

VETERINARY AND PARA-VETERINARY PROFESSIONS ACT 19 OF 1982[/SAPL4]

[ASSENTED TO 16 FEBRUARY 1982] [DATE OF COMMENCEMENT:
1 OCTOBER 1982]

(English text signed by the State President)

as amended by

Veterinary and Para-Veterinary Professions Amendment Act 19 of 1989
Veterinary and Para-Veterinary Professions Amendment Act 13 of 1993
Veterinary and Para-Veterinary Professions Amendment Act 10 of 2002
Prevention and Combating of Corrupt Activities Act 12 of 2004

ACT

To provide for the establishment, powers and functions of the South African Veterinary Council; for the registration of persons practising veterinary professions and para-veterinary professions; for control over the practising of veterinary professions and para-veterinary professions; and for matters connected therewith.

[a19y1982s1]1 Definitions

In this Act, unless the context otherwise indicates-

'animal' means any vertebrate other than man;

'corporation' means a close corporation incorporated as such in terms of the Close Corporations Act, 1984 (Act 69 of 1984);

[Definition of 'corporation' inserted by s. 1 (a) of Act 19 of 1989.]

'council' means the council established by section 2;

'Minister' means the Minister of Agriculture;

[Definition of 'Minister' substituted by s. 1 (b) of Act 19 of 1989.]

'officer' means an officer as defined in section 1 of the Public Service Act, 1994 (Proclamation 103 of 1994);

[Definition of 'officer' substituted by s. 1 (c) of Act 19 of 1989 and by s. 1 (a) of Act 10 of 2002.]

'para-veterinary profession' means a profession referred to in a notice under section 21;

'prescribe' means prescribe by regulation;

'private company' means a company incorporated and registered as a private company in terms of the Companies Act, 1973 (Act 61 of 1973);

[Definition of 'private company' inserted by s. 1 (b) of Act 10 of 2002.]

'registrar' means the Registrar appointed in terms of section 14;

'regulation' means any regulation made under this Act;

'rule' means any rule made by the council under section 30;

'student' means a person who is enrolled at a university or other educational institution in the Republic as a student for a degree, diploma or certificate prescribed under section 20;

'this Act' includes the regulations;

'veterinarian' means any person who is registered or deemed to be registered in terms of this Act to practise the veterinary profession of veterinarian;

'veterinary profession' means the profession of veterinarian or veterinary specialist;

'veterinary specialist' means any person who is registered with a particular speciality in terms of this Act to practise the veterinary profession of veterinary specialist.

[a19y1982s2]2 Establishment of South African Veterinary Council

(1) There is hereby established a council to be known as the South African Veterinary Council.

(2) The council shall be a juristic person.

[a19y1982s3]3 Objects of council

The objects of the council shall be-

- (a) to regulate the practising of the veterinary professions and para-veterinary professions and the registration of persons practising such professions;
- (b) to determine the minimum standards of tuition and training required for degrees, diplomas and certificates entitling the holders thereof to be registered to practise the veterinary professions and para-veterinary professions;
- (c) to exercise effective control over the professional conduct of persons practising the veterinary professions and para-veterinary professions;
- (d) to determine the standards of professional conduct of persons practising the veterinary professions and para-veterinary professions;
- (e) to encourage and promote efficiency in and responsibility with regard to the practice of the veterinary professions and para-veterinary professions;
- (f) to protect the interests of the veterinary professions and para-veterinary professions and to deal with any matter relating to such interests;
- (g) to maintain and enhance the prestige, status and dignity of the veterinary professions and para-veterinary professions and the integrity of persons practising such professions;
- (h) to advise the Minister in relation to any matter affecting a veterinary profession or a para-veterinary profession.

[a19y1982s4]4 Powers and functions of council

The council may, in order to achieve its objects-

- (a) acquire or hire movable or immovable property;
- (b) develop, mortgage, let, sell or otherwise dispose of

or burden movable or immovable property of the council;

(c) accept, draw, endorse, issue, make, pay or perform any other act in respect of negotiable instruments;

(d) spend and invest funds of the council;

(e) enter into contracts;

(f) exercise or perform any power or function conferred or imposed upon it by or under this Act or any other law;

(g) generally take such other steps and perform such other acts as may be necessary for or conducive to the achievement of the objects of the council.

[a19y1982s5]5 Constitution of council

(1) Whenever it becomes necessary to designate or elect the members of the council, the following procedure shall be followed:

(a) Before the expiration of the period of office of the outgoing council, an election shall be held in the prescribed manner for-

(i) the election of ten veterinarians or veterinary specialists by persons registered or deemed to be registered in terms of this Act to practise veterinary professions;

(ii) the election of one representative of each para-veterinary profession by persons registered or deemed to be registered in terms of this Act to practise the para-veterinary profession concerned.

(b) The Minister shall, after consultation with the outgoing council, appoint a selection panel, which must consist of-

(i) three veterinarians or veterinary specialists;

(ii) one para-veterinary professional;

(iii) one non-veterinary professional.

(c) The selection panel shall select-

law;

- (i) two persons on account of their knowledge of law;
- (ii) eight veterinarians or veterinary specialists;
- (iii) two non-veterinarians.

(d) The rector or principal of each university in the Republic that has a faculty of veterinary science, shall nominate at least three veterinarians or veterinary specialists who are fit and proper persons.

[Sub-s. (1) amended by s. 2 of Act 19 of 1989 and substituted by s. 2 (a) of Act 10 of 2002.]

(2) The council consists of-

(a) one officer of the Department of Agriculture who is a veterinarian or veterinary specialist, designated by the Minister;

(b) six veterinarians or veterinary specialists from the ten persons elected as contemplated in subsection (1) (a) (i), of whom-

(i) the three persons with the most votes in that election qualify automatically to be members of the council;

(ii) three further persons shall be designated by the Minister;

(c) one representative of each para-veterinary profession elected as contemplated in subsection (1) (a) (ii);

(d) one person from the persons referred to in subsection (1) (c) (i), designated by the Minister;

(e) five persons designated by the Minister from the persons referred to in subsection (1) (c) (ii) and (iii), of whom at least one shall be a non-veterinarian;

(f) one person from each of the universities in the Republic that has a faculty of veterinary science, designated by the Minister from the nominations referred to in subsection (1) (d); and

(g) one representative designated by the South African Veterinary Association from its members.

