



Department  
for Environment  
Food & Rural Affairs

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## Consultation

**Reform of the governance, structure and operation of the Farriers Registration Council, the statutory regulator for the farriery profession**

**November 2013**



Llywodraeth Cymru  
Welsh Government



The Scottish  
Government

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This document/publication is also available on our website at:

<https://consult.defra.gov.uk/veterinary-services/reform-of-frc-statutory-governance-structure>

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# Chapter 1: summary of proposals

## Scope of the consultation

<b>Topic of this consultation</b>	<p>This consultation sets out proposals for regulatory reform in the farriery profession.</p> <p>The Farriers (Registration) Act 1975 has had a positive impact on the welfare of horses in Great Britain through its requirement that only suitably qualified and registered persons can shoe horses. A number of developments over the years and reforms to the regulation of other professions, including those recently introduced for veterinary surgeons, have left some of the arrangements for the regulation of farriers out-of-date and at risk of legal challenge.</p> <p>Consequently the Farriers Registration Council (FRC) has sought Government help to remedy the deficiencies it sees with the Act. The overall aim will be to modernise the regulation of the farriery profession greater protecting the public interest and reducing burdens upon the regulator.</p>
<b>Scope of this consultation</b>	<p>The purpose of the consultation is to set out proposals for change and seek your views on the way forward, including any necessary amendments to the Farriers (Registration) Act 1975. The outcome of the consultation will assist in formulating the final proposal that we will then put before Government for agreement to implement.</p>
<b>Geographical scope</b>	<p>The FRC is the regulator for the farriery profession across Great Britain; hence the geographical extent is GB (England, Wales and Scotland).</p>

## Basic information

<b>To</b>	<p>This consultation is open to everyone, but will be of particular interest to the farriery profession, horse owners, the veterinary profession and those with an interest in animal welfare.</p>
<b>Body/bodies responsible for the</b>	<p>This consultation is being carried out by a team responsible for the Farriers (Registration) Act 1975 in the Department of Environment, Food and Rural Affairs jointly with the parallel teams in the Scottish and Welsh</p>

<b>consultation</b>	Governments.
<b>Duration</b>	Consultation opens: 12 November 2013 Consultation closes: 23 December 2013
<b>Enquiries</b>	During the consultation, if you have any enquiries, or wish to receive hard copies of the consultation documents, please contact:  Andrew Morris Defra, FRC team Area 5B, Nobel House, 17 Smith Square, London, SW1P 3JR e-mail <a href="mailto:Farriers.Reg@defra.gsi.gov.uk">Farriers.Reg@defra.gsi.gov.uk</a>
<b>How to respond</b>	To submit your consultation response please complete the consultation questionnaire provided through Citizen Space (Citizen Space is an on-line consultation tool).  Responses should be received by 23 December 2013.
<b>After the consultation</b>	When this consultation ends, we will store a copy of the responses received for at least six months from the date the consultation responses document has been published. This is so that the public can see them and copies of responses will be made available to the public on request. Also, members of the public may ask for a copy of responses under freedom of information legislation.  If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer; that will not count as a confidentiality request.  Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential.  We will summarise all responses and place this summary on our website at <a href="http://www.gov.uk/defra">www.gov.uk/defra</a> . This summary will include a list of names of organisations that responded but not people's personal names,

addresses or other contact details.

To see consultation responses and summaries, please contact:

Andrew Morris  
Defra, FRC team  
Area 5B, Nobel House,  
17 Smith Square,  
London,  
SW1P 3JR  
e-mail [Farriers.Reg@defra.gsi.gov.uk](mailto:Farriers.Reg@defra.gsi.gov.uk)

Please give the library 24 hours' notice if you wish to see consultation responses and summaries. There is a charge for photocopying and postage.

If you have any comments or complaints about the consultation process, please address them to:

Defra Consultation Co-ordinator,  
Room 629  
9 Millbank  
17 Smith Square  
London  
SW1P 3JR  
or email [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk).

## **Chapter 2: background**

### **Farriers Registration Council and the Farriers (Registration) Act 1975**

2.1 The Farriers Registration Council (FRC) is the regulatory body for the farriery profession in Great Britain. It has statutory responsibilities as set out in the Farriers (Registration) Act 1975 (FRA) to maintain a register of farriers, determining who is eligible for registration and to regulate farriery training. The FRC investigates and, where necessary, determines disciplinary cases through the statutory Investigating Committee and Disciplinary Committee. In common with other statutory regulatory bodies its primary function is to protect and maintain the public interest; in doing so this also serves to act in the interests of animal welfare.

2.2 The FRA was introduced in the 1974/75 session of Parliament as a Private Members Bill in the ballot. The Act has had a positive impact on the welfare of horses in Great Britain (GB) through the legal requirement that only approved and registered persons can shoe horses.

### **The Worshipful Company of Farriers**

2.3 The Worshipful Company of Farriers (WCF or “the Company”) is a livery company and was founded in 1605. It has a long tradition of offerings examinations in farriery. It is recognised in the FRA as having the general function of securing adequate standards of competence and conduct among farriers and the duty of promoting, encouraging and advancing the art and science of farriery and education in connection with farriery.

2.4 The membership of the WCF is a mix of craft farriers, veterinary surgeons and other people committed to the welfare of the Horse, the continuing of the craft of farriery and contributing to the success of the City of London. It is as influential in the development of farriery as it has ever been in its long history. It is the awarding body for the WCF Diploma in Farriery and for two higher farriery qualifications and other activities include assisting apprentices; prize-giving at shoeing competitions; holding seminars for practising farriers; and encouraging research on matters in the farriery field.

2.5 The Company maintains a link to the Farriers Registration Council to which it appoints three members, including the Chairman.

## Registered farriers

2.6 Only those farriers having met the requirements for registration and currently entered on the register held by FRC are legally allowed to practise farriery in Great Britain, along with some exempted sectors: veterinary surgeons, veterinary students under supervision, approved farriery apprentices and trainees and people giving emergency first aid to a horse.

2.7 Modern day farriers usually specialise in horseshoeing, focusing their time and effort on the care of the horse's hoof. Farriery is defined in law as: "*any work in connection with the preparation or treatment of the foot of a horse for the immediate reception of a shoe thereon, the fitting by nailing or otherwise of a shoe to the foot or the finishing off of such work to the foot.*"

2.8 A farrier is a skilled craftsman with a sound knowledge of both the theory and practice of the craft, capable of shoeing all types of equine feet, whether normal or defective, of making shoes to suit all types of work and working conditions, and of devising corrective measures to compensate for faulty limb action. A qualified and registered farrier is deemed by the FRC as being able to carry out work safely and competently and is expected to abide by a *Guide to Professional Conduct*<sup>1</sup>. This provides assurance to the public that those on the register of farriers are of the appropriate skill and competence to work with their horses. There are approximately 2,800<sup>2</sup> registered farriers in Great Britain.

