



STATUTORY INSTRUMENTS.

S.I. No. 576 of 2020

VETERINARY COUNCIL OF IRELAND INDEMNITY INSURANCE
REGULATIONS 2020

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The Veterinary Council of Ireland, in exercise of the powers conferred on it by section 59A (as inserted by section 3 of the Veterinary Practice (Amendment) Act 2012 (No. 25 of 2012)) and section 133 of the Veterinary Practice Act 2005 (No. 22 of 2005), with the consent of the Minister for Agriculture, Food and the Marine, hereby makes the following regulations:-

Citation

1. These regulations may be cited as the Veterinary Council of Ireland Indemnity Insurance Regulations 2020.

Commencement

2. These regulations come into operation on 1 January 2021.

Interpretation

“*Act*” means the Veterinary Practice Act 2005 (No. 22 of 2005), as amended;

‘*appropriate cover*’ means a level of professional indemnity insurance cover against liabilities that may be incurred arising from the practice of veterinary medicine, taking into account the nature and extent of the risks associated with the practice, that is sufficient to meet all liabilities that may be incurred if a successful claim is made;

“*Council*” means the means the Veterinary Council of Ireland established under section 11 of the Act;

“*registered person*” for the purpose of these regulations means a person registered under Part 4 or Part 8 of the Act;

“*veterinary medicine*” has the meaning assigned to it in section 53 of the Act.

Requirement for indemnity insurance

3. A registered person, other than a registered person to whom Section 59A of the Act and / or regulation 9 of these regulations applies, shall, at all times during which the person’s registration continues, ensure that there is in place a policy of professional indemnity insurance providing appropriate cover for that registered person.

Requirement to provide evidence of indemnity insurance

4. A registered person, to whom these regulations apply, shall, as provided in regulation 7 and whenever requested by the Council to do so, provide the

Council with evidence of the policy of professional indemnity insurance in respect of that registered person as referred to in regulation 3, including the certificate referred to in regulation 6. Where a registered person is expressly requested by the Council to provide evidence of the policy of professional indemnity insurance in respect of that registered person as referred to in regulation 3, including the certificate referred to in regulation 6, they shall do so within 14 days of the said request.

Evidence to be submitted in relation to indemnity for registration

5. The evidence to be submitted to the Council in relation to a policy of professional indemnity insurance under these regulations for the purposes of registration is—

- (a) in the case of a person applying for first registration or restoration to the register, a completed and signed declaration in the form required by the Council pursuant to these regulations or, where the Council provides for internet application, an equivalent online form,
- (b) in the case of a registered person applying for retention of registration, a completed and signed declaration in the form required by the Council pursuant to these regulations or, where the Council provides for internet application, an equivalent online form,

and includes any certificate required to be enclosed with such form.

Content of certificate

6. Where a person or registered person is required to enclose with any of the forms referred to in regulation 5 or to provide to the Council, on request by the Council, a certificate from his or her insurer, broker or indemnity provider as evidence of his or her insurance or indemnity, such certificate shall be in the English language and shall state, in particular—

- (a) the name of the policyholder or person indemnified,
- (b) the period of cover of the insurance policy or indemnity,
- (c) the area(s) of practice covered by the policy or indemnity,
- (d) any geographical limits to the cover provided by the insurance policy or indemnity, and
- (e) the level of indemnity provided.

Timing of submission of evidence

7. The evidence referred to in regulation 5 shall be submitted to the Council as follows:

- (a) in the case of an application by a person for first registration or restoration to the register –

- (i) the declaration shall be submitted at the time of the application, and
 - (ii) where required, the certificate shall be submitted to the Council not later than 14 days after the date the registered person commences practice;
- (b) in the case of an application by a registered person for retention of registration-
- (i) the declaration shall be submitted at the time of the application, and
 - (ii) where required, the certificate shall be submitted to the Council not later than 14 days after the date of issue of the registration certificate retaining the registration.

Failure to comply with these regulations

8. Where a registered person

- (a) does not provide evidence of the policy of professional indemnity insurance in respect of that registered person in accordance with regulation 4 including a certificate referred to in regulation 6, or
- (b) otherwise fails to comply with these regulations,

the Council shall take whatever of the following actions that it considers appropriate including:

- (i) take no action,
- (ii) apply to the Registrar under section 76 (1) of the Act for an inquiry into the fitness to practise of the registered person,
- (iii) direct the Registrar to take specified action and the Registrar shall take such action,
- (iv) take such other action as it considers appropriate in the circumstances.

Exemption of registered persons

9. These regulations shall not apply to a registered person in so far as the registered person is, for the time being, acting as an officer or employee of, 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 Act 2014).



L.S.

GIVEN under the Official Seal of the Veterinary Council of Ireland,

4 December, 2020.

JOSEPH MOFFITT,

President.

NIAMH MULDOON,

Registrar.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations set out the requirements of registered persons regarding professional indemnity, the evidence in relation to professional indemnity to be submitted to the Veterinary Council of Ireland by persons and registered persons and to be displayed at each veterinary premises where registered persons practises. In addition, these Regulations provide for the timing of such submission and the manner of such display.

These Regulations may be cited as the Veterinary Council of Ireland Indemnity Insurance Regulations 2020.

These Regulations come into operation on 1 January 2021.

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