[Sub-s. (2) substituted by s. 2 (b) of Act 10 of 2002.]

(2A) The period of office of all the members of the council shall run consecutively.

[Sub-s. (2A) inserted by s. 2 (c) of Act 10 of 2002.]

(2B) Within 30 days after the commencement of office of the members of the council, the Minister shall inform the parliamentary committees in writing of the designation or election of the members concerned.

[Sub-s. (2B) inserted by s. 2 (c) of Act 10 of 2002.]

(3) Whenever any designation in terms of subsection (2) (f) or (g) becomes necessary, the registrar shall request the rector or principal concerned or the South African Veterinary Association, as the case may be, in writing to designate or nominate within a specified period the persons required to be designated or nominated in terms of that subsection.

[Sub-s. (3) substituted by s. 2 (d) of the 10 of 2002.]

(4) If the registrar or principal concerned or the said Association fails to comply with such request within the said period, the Minister may designate any person holding the qualifications necessary for designation and whom he or she deems fit, to be a member of the council in the place of a person to be designated in terms of subsection (2) (f) or (g).

[Sub-s. (4) substituted by s. 2 (e) of the 10 of 2002.]

(5) If at any time it appears to the Minister that the election of a member of the council did not in all respects take place in the prescribed manner, or that an irregularity occurred with regard to such election, and if he or she is of the opinion that the omission to comply with the prescribed requirements, or the said irregularity, does not justify the annulment of the election, he or she may, in his or her discretion, condone such omission or irregularity, and may, notwithstanding such omission or irregularity, declare the election of a

member so elected, to be valid.

[Sub-s. (5) amended by s. 17 of Act 10 of 2002.]

[a19y1982s6]6 Qualifications of members of council

(1) No person shall be designated as a member of the council in terms of section 5 (2) (a), (d), (e), (f) or (g) or elected as a member of the council by virtue of section 5 (2) (b) if-

(a) he or she is not a veterinarian or veterinary specialist, where required to be so;

(b) he or she is not a South African citizen;

(c) he or she is not permanently resident in the Republic;

(d) he or she suffers from mental illness as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973);

(e) his or her estate has been sequestrated or surrendered or he or she has entered into a composition with his or her creditors;

(f) he or she has at any time been convicted of an offence in respect of which he or she was sentenced to imprisonment without the option of a fine and such sentence was not suspended; or

(g) he or she does not satisfy the prescribed requirements with regard to the election of members of the council.

[Sub-s. (1) substituted by s. 3 (a) of Act 10 of 2002.]

(1A) (a) No person shall be elected as a member of the council by virtue of section 5 (2) (c) unless such person is registered or deemed to be registered in terms of this Act to practise the para-veterinary profession concerned.

(b) The qualifications specified in paragraphs (b), (c), (d), (e), (f) and (g) of subsection (1) shall mutatis mutandis apply to the election of a member of the council by virtue of section 5 (2) (c).

[Sub-s. (1A) inserted by s. 3 of Act 19 of 1989 and substituted by s. 3

(b) of Act 10 of 2002.]

(2) No person shall qualify to be a member of the council if such person has been found guilty of unprofessional, improper or disgraceful conduct after an inquiry under section 31 and the council has exercised its disciplinary powers in terms of section 33 (1) (b), (c) or (d).

[Sub-s. (2) substituted by s. 3 (c) of Act 10 of 2002.]

[a19y1982s7]7 Tenure of office of members of council

A member of the council shall hold office for a period of three years and shall at the expiration of his or her period of office by effluxion of time be eligible for redesignation or re-election.

[S. 7 amended by s. 17 of Act 10 of 2002.]

[a19y1982s8]8 Vacation of office and filling of vacancies

(1) A member of the council shall vacate his or her office if-

(a) he or she ceases to comply with the requirements referred to in section 6;

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) he or she is absent from two consecutive meetings of the council without the permission of the council;

[Para. (b) amended by s. 17 of Act 10 of 2002.]

(c) he or she, in the case of a member designated-

(i) in terms of section 5 (2) (a) or (d), tenders his or her resignation in writing to the Minister; or

(ii) in terms of section 5 (2) (a), ceases to be an officer;

[Para. (c) substituted by s. 4 (a) of Act 10 of 2002.]

(d) he or she, in the case of a member designated in terms of section 5 (2) (f)-

(i) tenders his or her resignation in writing to the rector or principal of the university in question; or

(ii) ceases to be a fit and proper person;

[Para. (d) substituted by s. 4 (b) of Act 10 of 2002.]

(e) he or she, in the case of a member designated in terms of section 5 (2) (g)-

(i) tenders his or her resignation in writing to the president of the council; or

(ii) ceases to be a member of the South African Veterinary Association;

[Para. (e) substituted by s. 4 (c) of Act 10 of 2002.]

(f) he or she, in the case of a member elected by virtue of section 5 (2) (b) or (c) tenders his or her resignation in writing to the president of the council; or

[Para. (f) substituted by s. 4 of Act 19 of 1989 and by s. 4 (d) of Act 10 of 2002.]

(g) the Minister, at the request of or after consultation with the council, in the public interest terminates his or her membership.

[Para. (g) amended by s. 17 of Act 10 of 2002.]

(2) Any vacancy on the council arising from a circumstance referred to in subsection (1) or any vacancy caused by the death of a member, shall be filled within three months by designation or election, as the case may be, in consultation with the council, in the manner in which the member who vacates his or her office or dies, was required to be designated or elected, and any member so designated or elected shall hold office for the unexpired portion of the period for which the member who vacates his or her office or dies, was designated or elected.

[Sub-s. (2) substituted by s. 4 (e) of Act 10 of 2002.]

(3) Any vacancy on the council arising from the expiration of the period of office shall be filled, as required by section 5, within three months from such expiration.

[Sub-s. (3) added by s. 4 (f) of Act 10 of 2002.]

[a19y1982s9]9 President and vice-president of council

(1)

[Sub-s. (1) deleted by s. 5 of Act 10 of 2002.]

(2) At the first meeting of every newly constituted council the members of the council shall elect a president and a vice-president from their number.

(3) If the office of president or vice-president becomes vacant for any reason other than effluxion of time, the members of the council shall, at the first meeting after such vacancy occurred or as soon thereafter as may be convenient, elect from their number a new president or vice-president, as the case may be, and the member so elected shall hold office for the unexpired portion of the period for which his or her predecessor was elected.