2.9 Registered farriers are required to pay a Retention Fee annually to remain on the register, and thus continue to work legally. Each receives a Registration card and window sticker (for his vehicle) showing the year of registration.

## Farriery training and qualifications

2.10 The WCF Diploma in farriery is the prescribed examination for entry onto the FRC register of farriers. It is taken at the end of an apprenticeship lasting four years and two months. Training comprises of an advanced apprenticeship with an Approved Training Farrier (ATF) interspersed with periods of "off the job" training - totalling 23 weeks - at an approved college. The farriers achieve a level 3 diploma for their work-based learning; as well as the craft of farriery the trainee farriers also learn functional skills, thinking and learning, employee and employer requirements and responsibilities and basic business skills. During the WCF exam the candidate will show the skills and knowledge he has acquired during his apprenticeship. He will need to make a set of shoes and fit them to a horse; he will also show understanding of the anatomy and physiology of the feet and lower limb of a horse and the more common conditions causing lameness.

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<sup>1</sup> <http://www.farrier-reg.gov.uk/registered-farriers/guide-to-professional-conduct/>

<sup>2</sup> Actual figure is 2,863 registered farriers (correct October 2013)



2.11 Until recently, the training of civilian farriery apprentices in Great Britain was managed by the National Farrier Training Agency (NFTA), a division of FRC and a not-for-profit organisation. From 1 November 2013 responsibility for the provision of the apprenticeship is being transferred to the three colleges involved in delivering the “off the job” aspects of the apprenticeship. As a result of this change, recruitment onto the apprenticeship was suspended for a period in 2013 meaning that one of the annual intakes was cancelled; it is expected to resume from January 2014.

2.12 Those training in the Army as a farrier receive qualifications as a Military Farrier and can register on that basis. It is also possible to register on the basis of having an approved qualification achieved overseas.

2.13 There are also higher qualifications. Associates of the WCF have passed an exam which focuses on therapeutic and remedial farriery, while Fellows show knowledge of farriery to the highest level and are able to present this to an audience either by way of a lecture or in written format. It is also possible to study for a Foundation or Honours degree in farriery, which provides an entry route to the higher WCF qualifications.

## **The need for reform**

2.14 The FRA has had a very positive impact on the welfare of horses in Great Britain through the legal requirement that only approved persons can shoe horses. A number of developments over the years and reforms to the regulation of other professions, including those recently introduced for veterinary surgeons, have left the arrangements for the regulation of farriers out-of-date and at risk of legal challenge.

2.15 Consequently the Farriers Registration Council has sought Government’s help to remedy the deficiencies it sees within the Act. The overall aim will be to modernise the regulation of the farriery profession and reduce burdens while making continued improvement towards the welfare of horses. Any reforms should provide a better fit with the five principles of Better Regulation, identified by the Better Regulation Task Force. The Legislative and Regulatory Reform Act 2006 was passed to establish the principles of good regulation based on the work of the task force. This Act obliges regulatory bodies to have regard to the principles, which are:

- Proportionality – intervene only when necessary; remedies appropriate to the risks posed
- Accountability – decisions need to be justified and subject to public scrutiny
- Consistent – rules and standards must be joined-up and implemented fairly
- Transparent – regulators should be open with simple, user-friendly rules and regulations
- Targeted – regulation needs to focus on the problem and should minimise side-effects

2.16 The Coalition Government’s regulatory reform agenda concentrates on the need to adopt a proportionate approach to regulation and remove unnecessary burdens.

2.17 The FRC has identified several broad areas where it considers reform would be necessary or desirable and where Government intervention could be helpful or appropriate; it has been working with Defra and the Scottish and Welsh Governments to develop policies around these issues. This consultation deals with two of those issues. These are concerned with reforming the governance of the regulatory body itself, namely:

- constitution of the Farriers Registration Council
- constitution of Investigating Committee and Disciplinary Committee

2.18 The detail of each of these in terms of the problems experienced and potential options to overcome those problems can be found in Chapters 3 and 4. An overall theme concerning the inflexible nature of the FRA as it is currently drafted is explored further in Chapter 5. The purpose of this consultation is to gather views about the options through both specific questions and the option to feed in further views.

# Chapter 3: constitution of Council

## The current situation

3.1 The Farriers Registration Council (FRC) was established by the enactment of the Farriers (Registration) Act 1975 (FRA). Its statutory function is to:

- appoint a Registrar;
- maintain and publish a register, determining who is qualified to be registered;
- makes rules regarding the form and keeping of the register;
- makes rules regarding the surrender of certificates and acknowledgements;
- prescribe the fees associated with registration;
- approve courses, qualifications and training establishments (including withdrawal of approval) and stay informed about these;
- investigate disciplinary cases through an Investigating Committee;
- determine disciplinary cases through a Disciplinary Committee;
- set up other committees to carry out specific delegated functions<sup>3</sup>;
- keep proper records of accounts and appoint auditors.

The Council is also the competent authority for the profession of farriery in Great Britain in accordance with EU legislation.

3.2 In addition to its statutory functions the Council also:

- produces a *Guide to Professional Conduct* for registered farriers, which is reviewed every three years. This may be used as a guide in disciplinary proceedings;
- instigates investigations of illegal farriery;
- until recently, administered civilian farriery training up to the point of registration.

3.3 The constitution of the Council is prescribed in Schedule 1 Part I to the FRA, with supplementary provisions relating to the duties of the Council in Schedule 1 Part II. It is laid out as a total of 16 persons:

- three individuals appointed by the Worshipful Company of Farriers (“the Company”); one of whom will be the Chairman
- two registered self-employed farriers who are elected onto Council (under the terms of a scheme adopted by Council as required by the Act)<sup>4</sup> ;
- two registered employee farriers who are elected onto Council (under the terms of a scheme adopted by Council as required by the Act)<sup>5</sup>
- two individuals appointed by the National Master Farriers’, Blacksmiths’ and Agricultural Engineers’ Association<sup>6</sup> (“the Association”).

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<sup>3</sup> The committees are detailed in Annex 1

<sup>4</sup> The original appointees were one appointed by the Worshipful Company of Farriers and one appointed by the National Master Farriers’, Blacksmiths’ and Agricultural Engineers’ Association, as required by the Act

<sup>5</sup> Originally appointed by National Master Farriers’, Blacksmiths’ and Agricultural Engineers’ Association

- two veterinary surgeons appointed by the Royal College of Veterinary Surgeons
- Five “lay” people (not qualified or registered to practise farriery or as a veterinary surgeon or veterinary practitioner) who are appointed, one each, from the following organisations;
  - The Jockey Club;
  - The Royal Society for the Prevention of Cruelty to Animals (RSPCA);
  - The Council for Small Industries in Rural Areas (CoSIRA)
  - Scottish Enterprise
  - The British Equestrian Federation

3.4 The Act is silent as to whether the persons appointed by the Company or the Association should be farriers. In practice the Association always appoints two farriers and the Company’s representation varies.

