

# Legalities of Veterinary Practice

*and the homeopathic treatment of animals*

by Francis Treuherz, interviewing Christopher Day and Steven Kayne

**Christopher Day**  
MA VetMB CertIAVH VetFFHom  
MRCVS

*Christopher Day is a homeopathic veterinary surgeon and has been in practice for 30 years in Oxfordshire. He contributed to the famous QED television program in which a herd of cattle with mastitis was cured with a remedy in their drinking trough, helping dispose of the placebo question. He has written several books including the Treatment of Small Animals and the Treatment of Beef and Dairy Cattle. He is veterinary dean to the Faculty of Homeopathy, hon. Sec of the British Association of Homeopathic Veterinary Surgeons and president of the International Association for Veterinary Homeopathy.*

## *in conversation with*

**Francis Treuherz**  
MA RSHom FSHom

*Francis Treuherz has been in practice since 1984. He works in the NHS and privately in London, where he also teaches on the University of Westminster BSc course in homeopathy. He is author of Homeopathy in the Irish Potato Famine and a research report on Homeopathy in General Practice. He is a former editor of the Homeopath and is currently hon sec of the Society of Homeopaths.*

## *with comments from*

**Steven Kayne**  
PhD, DipAgVetPharm, FRPharmS,  
FFHom(Hon)

*Steven Kayne has a retail pharmacy, Freemans in Main Street, Busby, Glasgow. He is the author of Homeopathic Pharmacy, an Introduction and Handbook. He is Pharmacy Dean of the Faculty of Homeopathy.*

**FT:**

I hope that you will not mind my asking you about a subject, which I am sure you have tackled before, but which once again has arisen in our professional conduct committee. The question is the vexed one of non-veterinarians offering homeopathic treatment for animals. I know this is not legal. But we keep being asked by members, nevertheless, and there are some myths in circulation about which we would like to have the definitive answer.

**CD:**

Thank you for these questions, raising this most important issue. There are several aspects, which you rightly highlight, that need to be clarified.

The legal aspect of the treatment of animals is covered by the Veterinary Surgeons Act (1966). This Act clearly states that in the UK, with certain exceptions, 'veterinary surgery' may only be practised by a qualified and registered veterinary surgeon.

It defines 'veterinary surgery' as:

- The diagnosis of diseases in, and injuries to, animals, including tests performed for diagnostic purposes.
- The giving of advice based on such diagnosis.
- The medical or surgical treatment of animals.
- The performance of surgical operations on animals.

The relevant exceptions, as mentioned above, are:

- A doctor or dentist may carry out treatment at the request of a veterinary surgeon.
- An animal may be treated by 'physiotherapy', if it is carried out under the direction of a veterinary surgeon who has examined the animal and prescribed such treatment. This includes physiotherapy, chiropractic, osteopathy, cranial osteopathy, Bowen, etc. This is covered by the Veterinary Surgery (Exemptions) Order 1962.
- An owner may administer minor medical treatment to his or her own animal. This applies also to members of an owner's household or an employee of the household.
- In addition, a lay person may administer first-aid in an emergency, for the purpose of saving life or

relieving suffering (Schedule 3 to the Veterinary Surgeons Act).

There is no exception for pharmacists, aromatherapists, homeopaths, acupuncturists or for anyone else administering medicines or 'invading' the body.

The common practice of chiropractors and osteopaths is to press on, if invited to do so by an owner. This is, strictly speaking, illegal. Physiotherapists, when approached directly by owners, often tell owners that they must ask for a vet's permission/referral. This is also, strictly speaking, incorrect practice since a vet should have specified that form of therapy, having first examined the animal.

I have sought the advice of the Royal College of Veterinary Surgeons on many occasions, being told each time that non-veterinary homeopaths and non-veterinary acupuncturists etc may NOT treat animals, even under the 'cover' of a vet, since that vet has no way of understanding or monitoring treatment unless *au fait* with the therapy, in which case they would use it themselves.

**FT:**

Are we allowed to advise patients about how to treat their animals? If a human patient or animal owner asks for advice for an animal, which is their property, and then takes this advice, I am sure this is regarded as a prescription. But can you tell us definitively so we may tell members. We believe owners are allowed to treat their animals as they wish.

**CD:**

Strictly speaking, as can be seen earlier in this reply, it is also illegal to ADVISE.

**SK:**

If an owner asks about the medicines available to treat a specific condition and requests advice on the differences, dose regimes etc., it is definitely NOT illegal for a pharmacist to respond. If the client says 'My animal has the following symptoms what SHOULD I use?' we cannot legally respond. If they ask 'What CAN I use?' that is rather different! (See below)

**FT:**

Does this apply even in a domestic hygiene case, for example, where patients are advised to take *Cina* for worms and may be asked if there are small animals in the home who may also benefit from the same remedy to prevent re-infection?