[Sub-s. (3) amended by s. 17 of Act 10 of 2002.]

(4) No member of the council shall hold the office of president or vice-president for longer than two consecutive terms of office.

(5) If for any reason the president is not able to act, the vice-president shall perform all the duties and exercise all the powers of the president.

(6) The president or vice-president of the council may vacate his or her office without terminating his or her membership of the council.

[Sub-s. (6) amended by s. 17 of Act 10 of 2002.]

[a19y1982s10]10 Meetings of council

(1) The council shall meet at least three times every year at such places as the president may determine, and shall in addition hold any special meeting referred to in subsection (2).

(2) (a) A special meeting of the council shall be convened by the president at the written request of the Minister or of at least three members of the council.

(b) A special meeting shall be held at such place as the president may determine, within 30 days after the date of receipt of such request by the president.

(c) A request referred to in paragraph (a) shall clearly state the purpose for which the meeting in question is to be convened.

(3) The majority of the members of the council shall constitute a quorum for a meeting of the council.

(4) The president, or in his or her absence the vice-president, of the council shall preside at all meetings of the council at which he or she is present, and if both the president and the vice-president are absent from any meeting, the members present shall elect one of their number to preside at that meeting, and the person so elected may during that meeting perform all the functions and exercise all the powers of the president.

[Sub-s. (4) amended by s. 17 of Act 10 of 2002.]

(5) The person presiding at a meeting of the council shall determine the procedure at the meeting.

(6) The decision of a majority of the members of the council present at any meeting thereof shall constitute the decision of the council: Provided that in the event of an equality of votes the member presiding at that meeting shall have a casting vote in addition to his or her deliberative vote.

[Sub-s. (6) amended by s. 17 of Act 10 of 2002.]

(7) No decision taken by the council or act performed under authority of the council shall be invalid by reason only of an interim vacancy on the council or by reason of the fact that a person who is not entitled to sit as a member of the council sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

[a19y1982s11]11Executive committee

(1) There shall be an executive committee of the council consisting of the president and two other members of the council designated by the council.

(2) Subject to the provisions of this Act and the directions of the council, the executive committee may during periods between meetings of the council exercise all the powers and perform all the functions of the council.

(3) The provisions of subsection (2) do not empower the executive committee to set aside or amend any decision of the council.

(4) Any decision taken or act performed by or on the authority of the executive committee shall be of full force and effect, unless it is set aside or amended by the council either of its own accord within one year after such decision or act or at the request, within that year, of a person affected thereby, at any time after such decision or act.

[Sub-s. (4) substituted by s. 1 of Act 13 of 1993.]

(5) The provisions of section 10 (3), (5), (6) and (7) shall mutatis mutandis apply to the executive committee.

[a19y1982s12]12Other committees

(1) The council may from time to time establish such other committees as it may deem necessary to exercise such powers and perform such functions as may from time to time be conferred or imposed upon or delegated to them by the council.

(2) Each such committee shall consist of such number of persons, appointed by the council, as may be determined by the council.

(3) The council shall designate a member of a committee, who shall also be a member of the council, as the chairman of that committee.

(4) The provisions of sections 10 (3), (5), (6) and (7) and 11 (4) shall mutatis mutandis apply to a committee established under this section.

[a19y1982s13]13 Allowances of members of council and committees

(1) Members of the council or of any committee referred to in section 11 or 12 may be paid out of the funds of the council in respect of their services as such members such travelling and subsistence allowances as the council may determine.

(2) Any such allowance so paid to any member who is an officer shall be in accordance with the laws governing his or her employment by the State.

[Sub-s. (2) amended by s. 17 of Act 10 of 2002.]

[a19y1982s14]14 Appointment of registrar and staff

(1) The council shall appoint a Registrar for the purposes of this Act.

(2) Any power conferred upon, function assigned to or duty imposed upon the registrar by or under this Act or any other law, may be exercised, performed or carried out by the registrar personally or by another person appointed by the registrar with the approval of the council, who acts under the delegation, control or direction of the registrar.

(3) The remuneration and other conditions of service of the registrar and any other person referred to in subsection (2) shall be determined by the council.

(4)

[Sub-s. (4) deleted by s. 6 of Act 10 of 2002.]

(5) The council may with the approval of the Minister and on account of incapacity or neglect of duty reduce the remuneration of, suspend or dismiss the registrar or any other person appointed under subsection (2).

(6)

[Sub-s. (6) deleted by s. 6 of Act 10 of 2002.]

[a19y1982s15]15 Funds of council

(1) The funds of the council shall consist of-

- (a) fines imposed and recovered in terms of this Act;
- (b) advances referred to in subsection (2);
- (c) moneys obtained by way of loans raised by the council with the approval of the Minister;
- (d) any other moneys received by the council in terms of this Act; and
- (e) any moneys accruing to the council from any other source.

(2) (a) The Minister may, with the concurrence of the Minister of Finance, advance to the council out of moneys appropriated by Parliament such amounts as he or she may deem necessary in order to enable the council to perform its functions.

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) Any such advance shall be made on such conditions and shall be repayable at such times as the Minister may, with the concurrence of the Minister of Finance, determine.

(3) The council shall use its funds for defraying the expenditure incurred in the achievement of its objects and the performance of its functions under this Act.

(4) The council may invest any unexpended portion of its funds.

[a19y1982s16]16Bookkeeping and auditing

(1) The council shall cause proper records to be kept of all moneys received or expended by it, of all its assets and liabilities and of all financial transactions entered into by it, and shall as soon as possible after the end of each financial year cause statements of account and a balance sheet to be prepared showing, with all appropriate particulars, the moneys received and the expenditure incurred by it during, and its assets and liabilities at the end of, that financial year.

(2) (a) The records, statements of account and balance sheet

referred to in subsection (1) shall be audited by a person registered as an accountant and auditor under the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951), and appointed by the council.

(b) Copies of such documents so audited shall be open for inspection at the office of the council during office hours by persons who are registered or deemed to be registered in terms of this Act.

[a19y1982s17]17Reports by council

(1) The council shall within six months after the close of a financial year submit a report to the Minister on its activities during that financial year.

(2) Copies of such report-

(a) shall be laid upon the Tables by the Minister in Parliament within fourteen days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session;

[Para. (a) substituted by s. 5 of Act 19 of 1989.]