3.5 The skills and experience that each category of member brings to the Council is considered to be:

- Worshipful Company of Farriers appointees: provide a link with the Company and its function of securing standards; have a thorough knowledge of the craft of farriery and may hold higher farriery qualifications or veterinary qualifications; are committed to the welfare of the horse; can bring business and financial experience, through an understanding between the FRC and the WCF that the latter will provide a member with business and financial experience to chair the Finance Committee in order to guarantee there is someone with that expertise on Council.
- Elected registered farriers: provide the skills and knowledge of the craft of farriery and the current realities of the practising farrier, perhaps as a trainer and employer as well as a service provider; may hold higher farriery qualifications; representative of different parts of GB (through the design of the election system).
- British Farriers and Blacksmiths Association appointed farriers: provide skills and knowledge of the craft of farriery and the current realities of the practising farrier (as above) ; can be representative of different parts of GB; can bring views from the trade as a whole; sometimes appoints farriers with higher qualifications; may provide experience of working with overseas traders and professionals;
- Veterinary surgeons: provide skills and knowledge of equine welfare and veterinary surgery; essential in dealing with issues that overlap the two professions, including equine welfare;
- Other lay appointees: bring forward knowledge of general rural industries, horse owning public and welfare interests.

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<sup>6</sup> Now the National Association of Farriers, Blacksmiths and Agricultural Engineers; also known as the British Farriers and Blacksmiths Association

Details of the current membership of the Farriers Registration Council are set out in Annex 2 of this consultation document.

3.6 The Act also sets other specific provisions with regard to the requirement that the four persons appointed under the self employed/ employed farrier categories should represent all parts of Great Britain and shall serve a three-year term of office, to which they may be reappointed. The Council are obliged to have a scheme for the appointment to these seats on Council at the end of the terms of office; it has adopted a system of election (currently "*Farriers Registration Council Election Scheme 1984*").

3.7 Under the Act, all other categories of appointees have no fixed term of office ("appointed from time to time), but vacancies can occur if a person is no longer qualified in the category under which he was appointed or if he resigns. Anyone appointed to fill a casual vacancy will serve the remainder of the term of office of the appointment that was filled. In practise, the FRC has generally adopted the conventions of allowing individual appointing bodies to decide the terms of office of their own appointees.

3.8 The quorum for meetings of the Council is seven but can be any other size the Council chooses; the current Rules adopted by the Council<sup>7</sup> set the quorum at nine.

3.9 If a vacancy has occurred in the membership of the Council its functions can be exercised and will not be invalidated.

3.10 The Act does not provide any power to remove members of the Council whose conduct is unacceptable or makes it inappropriate for them to hold office. However, the Council Rules make provision to deal with such matters in addition to a procedure to deal with complaints against a member of the Council.

3.11 Meetings of the Council normally happen three times a year in March, June and December; the meeting held in March is designated as the Annual General Meeting. (This is not a statutory requirement). Members are provided with an attendance allowance, which is a taxable income. This is currently set at £186 plus travelling and overnight expenses, where appropriate.

## **The need for reform**

3.12 The constitution of the Farriers Registration Council, as laid down in the Farriers (Registration) Act 1975, was representative of the industry needs at the time. With the passage of time, it has been found that changes in the profession and the wider rural community coupled with the inflexible nature of the legislation causes some serious practical difficulties.

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<sup>7</sup> Rules and Procedures of the Farriers Registration Council (current issue 7 December 2011)

## Appointing bodies

3.13 Of the five bodies that appoint lay members currently, no provision has been made for the legal succession of these organisations and one of the organisations no longer exists; the Council for Small Industries in Rural Areas (“CoSIRA”). The relevant functions of the Jockey Club have also been transferred to the British Horseracing Authority.

3.14 The Jockey Club and the British Horseracing Authority are in agreement that all responsibilities under Part I of Schedule 1 legally transferred from the Jockey Club to the British Horseracing Authority. The Jockey Club no longer plays any role in regulation; the regulatory responsibilities of the Jockey Club passed to the Horseracing Regulatory Authority in April 2006. In July 2007 the British Horseracing Authority was formed following a merger of the Horse Racing Authority and the British Horseracing Board.

3.15 It has been difficult to identify a clear successor to CoSIRA. It would appear that the logical successor is in fact Defra. There has been no direct legal transfer of functions, however the FRC submit that there is a clear historical and logical link from CoSIRA to the Rural Development Commission, on to the Commission for Rural Communities and, when this was abolished, on to the Rural Communities Policy Unit of Defra. Defra does not want to be obligated to carry out the appointments process to provide a member to the FRC nor do we want Defra to undertake any financial responsibilities. We also feel that it would be inappropriate and not in line with appointments to the governing Councils of other regulatory bodies for there to be Government involvement. However we are content to include a duty for the Secretary of State to appoint a member to the committee as a temporary measure.

3.16 It is intended that the technical amendments to the FRA in respect of these two appointing bodies are made through the Deregulation Bill which is scheduled to make its way through Parliament in the 2013-14 session. The draft Bill was published in July 2013.<sup>8</sup>

3.17 However, it is clear that a more permanent successor to CoSIRA needs to be identified for the longer term. Until the initial change can be made through enactment of the Deregulation Bill the FRC will be operating with only 15 members following the retirement of the appointee from CoSIRA in March 2013; he cannot be replaced until there is a legal successor to that body. The Act does provide for vacancies; however, we believe that this would have been intended as an immediate-to-short term provision: *“The functions of the Council may be exercised notwithstanding vacancies in its membership, and its proceedings shall not be invalidated by any defect in the nomination of a member.”*

3.18 In addition, because 15 of the 16 Council members are currently needed to constitute the two statutory committees that deal with disciplinary matters (the Investigating Committee and the Disciplinary Committee) - discussed further in Chapter 4

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<sup>8</sup> Cm 8642 <http://www.official-documents.gov.uk/document/cm86/8642/8642.pdf>. The provisions relating to the Farriers Registration Council can be found in Schedule 11 Part 2.

- any vacancy on Council, such as that created by the retirement of the CoSIRA appointee, means it is consequently difficult to constitute these committees.

## **Employment status of farriers**

3.19 The Act requires that there shall be two self-employed registered farriers and two employee registered farriers appointed to Council; these four farriers are appointed to Council through the election scheme. This requirement is no longer fit-for-purpose as it is not representative of the make-up of the profession - most farriers are now self-employed. At present of the 2,800 registered farriers only about 4% are employee-status. An election scheme where all positions were open to all working farriers regardless of their type of employment would allow farriers to be appointed on merit rather than employment status and would be more in line with the principles of better regulation. It would also be considered a fairer system to remove the distinction; at present 4% of farriers are eligible for 2 seats on Council and 96% the other 2 seats. Any change to the current requirement to distinguish between employed status and self-employed status would also ease an administrative burden upon the FRC as it would make the election scheme more streamlined to operate. FRC have indicated that with any change they would want to ensure, as now, that those farriers which were elected to the Council were representative of all parts of Great Britain.

