to possess wide ranging legal powers which they rarely exercise and for which they may not have received specific training.

In addition, continued appointment as a Veterinary Inspector may create unnecessary tax and national insurance liabilities for the taxpayer.

## **Implications for OVs**

### **4. Can OVs still sign export certificates and pet passports?**

Yes, there is no material change to an OVs authority in this regard.

## **5. Can OV's still serve enforcement Notices?**

No, Veterinary Inspector powers are required to do this, and from 6 April 2014, OV's will not normally possess such powers.

AHVLA has extensively investigated whether there are situations in which OV's would benefit from possession of VI powers, for example to serve welfare Notices preventing unfit animals from travelling. Minimal evidence emerged to support the retention of VI powers. If an OV believes there are circumstances when they would require such powers, they are asked to contact AHVLA to allow further discussion.

## **6. Do OV's need to use the OV stamp after 6th April?**

Yes, there will be no changes to current arrangements in this regard.

## **7. Do OV's need to carry their pocket certificate and the "Removal of Veterinary Inspector powers" letter with them when performing official duties?**

OV's should have available evidence that they are authorised to act in an official capacity. As a result of this change however, it is less likely that OV authorisation would be questioned, so it should be sufficient to keep the letter safe so that it can be produced if required.

## **8. What should an OV do if entry to a premises is refused?**

Contact their local AHVLA office who will be able to exercise the necessary statutory powers. Veterinary surgeons employed directly by AHVLA will retain their VI status and will continue to exercise all relevant powers that this status conveys.

## **9. What about serving TB-related movement restrictions?**

Currently VI powers are required to serve TB2 Notices and these powers are regularly exercised by OV's undertaking TB testing work.

Changes are currently being made to legislation in England, Scotland and Wales to remove the requirement to serve a TB2 Notice in order to subject a herd to movement restrictions. Rather, in the event of the disclosure of a TB-test reactors or inconclusive reactor, restrictions will automatically apply. OV's will in future simply be required to make the keepers aware of this fact.

## **10. So from 6 April 2014, TB2 Notices will no longer be served?**

That's correct. AHVLA are in the process of producing an explanatory leaflet which will explain the automatic restrictions applicable to herds with reactors or inconclusive reactors. This is not a legal Notice, but OV's will be required to pass

a copy of this explanatory leaflet to keepers in instances where they would previously have been served a TB2 Notice.

Copies of the leaflet are in the process of being printed and will be distributed to all appropriate OV practises towards the end of March 2014. They will also be made available electronically.

#### **11. Will there be any changes to way Sam is used as a result of this change?**

Minor changes are being made to Sam, and an explanatory leaflet, as well as an updated Sam user guide, will be sent to OVs shortly. The changes however are minimal and will have little impact on the way Sam is currently used.

#### **12. Where can further information be found?**

Further detailed information is currently being prepared and will be sent to OV practices towards the end of March 2014.

OVs wishing to update their details or request a replacement OV stamp or pocket certificate should do so using the OV Self Service area of the AHVLA website at: <http://ahvla.defra.gov.uk/official-vets/appointments-and-training/self-service/index.asp>

**Issued:** 10 March 2014