(b) shall be open for inspection by the public at the office of the council during office hours; and

(c) shall be obtainable at the office of the council on payment of such amount as may be determined therefor by the council.

[a19y1982s18]18Keeping of registers

(1) (a) The registrar shall keep registers in respect of all persons whose applications for registration in terms of this Act to practise veterinary professions or para-veterinary professions have been approved by the council.

(b) A separate register shall be kept in respect of all persons belonging to a group whose applications for registration in terms of this Act to practise a particular veterinary profession or para-veterinary profession have been approved by the council.

(c) The registrar shall enter in the appropriate register the

prescribed particulars regarding every such person.

(2) The registers kept in terms of section 7 (2) of the Veterinary Act, 1933 (Act 16 of 1933), shall be incorporated with and form part of the registers to be kept in terms of subsection (1) of this section.

(3) The registrar shall from time to time, by order of the council-

(a) publish a list showing the particulars determined by the council, of the entries in every register to be kept in terms of subsection (1); and

(b) publish a supplementary list showing the particulars determined by the council, of the additions, alterations and deletions entered in each such register since the publication of the preceding list in terms of paragraph (a) or the preceding supplementary list in terms of this paragraph.

(4) The latest issue of a list which was printed and published in terms of section 7 (3) of the Veterinary Act, 1933, shall, until it is substituted by a list in terms of subsection (3) (a), be deemed to be a list published in terms of the latter subsection.

(5) Copies of any list or supplementary list published in terms of subsection (3) shall be obtainable from the registrar on payment of such amount as may be determined therefor by the council.

(6) Any certificate in respect of particulars entered in a register in respect of any person in terms of this section, shall only be issued by the registrar on payment of such amount as may be determined therefor by the council.

[a19y1982s19]19Register to be proof

(1) Any document purporting to be an extract from any register referred to in section 18 (1) and signed by the registrar shall on production thereof in any proceedings be admissible as evidence and be prima facie proof of the facts recorded therein.

(2) A certificate purporting to be signed by the registrar and in which it is certified that the name of a person mentioned therein does not appear in any such register, shall be prima facie proof of the fact that such person is not registered or deemed to be registered in terms of this Act.

[a19y1982s20]20Qualifications for registration in terms of Act

(1) (a) The Minister may from time to time on the recommendation of the council prescribe the degrees, diplomas and certificates, granted after examination by a university or other educational institution, which shall entitle the holders thereof to registration in terms of this Act to practise veterinary professions or para-veterinary professions.

(b) Different degrees, diplomas or certificates may be so prescribed in respect of different veterinary professions or para-veterinary professions.

(2) (a) Every university or other educational institution in the Republic granting degrees, diplomas or certificates which are prescribed in terms of subsection (1) shall furnish the council-

(i) annually at the prescribed time with the prescribed particulars relating to the students who are enrolled there for such degrees, diplomas or certificates;

(ii) at its request with full particulars as to the minimum age and standard of general education required of students, the courses of study, training and examinations required of students before such degrees, diplomas or certificates are granted, the results of such examinations conducted by it, and such other particulars regarding any matter mentioned in this subparagraph as the council may require.

(b) If the council deems it expedient, it may designate a person to be present when the examinations for such degree, diploma or certificate are conducted.

(c) A person so designated by the council-

(i) may at all reasonable times enter upon the premises of a university or other educational institution concerned in order to be present when the examinations concerned are conducted;

(ii) shall be afforded all reasonable assistance required by him or her to enable him or her to be present when the examinations concerned are conducted; and

[Sub-para. (ii) amended by s. 17 of Act 10 of 2002.]

(iii) shall report his or her findings to the council.

[Sub-para. (iii) amended by s. 17 of Act 10 of 2002.]

(d) The prescribing under subsection (1) of a degree, diploma or certificate granted after examination by a university or other educational institution in the Republic may be withdrawn by the Minister by regulation on the recommendation of the council if-

(i) the university or other educational institution concerned fails or refuses to furnish any particulars requested by the council in terms of paragraph (a) (ii); or

(ii) the council is of opinion that the courses of study, training or examinations required of students before the degree, diploma or certificate concerned is granted, no longer justify the prescribing of that degree, diploma or certificate.

(3) A recommendation in terms of subsection (1) in respect of a degree, diploma or certificate granted after examination by a university or other educational institution situated outside the Republic shall only be furnished by the council if-

(a) any such degree, diploma or certificate entitles the holder thereof to practise a corresponding veterinary profession or para-veterinary profession, as the case may be, in the country in which such university or other educational institution is situated;

(b) by the laws of that country a person holding a corresponding degree, diploma or certificate prescribed under subsection (1) and granted after examination by a university or other educational institution situated in the Republic is qualified without further examination to practise a veterinary profession or a para-veterinary profession, as the case may be, in that country; and

(c) the council is satisfied that possession of any such degree, diploma or certificate indicates a standard of knowledge not lower than that required for the acquisition of a corresponding degree, diploma or certificate granted after examination by any university or other educational institution situated in the Republic and prescribed under subsection (1).

(4) Any degree, diploma or certificate granted by a university or other educational institution in the Republic and which entitles, under section 8 of the Veterinary Act, 1933 (Act 16 of 1933), the holder thereof to be registered under that Act, shall be deemed to be prescribed under subsection (1) of this section.

(5) (a) Notwithstanding the provisions of subsection (1), the council may accept a degree, diploma or certificate not prescribed under that subsection, for the purposes of the registration of the holder thereof in terms of this Act to practise a veterinary profession or a para-veterinary profession, as the case may be.

(b) A degree, diploma or certificate shall only be so accepted if-

(i) the council is satisfied that the person concerned has sufficient knowledge and experience to enable him or her to practise the profession concerned in the Republic, for which purpose such person, except if the council expressly determines otherwise, shall pass an examination determined by the council;

[Sub-para. (i) amended by s. 17 of Act 10 of 2002.]

(ii) in the case of the contemplated registration as a veterinary specialist, it is a post-graduate qualification connected with the speciality in respect of which registration is desired and the council is satisfied that the person in question has sufficient knowledge and experience to enable such person to practise the profession concerned, for which purpose such person, except if the council expressly determines otherwise, shall pass an examination determined by the council.

[Sub-para. (ii) substituted by s. 7 (a) of Act 10 of 2002.]

(c) An examination referred to in paragraph (b) shall only be conducted after payment of such amount as may be determined by the council.