## **Inflexible**

3.20 The constitution of Council is prescribed in primary legislation. Any change then requires an amendment by full Parliamentary procedure, which is slow (unlikely to take less than 18 months, but in reality often longer).

## **Undemocratic**

3.21 All but four of the places on Council are filled by members who are appointed to that position on Council by external organisations. It has been suggested that this method of appointment may not fit the principles of better regulation and modern day expectations of a self-regulating profession.

## **Out-of-date**

3.22 The FRC has expressed concerns, in its representations to Government, that the Council may be out-of-date and not in line with those of other regulators which have undergone more recent reform. The FRC recognises that many other professions have made reforms to their regulatory framework in recent years to modernise and comply with better regulation principles. It feels that it should also take the opportunity to modernise in line with these principles to better serve the public interest and the profession.

## Options for bringing about reform

3.23 There are two main options for reform and upon which we would like to seek your views; making only those changes which are considered essential to overcome the immediate deficiencies in the constitution or to consider wider changes to modernise the governance of the FRC as an organisation.

### Option 1: make minimal legislative changes

3.24 This option proposes making only those changes to Schedule 1 to the Farriers (Registration) Act 1975 which are considered necessary to overcome operational difficulties in the immediate term. These would be specifically to:

- replace Jockey Club with its legal successor, the British Horseracing Authority Ltd (this change should go through in the Deregulation Bill, estimated for Royal Assent in autumn 2014);
- replace the Council for Small Industries in Rural Areas (CoSIRA) with a new appointing body, which has yet to be decided. This body was included in the Council membership because of its expertise and links to training and education in relation to rural crafts and industries and similar interest and expertise would be desired in any new body. The FRC has put forward suggestions to Defra of Lantra (the UK's Sector Skills Council for land-based and environmental industries) and Landex ("Land Based Colleges Aspiring to Excellence" which is a subscriber organisation). The FRC has told Defra that it has written to those organisations in this respect;
- replace the provisions regarding the self-employed/ employee status of farriers elected onto Council with a new provision where such distinction is not required;
- remove any obsolete provisions, identified by lawyers, in order to tidy up the statute.

Q1. Do you agree to the suggestion that Lantra or Landex becomes the organisation mentioned in the Act, replacing CoSIRA, to appoint one of the lay members to Council?

Q2. Have you any other specific suggestions on an appropriate body, with interests in training/ education of rural skills, to appoint a lay member to Council as a replacement to CoSIRA?



Q3. Do you agree to the suggestion of removing the distinction between employed and self-employed status of farriers in the election scheme?

Q4. Do you have further views about removing the distinction between employed and self-employed status of farriers in the election scheme, for example if it would be more representative, or are there detrimental effects which we have not identified?

3.25 It is unlikely that such minimal changes would deal with criticisms of undemocratic process, modernise the FRC fully or provide better compliance with the principles of better regulation in the manner that was originally presented to Defra and its Ministers. Therefore in this consultation we are also exploring if there are other, less essential changes, which could be considered.

## Option 2: make wider changes for the longer-term

3.26 We are seeking views as to whether the current constitution of Council, as specified in the Act, should be retained or amended. The items to be considered are:

- i. Size of Council;
- ii. Proportion of farriers/lay members/veterinary surgeons;
- iii. Election and appointment to Council;
- iv. Appointing bodies;
- v. Chairmanship of Council;
- vi. Quorum size;
- vii. Terms and conditions of office

- i. Size of Council

3.27 It is questioned if the size of Council should remain at 16 or whether it should increase or decrease. When making these decisions, discussions with the FRC will include how it can fulfil its statutory duties in the most effective and cost-efficient manner. The advantages and disadvantages of keeping the Council at 16, increasing its size or decreasing in size are outlined below:

3.28 **No change:** Advantages put forward by the FRC of keeping a sixteen-strong Council are that the Council budget would not need to change and that there would be no risk of destabilisation as Council is familiar with operating with 16 members; as explained in paragraph 3.17, this is currently 15 members. If changes regarding the membership of the Investigating and Disciplinary Committees are made (discussed further in Chapter 4) it may become difficult to justify keeping the Council at this size. However, it is important to ensure that the Council is not controlled by too small a number of members and to ensure that key bodies within the equine industry are represented; a Council size of 16 ensures

that a variety of bodies can be included. The current size of Council is easy to manage and offers diversity as it allows for a wide array of people, experience, knowledge and skills when making policy decisions.

3.29 **Increase:** an increase in the size of the Council would allow for a wider range of expertise on the Council. It is felt by the FRC that training and education could be better represented (currently lost with the inability to replace the CoSIRA representative). It may be the case that there are other equine welfare bodies, which were not in existence when the Act came into force that should have representation. There could be the possibility of securing better representation for parts of GB, for example there could be a requirement to appoint a member specifically from Wales, in the same way that there is provision for a specific member from Scotland. Work could also be shared amongst Council members more with some Council members no longer needed to serve on any committees or working groups.

3.30 Disadvantages of this approach would be increased costs to the regulator because more attendance allowances and expenses would be payable. There could be poor public and professional perception in having too many Council members for a relatively small regulatory body, particularly when many regulators seem to be moving towards smaller Councils. Communication may be hindered and meetings may be more difficult to schedule leading to increased FRC staff time needed to facilitate these arrangements.

3.31 **Decrease:** the main advantages would be a reduction in costs to the FRC (less attendance allowances and expenses would be payable) and the FRC operating in line with other regulators who are reforming and moving towards having smaller Councils. It is purported that policy making/discussions may be more manageable with a smaller group. If the Council was to be decreased in size it could mean that there may be inadequate representation for certain key bodies or industry areas. There may also be an extra burden placed on Council members if there is less of them to share the workload

3.32 The preferred option of the FRC is to keep the stated size of Council at 16, all other things remaining equal. If the separate proposal to remove the membership of the Investigating and Disciplinary Committees away from the FRC should go through it may be that a smaller Council would be more appropriate.

Q5. Do you think the size of Council should remain at 16, increase in size or decrease in size?

Q6. If you think that the size of the Council should change then please state what you believe is the optimum size and why.

ii. Proportion of farriers/lay members/veterinary surgeons

3.34 Council currently operates with a mix of approximately 50% registered farriers and 50%, lay persons (ie any individual who is not a registered farrier, including registered veterinary surgeons of which there are usually two on the Council). This is in line with various other professional Councils. However, for some of the appointments it is not stated whether the appointee should be farrier, lay or specifically a registered veterinary surgeon and it is left to the appointing body to decide. It is to be considered if this situation should continue, which provides the desired results, or if the legislation should be amended to provide for a more exact make-up of Council.