**SK:**

Yes, this is difficult; it is of course an entirely reasonable approach. However, the answer lies in how the advice is given. A straight instruction is certainly inadmissible. A suggestion 'to consider a particular course of action' without specific instructions might be permitted. Thus – 'You may consider that treating your animal would be appropriate. There are several remedies available and I can suggest a book that will give you more information' The important point is that any decision must come from the owner, not the practitioner

**CD:**

Your question on the specific matter of domestic hygiene – worms – this is still medicine so does come under the Act. There is the added thorny question of medicinal claims. If a medicine is given for a specific purpose, can the efficacy, quality and safety be assured? (Medicines Act 1968). It is also a 'prescription'.

**SK:**

Well there is another problem here – it depends on the definition of 'medicine'. It may be that homeopathic remedies do not strictly fall under the Medicines Act. Any prosecution on this issue would probably not be from the 'prescribing medicines' angle but from treating animals *per se*.

**FT:**

Does this apply to first aid such as *Arnica* or *Calendula* for trauma or for wounds?

**CD:**

The first aid question is answered in the exceptions above – 'a lay person may administer first-aid in an emergency'.

**FT:**

Does this apply to a suggestion from a book on veterinary homeopathy?

**CD:**

Whether a prescription is derived from a homeopath's own knowledge or from a veterinary book is not material to the legality.

**FT:**

Does payment for advice make any difference?

**CD:**

The question of money/fees does not affect the legality of any of these issues.

**FT:**

What about ownership of the animal? Is this an area for negotiation?

**CD:**

The notion of the temporary purchase of an animal in order to prescribe for it, is a myth which must be spurned.

**FT:**

Some homeopaths believe that it is legitimate to receive referrals from a veterinarian to treat an animal homeopathically on their behalf. Can you comment, especially in the light of the comments from Lord Soulsby in *Hansard 29 Mar 2001 : Column 479*? He states that referral to non veterinarians is permitted.

**CD:**

The comments by Lord Soulsby are not in accord with the advice I have repeatedly been given by the RCVS.

**FT:**

Some homeopaths are also pharmacists. Some homeopathic specialist pharmacists are not trained homeopaths. Are either allowed to receive referrals from veterinarians and or allowed to prescribe for animals? We know that they do prescribe for animals.

**CD:**

The special matter of pharmacist homeopaths and pharmacists is a knotty one and is affected also by the Pharmacy Act. This issue is under active discussion with Steven Kayne.

As I understand this, the same principles apply in that they are not allowed to prescribe. What constitutes prescribing is a thorny issue, however, with many offshoots. As I read it, if a customer asks for a specific medicine, that is fine to supply. The difficulties arise when a customer says: "I have a dog/cat/horse/cow/herd with 'x' problem, what can you recommend?"

**SK:**

Under these circumstances the appropriate response would be "I can tell you what is available and the applications etc of each medicine but the final choice of which remedy to buy must be yours". It is here that clarification is needed to help all

those involved to understand or to work to a 'code of practice'.

**CD:**

The common practice of many herbal companies and other retailers of homeopathic medicines, aromatherapy etc, who 'prescribe and supply' is, under current law, strictly illegal. The labelling of medicines to state a medicinal claim or to imply one is also illegal. It is, however, very widespread.

**SK:**

This is an unsatisfactory state of affairs. Actually there are provisions under the abbreviated licensing procedures in the EU directive for homeopathic veterinary medicines to be registered as for human medicines but so far no applications have been received by the MCA.

I have some further comments:

- There are too few homeopathic vets around to satisfy demand.
- The public and farming community still have a perception that vets overcharge – indeed it resulted in the government veterinary prescribing review in progress at present.
- The pressure applied to practitioners and pharmacists to prescribe may be extreme.

What must not happen is that practitioners and pharmacists treat animals routinely. This is illegal.

**FT:**

Is the advice from this website authoritative so that we may recommend it to our members?  
<http://www.natural-animal-health.co.uk/Homeopathy.htm>

**CD:**

The advice offered on the website, to which you refer, is, as you can see from the foregoing, correct in some places and incorrect in others. It cannot, therefore, be relied upon as a source of definitive advice. My comments and statements are up-to-date at the time of writing (September 2001). I hope this is helpful and I am, of course, very willing to go into any aspect more fully if required.

**FT:**

I know that some of our members will be disappointed but I am glad that we can know where we stand.

- If any readers have more questions, please contact Francis Treuherz by email.

[f.treuherz@homeopathy-soh.org](mailto:f.treuherz@homeopathy-soh.org)  
[cday@avmc.globalnet.co.uk](mailto:cday@avmc.globalnet.co.uk)