[Para. (c) substituted by s. 7 (b) of Act 10 of 2002.]

(d) The acceptance of a degree, diploma or certificate in terms of paragraph (a) in respect of a particular person-

(i) shall not necessarily imply that it could be prescribed under subsection (1) or that, if obtained by any other person, it could

also be accepted for the purposes of the registration in terms of this Act of such other person;

(ii) shall be subject to such conditions as the council may in each case determine.

(e) The council shall annually in the report referred to in section 17 specify the degrees, diplomas or certificates which during the year concerned were accepted in terms of this subsection, as well as the conditions subject to which they were so accepted.

[a19y1982s21]21Para-veterinary professions

(1) The Minister may on the recommendation of the council by notice in the Gazette declare the provisions of this Act applicable to any profession which has as its object the rendering of services supplementing the services which in terms of the rules are deemed to pertain specially to a veterinary profession.

(2) Different notices referred to in subsection (1) may be so published in the Gazette in respect of different professions.

[a19y1982s22]22Students to be registered

Every student, other than a student who is a veterinarian or a veterinary specialist, shall be registered in terms of this Act.

[a19y1982s23]23Unregistered persons shall not practise veterinary or para-veterinary professions

(1) (a) No person shall in any manner whatsoever practise a veterinary profession or a para-veterinary profession unless he or she is registered or deemed to be registered in terms of this Act to practise the profession concerned.

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) A student who is registered in terms of this Act and undergoes practical training may render a particular service deemed in terms of the rules to pertain specially to a veterinary profession or a para-veterinary profession, if it is so rendered under the supervision and by direction of a person who is registered or deemed to be registered in terms of this Act to practise the profession concerned.

(c) The council may, after consideration of an application by a person not registered or deemed to be registered in terms of this Act, authorize him or her in writing to render, subject to such conditions as the council may determine, for gain a particular service deemed in terms of the rules to pertain specially to a veterinary profession or a para-veterinary profession.

[Para. (c) substituted by s. 2 (a) of Act 13 of 1993 and amended by s. 17 of Act 10 of 2002.]

[Sub-s. (1) substituted by s. 6 (a) of Act 19 of 1989.]

(2) For the purposes of this Act the practising of a veterinary profession means-

(a) for gain, directly or indirectly, whether for own account or within the scope of employment with any employer, including the State-

(i) supplying or selling any veterinary medicine as defined in section 1 of the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965), in connection with an animal; or

(ii) rendering any service which in terms of the rules is deemed to pertain specially to a veterinary profession;

[Para. (a) amended by s. 6 (b) of Act 19 of 1989.]

(b) holding oneself out as or purporting to be a person practising a veterinary profession or purporting to be registered in terms of this Act or the Veterinary Act, 1933 (Act 16 of 1933), to practise a veterinary profession;

(c) using a designation which is reserved in terms of this Act for allocation to persons who are registered or deemed to be registered in terms of this Act, or any other name, title, description, addition or symbol indicating or purporting or creating the impression, or calculated to create the impression, that a person practises a veterinary profession, or is registered or deemed to be registered in terms of this Act, or is otherwise lawfully entitled to practise a veterinary profession; or

(d) performing any act which has as its purpose diagnosing, treating or preventing any pathological condition in any animal or which constitutes a surgical operation on any animal, and is

deemed in terms of the rules to pertain specially to a veterinary profession.

[Para. (d) substituted by s. 2 (b) of Act 13 of 1993.]

(3) For the purposes of this Act any reference in subsection (2) (a) (ii), (b) or (c) to a veterinary profession shall be deemed also to be a reference to a para-veterinary profession.

[Sub-s. (3) substituted by s. 2 (c) of Act 13 of 1993.]

(4) The provisions of subsection (2) do not prohibit a pharmacist registered under the Pharmacy Act, 1974 (Act 53 of 1974), from performing any act falling within the scope of his or her profession as contemplated in that Act or the Medicines and Related Substances Control Act, 1965.

[Sub-s. (4) amended by s. 17 of Act 10 of 2002.]

[a19y1982s24]24Requirements for registration

(1) Subject to the provisions of subsection (1A), a person may be registered in terms of this Act to practise a veterinary profession or a para-veterinary profession if-

(a) in the case of a natural person, that person is the holder of an appropriate degree, diploma or certificate prescribed or accepted under section 20; or

(b) in the case of a juristic person, that person is a corporation or a private company.

[Sub-s. (1) substituted by s. 7 (a) of Act 19 of 1989 and by s. 8 (a) of Act 10 of 2002.]

(1A) (a) If a period of more than three years has elapsed-

(i) from the date on which the degree, diploma or certificate, contemplated in subsection (1) was granted to a person, up to the date on which such person applies for registration in terms of section 25 for the first time; or

(ii) from the date on which the registration of a person is terminated in terms of section 28 (1), up to the date on which such

person applies for the reinstatement of his or her registration in terms of section 28 (5),

the council may determine that such person shall be registered as contemplated in subsection (1) only if he or she has passed an examination determined by the council.

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) An examination referred to in paragraph (a) shall be conducted only after payment of such amount as may be determined by the council.

[Sub-s. (1A) inserted by s. 7 (b) of Act 19 of 1989.]

(2) Notwithstanding anything to the contrary contained in this Act, a person who is not the holder of a degree, diploma or certificate prescribed under section 20, may be registered to practise any para-veterinary profession if-

(a) the person concerned submits his or her application for such registration to the registrar in the prescribed manner within six months from the date on which a notice relating to the para-veterinary profession concerned was published under section 21;

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) such application is accompanied by documentary proof which satisfies the council that the person concerned practised the para-veterinary profession concerned for a continuous period of at least five years prior to the date of publication of the notice concerned, and is wholly or mainly dependent on the practice thereof for his or her livelihood; and

[Para. (b) amended by s. 17 of Act 10 of 2002.]

(c) the person concerned has passed an examination determined by the council.

(3) Notwithstanding the provisions of subsections (1) and (2) a person shall not be registered in terms of this Act if-

(a) he or she has at any time been removed from an office of trust on account of improper conduct;

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) he or she has at any time been convicted of extortion, bribery, any offence under the Prevention of Corruption Act, 1958 (Act 6 of 1958), the Corruption Act, 1992 (Act 94 of 1992), Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004, theft, fraud, forgery or uttering of a forged document or perjury, and was sentenced in respect thereof to imprisonment without the option of a fine;

[Para. (b) amended by s. 17 of Act 10 of 2002 and substituted by s. 36 (1) of Act 12 of 2004.]