3.35 To note that it is **not** proposed that the Council should operate with either 100% farriers or 100% lay persons. For either of these models there would be insufficient representation either of the profession or of the horse and horse-owner. Such options would also be out-of-line with regulatory bodies in other professions. The FRC would like to see the system continuing in the way that it does now where no precise numbers or percentages are detailed in the legislation but both convention and legislative requirements give an approximate 50:50 ratio with room for flexibility. We agree with the FRC and feel that the mix of farriers to non farriers is satisfactory and ensures that all relevant stakeholders, including registered veterinary surgeons, have a say in policies that affect the horse, the profession and the public interest.

Q7. Do you think that a 50% mix of registered farriers to lay persons is the correct proportion or should it be different?

Q8. Do you think the proportion should be stated exactly in legislation or should the internal protocols and working practices of the Farriers Registration Council continue to operate in order to maintain the correct proportion?

iii. Election and appointment to Council

3.36 At present four of the 16 members to Council are elected while the remaining 12 are appointed. These appointees are farriers, veterinary surgeons and lay persons and the elected members are farriers. We would like to explore views on whether more of the Council positions should be available through the election scheme or if 25% remains the correct proportion.

3.37 More places available through election could be seen as a useful way of broadening participation and improving public and professional perception of a democratically constituted Council. However, such a change could also have the consequence of weakening the link between the FRC and its appointing bodies. These links provide a useful means of keeping in touch with both the wider horse-owning community and farriers generally. It also ensures that key bodies are involved in developing the farriery profession

and ensuring that the welfare of the horse is sufficiently protected. The existing arrangements mean that there is minimal input from FRC with regard to the way in which its appointing bodies appoint Council members. At present it requests that the organisations put forward someone suitable who has experience with Committee or Board work and has either a good knowledge of farriery or some other expertise they can bring to the table, such as veterinary, educational or financial. However, this could be viewed as the FRC not following the better regulation principles by which it is required to comply, particularly those of consistency, accountability and transparency.

3.38 However, making more places available through election also has disadvantages. There is no guarantee that enough farriers would stand for election if the percentage of elected members was increased above the current 25%. The FRC has reported that sometimes an election is not actually required in order to fill all four positions on Council because the numbers of farriers prepared to serve is so low with nominations not forthcoming. In addition, increasing the numbers of positions available by election could upset the proportion of farrier to lay members, discussed in the previous section.

3.39 It may also be the case that the public and profession would rather see more places filled through appointed and fewer through the election scheme. Again, any such changes would need to meet the requirements of proportions of lay to registered farrier on the Council.

3.40 A compromise option has been suggested, which resolves some of the criticisms of the current system, whereby the proportions of elected and appointed members remain the same but some of the non-elected members be appointed by the relevant body only following open competition held by that appointing body. This is in line with processes adopted by the health professions. Open competition satisfies certain principles of better regulation, such as transparent, consistent and accountable; it also aligns with three of those identified by the Commissioner for Public Appointment in the *Code of Practice for Ministerial Appointments to Public Bodies*<sup>9</sup> (this is not something that the FRC have an obligation to follow): merit, fairness and transparency & openness.

3.41 Conversely it is proposed that there is no change whatsoever to the current system. Instead, it may be more important to ensure that the appointing bodies have confidence in the process and principles used by the FRC and therefore recommend suitable candidates. This would mean issuing a formal “job spec”, identifying the necessary qualities of Council member to ensure that (s)he is an effective and efficient part of a Council, rather than relying on the informal process that is currently followed (mentioned briefly in paragraph 3.37). Such descriptions are often issued by regulatory Councils when recruiting new members (eg General Dental Council and Law Society) and could serve as

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<sup>9</sup> <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2012/02/Code-of-Practice-for-Ministerial-Appointments-to-Public-Bodies.pdf>

a useful template. This should resolve any criticism of lack of accountability, transparency and consistency and would be doing so in a proportionate manner.

Q9. Do you think that more, or less, Council positions should be available through the election scheme or does 25% remains the correct proportion?

Q10. Do you think there should be more guidance and/ or structure around those Council members that are appointed by organisations, either by holding their own open competitions or by responding to a formal specific person specification?

Q11. Do you have any suggestions, other than those above, for a process of constituting the Council? If so, please let us know and describe how the principles of better regulation would be met.

#### iv. Appointing bodies

3.42 Views are sought through this consultation on whether the bodies that currently appoint to Council are the correct ones to have today, nearly 40 years after enactment. It is believed that those currently listed in Schedule 1 to the Act represented the main stakeholders of the horse owning and rural industries at the time. They are:

- Worshipful Company of Farriers (3 appointees including the Chairman; the membership of the Company means that the appointees may be farrier or lay)
- British Farriers and Blacksmiths Association (2 appointees; in practice it appoints farriers)
- Royal College of Veterinary Surgeons (2 appointees, assumed to be intended as registered veterinary surgeons)
- The Jockey Club<sup>10</sup> (1 appointee)
- The Royal Society for the Prevention of Cruelty to Animals (RSPCA) (1 appointee)
- The Council for Small Industries in Rural Areas (CoSIRA)<sup>11</sup> (1 appointee)
- Scottish Enterprise (1 appointee)
- The British Equestrian Federation (1 appointee)

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<sup>10</sup> Clause in draft Deregulation Bill (Parliamentary session 2013-14) to amend this to current regulatory body, British Horseracing Authority Ltd

<sup>11</sup> Clause in draft Deregulation Bill (Parliamentary session 2013-14) to amend this temporarily to Secretary of State [for Environment, Food and Rural Affairs]

3.43 In considering this part of the proposal it should be recognised that the Council as a body is not specifically representing the individual interests of each appointing body but those of the public, the profession and other interested parties. Therefore, each of the appointing bodies should be focused on ensuring its appointee has sufficient knowledge, understanding and ability to take account relevant views of all interested parties as well as his/her own specific area of expertise.

3.44 Points to consider in making any changes are:

- the most immediate and important change is to find a successor to the Council for Small Industries in Rural Areas;
- if there is any significant interest from across the “horse world” and the wider public missing from the current constitution;
- that it is considered important for registered veterinary surgeons to continue to have a place on Council and that the Royal College of Veterinary Surgeons remains an appointing body;
- if every part of Great Britain is adequately represented;
- if the bodies, in particular the “lay bodies”, should be specifically named in the current manner or should greater flexibility be introduced by instead making the broad “interest area” the legislative requirement (eg a lay person appointed by an animal welfare organisation, a lay person appointed by a body which represents rural businesses).