(c) he or she is a patient or a President's patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973); or

[Para. (c) amended by s. 17 of Act 10 of 2002.]

(d) his or her registration has been withdrawn under section 33 (1) (d), unless the council directs otherwise in a particular case.

[Para. (d) amended by s. 17 of Act 10 of 2002.]

(4) Notwithstanding the provisions of subsection (1) a corporation shall be registered in terms of this Act only if-

(a) the principal business of that corporation is the practising of a veterinary profession or a para-veterinary profession, as the case may be;

(b) that corporation has nominated one of its members as the manager thereof for the purposes of this Act;

(c) the manager which has been so nominated-

(i) resides in the Republic; and

(ii) is a person who is registered in terms of this Act to practise a veterinary profession or the para-veterinary profession concerned, as the case may be;

(d) the members' interests in that corporation are held, subject to the provisions of section 28 (1A) (a), solely by natural persons who are registered in terms of this Act to practise a veterinary profession or the para-veterinary profession concerned, as the case may be.

[Sub-s. (4) added by s. 7 (c) of Act 19 of 1989.]

(5) (a) Notwithstanding the provisions of subsection (1), a private company shall be registered in terms of this Act only if-

(i) the principal business of that private company is the practising of a veterinary profession or a para-veterinary profession, as the case may be;

(ii) all the shareholders of the company are registered in terms of this Act to practise a veterinary or a para-veterinary profession;

(iii) the name of the company has been approved by the council;

(iv) every shareholder of the company is a director and only a shareholder shall be a director thereof; and

(v) its memorandum of association provides that the directors and past directors shall be liable jointly and severally, together with the company, for such debts and liabilities of the company as are or were incurred during their periods of office.

(b) If a private company ceases to conform to any requirement of paragraph (a), it shall forthwith cease to practise and shall, as from the date on which it ceases to conform, not be recognised to practise the veterinary or para-veterinary profession, as the case may be.

[Sub-s. (5) added by s. 8 (b) of Act 10 of 2002.]

[a19y1982s25]25Registration of persons

(1) (a) A person desiring registration in terms of this Act-

(i) on account of his or her enrolment as a student; or

[Sub-para. (i) amended by s. 17 of Act 10 of 2002.]

(ii) in order to practise for gain, directly or indirectly, in any way whatsoever, a veterinary profession or a para-veterinary profession,

shall apply to the council therefor in the prescribed manner and at the prescribed time, and such application shall be accompanied by the application fee prescribed for the kind of registration required, as well as such documents as may be prescribed.

(b) The council may direct an applicant to submit such further documentary evidence regarding identity, good character, education and experience as it may require in order to consider such application.

(2) If the council, after consideration of an application in terms of subsection (1) and after such investigation and inquiry as it may deem necessary, is satisfied that the applicant concerned may be registered in terms of this Act, it shall approve such application, and the registrar shall thereupon register the applicant by-

(a) issuing an appropriate certificate of registration to him or her; and

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) entering the prescribed particulars in respect of him or her in the appropriate register.

[Para. (b) amended by s. 17 of Act 10 of 2002.]

(3) (a) The said registration of any person is subject to the provisions of this Act and such further conditions as the council may in each case determine.

(b) Such conditions may-

(i) relate to the kind of work which a person who is registered in terms of this Act may perform;

(ii) include requirements which have to be complied with in the practice of the profession concerned.

(4) If the council refuses to approve an application, the applicant

concerned shall be notified in writing of such decision and of the grounds on which it is based.

(5) Except if the council directs otherwise in a particular case, a person shall not be registered in terms of this Act to practise more than one para-veterinary profession simultaneously or, in the case of a veterinary specialist, with more than one speciality.

[Sub-s. (5) substituted by s. 8 of Act 19 of 1989.]

(6) (a) If a person is registered by virtue of a degree, diploma or certificate which is accepted in terms of section 20 (5), and such person is resident in the Republic but is not a South African citizen, his or her registration shall lapse seven years, or such further period as the council may in a particular case determine, after the date on which a certificate of registration was issued to him or her in terms of subsection (2), unless he or she becomes a South African citizen before the date on which his or her registration is so to lapse.

(b) A person whose registration has lapsed as contemplated in paragraph (a), shall not again be registered in terms of this Act before he or she is a South African citizen.

[Sub-s. (6) amended by s. 17 of Act 10 of 2002.]

(7) (a) Any person registered as a veterinarian or a veterinary nurse in terms of the Veterinary Act, 1933 (Act 16 of 1933), on the date of commencement of this section, shall be deemed to be registered in terms of this Act to practise the veterinary profession of veterinarian or the para-veterinary profession of veterinary nurse, respectively.

(b) Such continued registration shall be subject to-

(i) compliance with the conditions (if any) imposed by the Veterinary Board referred to in the Veterinary Act, 1933, in terms of section 13A (2) of that Act; and

(ii) payment to the council of an amount of R50 within 90 days of the date of commencement of this section.

(8) A person who is registered or deemed to be registered in terms of this Act to practise a veterinary profession or a para-veterinary profession shall, in the practice of his or her profession,

only state particulars of those degrees, diplomas or certificates entered opposite his or her name in the appropriate register.

[Sub-s. (8) amended by s. 17 of Act 10 of 2002.]

[a19y1982s26]26Maintenance of registration

(1) Any person who is registered or deemed to be registered in terms of section 25 may, subject to the earlier termination or withdrawal thereof under this Act, maintain such registration by paying annually to the council at the prescribed time the prescribed maintenance fee concerned, irrespective of whether that registration has been suspended under this Act for a particular period.

(2) Notwithstanding the provisions of subsection (1), the council may as it deems fit and subject to such conditions as it may in each case determine, exempt any person or category of persons from payment of the whole or a portion of the prescribed maintenance fee concerned.

[a19y1982s27]27Alteration of registration

(1) Any person who is registered or deemed to be registered in terms of this Act to practise a particular veterinary profession or para-veterinary profession, or a veterinary specialist so registered with a particular speciality, may apply to the council in the prescribed manner for the alteration of the said veterinary profession or para-veterinary profession or speciality, as the case may be.

(2) (a) Any such application shall be accompanied by the prescribed application fee concerned for the kind of alteration desired, as well as by such documents as may be prescribed.