Q12. Using the points above as a guide please let us know any views which you have regarding which bodies should be those which appoint to the Farriers Registration Council.

#### v. Chairmanship of the Council

3.45 Professional regulators have a range of regimes for appointment of the Chairman of their governing council, board or similar. At present the two most common appear to be elected by the members of Council from among themselves (General Medical Council, Royal College of Veterinary Surgeons, and Architects Registration Board) or appointed by Privy Council (most of the health professions). The Chairman of FRC, as mentioned in paragraphs 2.5, 3.3 and 3.42, is appointed in that capacity by the Worshipful Company of Farriers. This is a position with which the FRC have indicated contentment and have no wish to change. It feels that this is something that has worked well in practice. The Company has appointed suitably qualified persons to the role, which carries more responsibility than ordinary membership. It would, however, be interesting to gather views on this.

Q13. Do you agree with the FRC view that the Chairman should continue to be appointed directly to that position by the Worshipful Company of Farriers?

vi. Quorum size

3.46 The FRA states that the quorum for meeting of the Council is seven but can be any other size the Council chooses; the current rules adopted by the Council set the quorum at nine. It is not proposed to change the statutory quorum but again, it would be interesting to listen to views.

Q14. Do you agree with the proposal to keep the legislative provision regarding the quorum for Council meetings as it stands currently?

vii. Terms and conditions of office

3.47 Currently, as explained in paragraphs 3.6 and 3.7 only the elected members of Council have fixed terms of office, of three years. There is also no express power in the Act to remove a member of Council from office except for situations where the person is no longer qualified in the category under which he was appointed or if he resigns. Since the enactment of the 1975 Act the expectations on those holding public office and their fitness to serve in such a capacity have increased, many professions including it in their governing rules or legislation. Although the Council has an implied power to remove someone from office whose conduct is unacceptable or inappropriate, this could be challenged by judicial review. If FRC were to be given an express power the provisions which would be used defining what was deemed good character (“fit and proper person”) would mirror those used in other professions, such as found in the General Medical Council (Constitution) Order 2008 (SI 2008/2554).

3.48 FRC would like to see a specific term of office for Council members of four years included in the legislation; this would apply to both elected and appointed members. This is considered the appropriate period of office so that there is sufficient time to build up experience. Any less than four years would be inappropriate as it takes several years to build up expertise and maximise their contribution. It is also proposed that a person can be re-appointed for a second term. This, again, is in line with the code for public appointments and common with many other regulated professions. If such changes were made it is proposed that it would be phased-in in such a way that the cycle of retirement and replacement of members provided a mix of experience from existing members with a fresh perspective brought by new members.

Q15. Should there be a prescribed term of office for Council members?

Q16. Do you think four years is an appropriate term of office (with the possibility of serving two terms) or have you a different suggestion?

It would also be appropriate, for the reasons in paragraph 3.47, to provide an express power in the Act for the Council to set conditions of office (“fitness to serve”) and thus rules for removing those who do not comply.

Q17. Do you think that all Council members should be required to abide by conditions of office in order to serve on the FRC?

Q18. Are there any comments regarding the constitution of the Farriers Registration Council that you wish to add?



# Chapter 4: constitution of Investigating and Disciplinary Committees

## The current situation

### The statutory committees

4.1 As mentioned in paragraphs 2.1 and 3.1, the FRA lays down that two of the statutory functions of the FRC are to investigate disciplinary cases through an Investigating Committee (IC) and determine disciplinary cases through a Disciplinary Committee (DC). A disciplinary case is one where it appears an individual is liable for removal from the register because he:

- is guilty of serious misconduct in any professional respect;
- has been found to have been unqualified at the time of registration or is no longer entitled to be registered;
- has been convicted of an offence involving cruelty to animals.

The Disciplinary Committee also has the statutory power to hear appeals in relation to registration.

4.2 Disciplinary procedures are necessary to protect the interests of horse owners and thus the welfare of their horses from any professional misconduct by members of the farriery profession. This is a common process in regulated professions and is there in order to protect the public interest by maintaining the reputation of the profession; they are sometimes known as “Fitness to Practise” committees.

4.3 The constitution of these committees is prescribed in the FRA, in particular Section 13 and Schedule 2 (IC) and Section 14 and Schedule 3 (DC). In addition the FRA, and specific procedure rules<sup>12</sup>, also lay down the procedures that the Disciplinary Committee must follow.

4.4 The IC consists of six of the 16 members of the FRC. This includes the Chairman of Council, who will also act as Chairman of the IC. The other five members will be elected by Council and must include a practising farrier (or one who was previously active for at least five years). There are nine members of the 16 members of the FRC on the DC. Both the Chairman and the eight other members are elected from and by Council. As with the IC, one of the serving members must be a practising farrier (or one who was previously active

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<sup>12</sup> Schedule to The Farriers Registration Council Disciplinary Committee (Procedure) Rules Approval Instrument 1976 (SI 1976/700)

for at least five years). No Council member who has served on an IC may serve on the DC in the same case.

4.5 The Act provides that committee member's terms of office are to be determined by the Council. If any individual ceases to be a member of the Council they must then cease to be a member of the Investigating or Disciplinary Committee.

## The complaints and disciplinary process

4.6 When a complaint enquiry is received by the FRC, it is reviewed by the Registrar or the Assistant Registrar. On average it would seem that around 80 complaint enquiries are received in any given year but this can vary quite considerably from year to year. About one-third of enquiries will go on to become formal complaints and are passed to the Investigating Committee for its consideration.

4.7 The IC preliminary investigation considers evidence gathered from both complainant and farrier. Any relevant history of the farrier can be considered. These are complaints of a similar nature that have been considered and logged on the registered farrier's file in the past three years or previous findings of serious professional misconduct. The IC at this point can: take no action, send an advisory letter to the farrier or send the case to the DC for full inquiry and determination. An advisory letter usually advises about the practice that should be followed as laid down in the *Farrier's Guide to Professional Conduct*<sup>13</sup>, a warning that future cases may not be viewed so leniently and that the case may stay on file, which would be reviewed if future complaints are received. The number of cases being referred to the DC varies, but has risen to seven in recent years.

4.8 Once the case reaches DC, a formal written "Notice of Inquiry" is served by the Council's solicitor on the farrier, who is now the Respondent in the case. The hearing cannot take place less than 28 days after this notice is served, unless by agreement of the Respondent. The burden is on DC to prove the case with the standard of proof applied being that of beyond all reasonable doubt.

4.9 DC attitude to any sanction is not to punish but to protect the interest of the public and welfare of animals. Where a charge is proved, the DC may:

- take no further action (but the record will stay on file);
- reprimand the farrier;
- postpone judgement for a period of time
- suspend a farrier's registration (ie remove their name from the register for a specified period of time);
- direct that a person's name is removed from the register

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<sup>13</sup> <http://www.farrier-reg.gov.uk/registered-farriers/guide-to-professional-conduct/>

4.10 The farrier has a right of appeal against the decision of the DC to the High Court in England or Wales or to the Court of Session in Scotland.

4.11 An individual who has had his name removed from the register may apply to have it reinstated in accordance with rules laid down in legislation<sup>14</sup>. It may be that they will have to wait a certain amount of time before making this application if that was directed by the Disciplinary Committee in making its decision to remove him (s.15(7) FRA).

## The need for reform

4.12 As described in paragraph 3.2, in addition to its statutory functions the Council also produces the *Farrier's Guide to Professional Conduct*, setting the standards expected of the registered members of the profession. This is used as a guide by the committees in disciplinary proceedings. This means that, in effect, the same individuals who set the standards also investigate and adjudicate possible breaches of those standards. Although not unlawful if operated appropriately, this practice is now considered out-of-date and not in line with 'best practice' that exists in other regulated professions. It is felt that this system could be vulnerable to challenge on the grounds of insufficient independence and lack of impartiality between those who set the standards and those that deal with the potential breaches of those standards. There is concern expressed by the FRC that is contrary to one of the principles of natural justice, "no one should be a judge in his own cause"<sup>15</sup> which could be the perception because the Council's solicitors bring proceedings, the IC forwards proceedings (Council members) and the DC adjudicates (Council members).

4.13 A challenge to the presence of the Council's members on these committees might arise in the form of a judicial review of a decision taken by one of the Council's committees or by way of an appeal by a farrier who has been found guilty of serious professional misconduct in any professional respect and removed from the register. Legal advice has been received by the FRC that a legal challenge could also be made on the basis that the FRA is incompatible with the European Convention on Human Rights (ECHR), under Article 6 which is the right to a fair trial.

4.14 The FRC are aware that the Institute of Legal Executives<sup>16</sup> and the General Dental Council<sup>17</sup> have already been challenged on similar issues and have taken steps to address them. The Royal College of Veterinary Surgeons (RCVS) has recently amended the legislation dealing with the constitution of its statutory committees<sup>18</sup>. The presence of Council members on the Investigating and Disciplinary Committees does not, in itself,

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<sup>14</sup> The Farriers Registration Council Disciplinary Committee (Procedure) Rules Approval Instrument 1976 (SI 1976/700)

<sup>15</sup> *Dimes v Grand Junction Canal* (1852) 3 HLC 759

<sup>16</sup> *R (on the application of Kaur) v. Institute of Legal Executives Appeal Tribunal and Another* [2011] EWCA Civ 1168

<sup>17</sup> *Preiss v. General Dental Council* [2001] 1 WLR 1926

<sup>18</sup> The Legislative Reform (Constitution of Veterinary Surgeons Preliminary Investigation and Disciplinary Committees) Order 2013 (SI 2013/103)

indicate that such proceedings would be biased or impartial in any way but an opportunity exists to completely eradicate this risk by amending the legislation.

4.15 The Council Rules sets the number of meetings of IC as three each year, more if required, but that meetings shall be held only if there is sufficient business. Similarly, it is laid down in the Rules that DC should schedule three two-day meetings each year, if there are sufficient cases to hear; more meetings may be called if required. It appears that there is a trend of an overall increase in the number of formal complaints received by the FRC, as well as in the number of cases being referred to the Disciplinary Committee. This increase has required both Committees to sit more in recent years. It is expected that this upwards trend will continue, as it this seems to be the case in other professions. The Investigating Committee sat for five days in 2012; three in 2008. Disciplinary Committee had six sitting days in 2012; four in 2008. Other Council business is also rising with 32 days in 2012 compared with 20 in 2008. Overall this means that Council members, who have both “day-jobs” and other roles on the Council, are now overstretched with them struggling to find sufficient time to devote to making important judgements on serious disciplinary matters.

4.16 The dual problem of risk of legal challenge highlighting the need to modernise the regulatory framework plus the time-pressure on the members of FRC means that it is felt that a change should be sought to the current arrangements. The constitution of the Investigating and Disciplinary Committees is prescribed in primary legislation; if it is felt that this constitution should change then a change to the FRA will be required. Such a change would bring the regulation of this profession in line with that of other professions.

## Options for bringing about reform

4.17 There are two main options to overcome the problems that have been raised, although each of these could be implemented or delivered in a variety of ways.

### **Option 1: separate the functions so that Council retains responsibility for setting the standards and the Investigating and Disciplinary Committees are constituted by non-Council members**

4.18 This option proposes that the IC and the DC would no longer be constituted by members of the Council. Committee members would be selected in a new, independent manner in which the Council would play no active part. The newly constituted committees would report their findings and conclusions on each case to the Council, which would have no influence over those findings. It is expected that the committees would be required to report to the Council from time to time on the discharge of their statutory functions.

4.19 **Option 1a.** The method to select appropriate individuals for the statutory committees which best exhibits many of the better regulation principles is by following an open, competitive selection process; this is commonly carried out by commercial recruitment (“headhunter”) firms.

4.20 However, such a solution would be costly to the FRC, both initially and on an ongoing basis. The FRC is a small regulatory body and the statutory committees deal with only a small number of disciplinary investigations and hearings each year. Such costs and the effort made with the recruitment could be considered disproportionate to the benefits sought.

4.21 **Option 1b.** In this option, rather than using open competition, it is proposed that the same organisations which appoint to the Council itself would also appoint to either Investigating or Disciplinary Committee. They would, in effect, be carrying out “double appointments”.

4.22 Obviously, this proposal cannot be viewed in isolation. Any changes proposed to the structure of the Council following gathering of views on Chapter 3 would need to be reflected here.

4.23 If either of these options (or indeed another variation of the general principle) was implemented it is intended that better structure and accountability is provided for. This again mirrors proposals for the Council itself. Considerations include:

- Appointing persons selected against an advertised job specification. This should ensure that those recruited to serve on the committees will have the necessary skills and experience to discharge the functions required of them.
- Appointments to be made on the basis of good character (“fit and proper person”). Provisions should be made so that a person may be removed if they are no longer considered fit and proper, or if they resign. This is common across “fitness to practise” or disciplinary panels in other regulated professions. Such precedents can be found in the General Medical Council (Constitution) Order 2008 (SI 2008/2554) or relevant bye-laws of the Royal College of Veterinary Surgeons.
- For either method of appointment proposed a mix of both registered farrier and lay persons would be required on each committee. This again is a common feature of the disciplinary machinery in regulated professions so that there is a proper balance of public and professional interests.
- A specific term of office would be proposed, likely to be four years.
- Any changes would need to be phased in so that knowledge transfer from the existing committee members to the new could take place and to ensure proper hearing of any cases currently in the system.