(b) A veterinarian whose registration as such is maintained in terms of section 25 (7), shall be exempt from payment of the prescribed application fee concerned if an application for the alteration of his or her registration as such to that of veterinary specialist is submitted to the council within six months of the date of commencement of this section.

[Para. (b) amended by s. 17 of Act 10 of 2002.]

(3) The provisions of section 25 (1) (b), (2), (3) and (4) apply mutatis mutandis in respect of an application referred to in subsection

(1) of this section.

[a19y1982s28]28Termination of registration

(1) The registration of a person who is registered or deemed to be registered in terms of this Act, is terminated if-

(a) in the case of a student, he or she is no longer enrolled for a degree, diploma or certificate which is prescribed under section 20;

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) he or she has failed to furnish the registrar with the address of his or her permanent residence and his or her permanent postal address within three months after the date of a written request by the registrar, addressed to his or her permanent postal address as entered in the appropriate register;

[Para. (b) amended by s. 17 of Act 10 of 2002.]

(c) he or she fails to pay the prescribed fee for the maintenance of his or her registration within three months after the date of a written request by the registrar, addressed to his or her permanent postal address as entered in the appropriate register;

[Para. (c) amended by s. 17 of Act 10 of 2002.]

(d) he or she has been absent from the Republic for a continuous period of more than three years without having notified the council thereof in writing: Provided that this provision does not apply to a person residing in a state the territory of which formed part of the Republic and which became an independent state in terms of an Act of Parliament;

[Para. (d) amended by s. 17 of Act 10 of 2002.]

(dA) in the case of a corporation or a private company-

(i) that corporation or private company ceases to exist; or

(ii) the provisions of section 24 (4) or 24 (5) , as the case may be, are no longer complied with;

[Para. (dA) inserted by s. 9 (a) of Act 19 of 1989 and substituted by s. 9 (a) of Act 10 of 2002.]

(e) he or she becomes a patient or a President's patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973);

[Para. (e) amended by s. 17 of Act 10 of 2002.]

(f) in the case of any person referred to in section 25 (6), the period contemplated in that section expired before he or she became a South African citizen;

[Para. (f) amended by s. 17 of Act 10 of 2002.]

(g) he or she has so requested in writing and no steps in terms of section 31, 32 or 33 are pending or contemplated or will probably be instituted against him or her;

[Para. (g) amended by s. 17 of Act 10 of 2002.]

(h) he or she has obtained his or her registration fraudulently; or

[Para. (h) amended by s. 17 of Act 10 of 2002.]

(i) he or she has been registered in error.

[Para. (i) amended by s. 17 of Act 10 of 2002.]

(1A) (a) For the purposes of this Act, the member's interest of a person in a corporation or a private company may, at such person's death or at the termination, withdrawal or suspension of such person's registration in terms of this Act, be held by such person's estate or by such person, as the case may be, for a period of 12 months in the case of a corporation or for a period of six months in the case of a private company, from such person's death or the termination, withdrawal or suspension of such person's registration, or for such longer period as the council may on application determine.

[Para. (a) substituted by s. 9 (b) of Act 10 of 2002.]

(b) No voting rights shall attach to a member's interest held by

an estate or a person in terms of paragraph (a) except in respect of a resolution enabling the corporation to comply with the provisions of section 24 (4), or to dispose of its undertaking or assets or any part thereof.

[Sub-s. (1A) inserted by s. 9 (b) of Act 19 of 1989.]

(2) If the registration of any person is so terminated, the registrar shall-

(a) inform the person concerned thereof by means of a written notice addressed to his or her permanent postal address as entered in the appropriate register; and

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) delete the particulars entered in respect of such person in the appropriate register.

(3) A person whose registration is so terminated shall return his or her certificate of registration to the registrar within 30 days of the date of a notice referred to in subsection (2) (a).

[Sub-s. (3) amended by s. 17 of Act 10 of 2002.]

(4) If-

(a) it appears to the judge referred to in section 19 of the Mental Health Act, 1973, from the documents submitted to him or her in terms of section 18 (3) of that Act, or it is brought to the notice of such judge in any other manner, that the person to whom the documents relate is a person registered or deemed to be registered in terms of this Act, and such person is declared a mentally ill person as contemplated in section 19 (1) (b) of that Act; or

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) it is brought to the notice of a court that an accused person appearing before it is registered or deemed to be registered in terms of this Act, and the court in terms of section 77 (6) or 78 (6) of the Criminal Procedure Act, 1977 (Act 51 of 1977), directs that the accused person be detained pending the signification of the decision of the State President,

the judge or court shall direct that a copy of the order declaring the person concerned a mentally ill person, or, as the case may be, a copy of the direction that the accused person be detained pending the signification of the decision of the State President, be transmitted to the council.

(5) An application for reinstatement of registration shall be submitted and further dealt with in the manner contemplated in section 25.

[a19y1982s29]29Allocation of designations

(1) The Minister may prescribe the designations which are reserved for allocation to persons registered or deemed to be registered in terms of this Act to practise veterinary professions or para-veterinary professions.

(2) A person so registered or deemed to be so registered shall only employ the appropriate prescribed designation for himself in the practice of his or her profession.

[Sub-s. (2) amended by s. 17 of Act 10 of 2002.]

[a19y1982s30]30Rules

(1) The council may make rules as to-

(a) the services which shall for the purposes of this Act be deemed to be services pertaining specially to a veterinary profession or a para-veterinary profession;

(b) the course of conduct to be followed by students;

(c) the course of conduct to be followed by persons practising a veterinary profession or a para-veterinary profession;

(d) requirements to be complied with in connection with the advertising of the practice of a person practising a veterinary profession or a para-veterinary profession, including requirements relating to name-plates and signboards, speeches, lectures and interviews, publications in the lay press and printing on letterheads and prescription and account forms;

(e) the minimum standards for consulting rooms, clinics,

animal hospitals or other places at or from which a veterinary profession or a para-veterinary profession is practised;

(f) canvassing or touting of clients, tendering of services, professional appointments, consultations, concealment, supersession and intrusion, professional secrecy and undermining or prejudicing colleagues or the authority of the council by persons who are registered or deemed to be registered in terms of this Act; and

(g) any matter which the council deems necessary or expedient for the achievement or promotion of its objects or for the exercise of its powers or for the performance of its functions.