4.24 Implementing a revised system where the Council retains responsibility for setting the standards and the Investigating and Disciplinary Committees are constituted of non-Council members would solve both of the problems described in paragraphs 4.12-4.14. It would separate the functions of standard-setting and adjudicating, with the view that it should eliminate the risk of a legal challenge based on a claim that disciplinary

proceedings lacked impartiality or were biased as well as freeing up Council members' time for other matters as they would no longer be required to deal with disciplinary cases.

**Option 2: separate the functions so that Council continues to provide the membership of the Investigating and Disciplinary Committees while the standards are set by another body**

4.25 This option proposes that the IC and the DC would continue to be constituted of members of the Council, in the manner in which is currently laid down in the Farriers (Registration) Act 1975. Instead a different body of people would be responsible for setting the standards of the profession through the production of the *Farrier's Guide to Professional Conduct*. No definite proposals have been made in this regard, but we are keen to gather views on the matter. One solution could be that the Worshipful Company of Farriers assumes responsibility for the production of a new Guide. An alternative could be that the appointing bodies set up a duplicate group (in the same manner as option 1b above) for the sole purpose of production of the Guide to Conduct, disbanding again once that job was done.

4.26 This option for separating the functions (setting/ adjudicating standards) does see a solution to that particular problem. However, it would not solve the secondary problem - that of the time pressures on FRC members because that particular group of people would still be responsible for all functions of the Council. In terms of time-commitment, the investigating and adjudicating of standards far outweighs the setting of standards; revisions to the *Guide* are made only every few years. Nor would this option address the other "separation of function" concern; that the committees which are deciding on complaints are made up of members of the prosecuting authority. In addition, a further drawback would be seen with bringing together a "project group" just for the single purpose of producing the *Guide*; it could be questioned if they were sufficiently in touch with both the profession and the needs of the public interest in order to develop a meaningful Guide to conduct.

Q19. Do you believe that there is an actual problem with the situation that currently exists, where the same people involved in setting standards for the profession are responsible for ensuring those standards are kept?

Q20. If you do believe that there is a problem with how the Investigating and Disciplinary Committees are currently constituted, please briefly describe the problem as you see it.

Q21. If you believe that there is a problem and that these powers of the Council need to be separated which option do you believe is the best to achieve this separation (option 1a, 1b,

2 or an alternative)?

Q22. Do you think that there should be tighter governance around the Investigating Committee and Disciplinary Committee such as conditions and terms of office? Please briefly describe your views.

## Chapter 5: flexibility

### The current situation and the need for reform

5.1 In Chapters 3 and 4 it is described how both the constitutions of Council and of its committees are laid down prescriptively in the Farriers (Registration) Act 1975. This means that any small change, such as that seen with the demise of the Council for Small Industries in Rural Areas and the need to find a replacement, means a lengthy process to return the Act to Parliament for amendment.

5.2 It is proposed that a certain amount of flexibility is brought into these provisions by deregulating, removing the prescription out of primary legislation and enabling change to be made by a simpler process.

### Options for bringing about reform

5.3 There are a number of methods by which any desired flexibility could be brought into the FRA to deal with the circumstances described above and in the rest of this document. These essentially lie on a spectrum of transparency and accountability and all have precedents in other regulatory structures. The options proposed are:

1. Allowing the Farriers Registration Council to make rules regarding the constitution of the Council and the statutory committees;
2. Allowing the Farriers Registration Council to make rules regarding the constitution of the Council and the statutory committees, only after consultation with appropriate/ affected persons;
3. Allowing the Farriers Registration Council to make rules regarding the constitution of the Council and the statutory committees, only after consultation with appropriate/ affected persons and to be subsequently approved by Privy Council;
4. Move the prescriptive elements to secondary legislation ie made by Ministers, meaning that future amendments are still laid before Parliament.

Q23. Do you agree with the proposal to move the prescriptive elements out of Primary Legislation in order that any future changes can be made quickly and simply?

Q24. Do you have any preference for the method by which the detailed provisions should be made?



Q25. Please let us have any other comments that you wish to make regarding the governance arrangements of the Farriers Registration Council.

# Annex 1: committees of the Farriers Registration Council

Committees of the Farriers Registration Council	
Investigating Committee	A statutory committee set up under section 13 of the Act. Its purpose is to carry out preliminary investigation of disciplinary cases in which it is alleged that a person is liable to have his name erased from the Register on the grounds of either serious misconduct in any professional respect, being not qualified for registration at the time of registration or being convicted of an offence involving cruelty to animals.
Disciplinary Committee	A statutory Committee set up under section 14 of the Act. Its purpose is to consider and determine disciplinary cases referred to it by the Investigating Committee. It also deals with appeals against refusals of registration or failure to register appropriately and applications to be restored following removal by the Disciplinary Committee
The Registration Committee	An advisory Committee to the Council, with certain specific delegated powers. Its terms of reference include: advising the Council on qualifications for registration, amendments to the Act in relation to registration and the implementation of EU Directives.
Finance Committee	An advisory Committee to the Council, with certain specific delegated powers. Its main role is to advise the Council on all financial aspects of the FRC.
Remuneration Sub-Committee	A sub-committee of the Finance Committee. It considers matters relating to salaries, terms and conditions of service and staff

	appointments as may be referred to it by the Finance Committee or Council.
Visitation Panel	The Council has responsibilities for approving courses of farriery training and qualifications under the Act. It has established a Panel which carries out a programme of inspections of Colleges and examinations and then makes recommendations to Council on whether unconditional or conditional approval should be granted or withdrawn.

The Council will also set up short-term specific working groups from time to time to look at particular issues.

## Annex 2: Current membership of the Farriers Registration Council

Current membership of the Farriers Registration Council	
Name of Member	Appointed By
Commodore R A Y Bridges (Chairman)	The Worshipful Company of Farriers
Mr C Barnes DipWCF	The British Farriers and Blacksmiths Association (BFBA)
Mr Y Breisner	The Jockey Club
Mr J G W Chalmers FCA	The Worshipful Company of Farriers
Mr C S Craig AFCL	Elected Member – Southern Area – Self Employed Farrier
Mr D C D’Arcy BSc (Hons) AWCF	Elected Member – Northern Area – Employee Farrier
Mr H Dyer AWCF	The British Farriers and Blacksmiths Association (BFBA)
Mr P T Gordon Dip WCF	Elected Member – Northern Area – Self Employed Farrier
Lt. Col. M A Houghton	The Worshipful Company of Farriers
Mr C J House BVetMed MRCVS	Royal College of Veterinary Surgeons
Vacancy	Scottish Enterprise
Brigadier A H Roache BVSc MRCVS	Royal College of Veterinary Surgeons
Mr M S Spriggs RSS	Elected Member – Southern Area - Employee Farrier
Regional Superintendent P Stilgoe	Royal Society for the Prevention of Cruelty to Animals
Mr M Weston	British Equestrian Federation
Vacancy	CoSira