(2) Different rules may be made in terms of subsection (1) in respect of different veterinary professions and para-veterinary professions.

(3) No rule made in terms of subsection (1) or any amendment or withdrawal thereof shall be of force and effect until approved by the Minister and published in the Gazette by the registrar.

[a19y1982s31]31 Inquiry by council

(1) The council may, either as a result of a complaint or charge or allegation lodged with it or of its own accord, institute an inquiry into the conduct of a person who is registered or deemed to be registered in terms of this Act, or into an act or omission or alleged act or omission by such person in the practising of his or her profession, or into a contravention or alleged contravention of this Act or the rules by such person.

[Sub-s. (1) amended by s. 17 of Act 10 of 2002.]

(2) If such conduct, act, omission or contravention or alleged act, omission or contravention forms or is in the opinion of the council likely to form the subject of criminal or civil proceedings in a court of law, the council may postpone the inquiry until such proceedings have been determined.

(3) The acquittal or the conviction by a court of law upon a criminal charge of a person who is registered or deemed to be registered in terms of this Act, shall not be a bar to an inquiry in respect of him or her in terms of this section, even if the facts being inquired into would, if proved, constitute the offence set forth in the

criminal charge on which he or she was so acquitted or convicted, or any other offence of which he or she might have been convicted at his or her trial on the said criminal charge.

[Sub-s. (3) amended by s. 17 of Act 10 of 2002.]

(4) Whenever in the course of any proceedings before any court of law it appears to the court that there is prima facie proof of unprofessional, improper or disgraceful conduct on the part of a person who is registered or deemed to be registered in terms of this Act, or of conduct which, when regard is had to the profession of such person, is unprofessional, improper or disgraceful, the court shall direct that a copy of the record of such proceedings, or such portion thereof as is material to the issue, be transmitted to the council.

(5) If any person's conduct or any act, omission or contravention or alleged act, omission or contravention by any person is likely to be inquired into in terms of this Act, such person shall be notified in writing by the registrar of the matter to be inquired into, and such person may furnish the council with a written explanation, in the form of an affidavit, concerning it.

(6) (a) Any inquiry referred to in subsection (1) may be instituted simultaneously against a corporation or a private company, and a member or employee of that corporation or directors of that private company.

[Para. (a) substituted by s. 10 of Act 10 of 2002.]

(b) A manager referred to in section 24 (4) (b) shall, subject to the provisions of section 32 (7), represent the corporation at such inquiry and is personally responsible, irrespective of any responsibility of the corporation, for any act or omission by or on behalf of a corporation which may result in disciplinary action by the council, unless the council is satisfied that the responsibility for that act or omission rests upon another person who is registered in terms of this Act and is a member or an employee of that corporation.

[Sub-s. (6) added by s. 10 of Act 19 of 1989.]

[a19y1982s32]32Procedure at inquiry

(1) Any such inquiry shall be held on such date and at such time and place as may be determined by the president of the council, and

the registrar shall inform the person concerned in writing thereof.

(2) The council may in its discretion appoint one or more persons to advise the council at such inquiry on matters pertaining to law, procedure or evidence, or to lead the evidence at the inquiry, cross-examine the witnesses and act as pro forma complainant, and the council may remunerate any such person as it may deem fit.

[Sub-s. (2) substituted by s. 11 (a) of Act 19 of 1989.]

(2A) The person presiding at the inquiry shall keep or cause to be kept a record, whether in writing or by way of mechanical recording, of the proceedings at the inquiry and of the evidence given thereat.

[Sub-s. (2A) inserted by s. 11 (b) of Act 19 of 1989.]

(3) The council may for the purposes of such inquiry-

(a) summon in the prescribed manner any person who, in the opinion of the council, is able to furnish information of material importance to the inquiry, or who the council has reason to believe has in his or her possession or custody or under his or her control any book, document or record relating to the subject of the inquiry, to appear at a time and place specified in the summons to be examined or to produce such book, document or record, and may retain for examination any book, document or record so produced; and

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) through the person presiding at the inquiry, administer an oath to, or accept an affirmation from, any person present at the inquiry, and examine him or her or cause him or her to be examined by a person designated by the council to lead the evidence at the inquiry, and instruct him or her to produce any book, document or record in his or her possession or custody or under his or her control.

[Para. (b) amended by s. 17 of Act 10 of 2002.]

(4) A summons referred to in subsection (3) shall contain the prescribed information and shall be served in the prescribed manner, and the provisions of section 51 (2) of the Magistrates' Courts Act, 1944 (Act 32 of 1944), shall apply mutatis mutandis in respect of any

person on whom such summons has been so served.

(5) The law relating to privilege, as applicable to a witness summoned to give evidence or to produce a book, document or record in a civil trial before a court of law, shall mutatis mutandis apply in relation to the examination of or the production of any book, document or record by any person summoned in terms of this section.

(6) If the conduct or an act, omission or contravention or alleged act, omission or contravention of a person which is the subject of an inquiry in terms of this section, amounts to an offence of which such person has been convicted by a court of law, a certified copy of the record of the judgment relating to his or her trial and conviction by that court shall, upon identification of the person concerned as the person referred to in the record, be sufficient proof of the commission by him or her of such offence, unless the conviction has been set aside by a superior court.

[Sub-s. (6) amended by s. 17 of Act 10 of 2002.]

(6A) Any person against whom an enquiry is instituted in terms of this section shall be entitled, without appearing before the council, to admit guilt by means of a sworn affidavit on any of or all the charges mentioned in the summons concerned.

[Sub-s. (6A) inserted by s. 3 of Act 13 of 1993.]

(6B) A sworn affidavit referred to in subsection (6A) shall be submitted to the council, or a committee established by the council under section 12.

[Sub-s. (6B) inserted by s. 3 of Act 13 of 1993.]

(6C) The council or committee, as the case may be, may, after consideration of the sworn affidavit and if it deems it expedient, accept the admission of guilt, and, having regard to any mitigating factors, impose upon the person concerned any penalty mentioned in section 33 (1) (a).

[Sub-s. (6C) inserted by s. 3 of Act 13 of 1993.]

(7) Any person against whom an inquiry is instituted in terms of this section, shall be entitled either in person or through his or her legal representative-

- (a) to be present at the inquiry;
- (b) to answer the charge;
- (c) to cross-examine any person who has given evidence at the inquiry;
- (d) to inspect any book, document or record referred to in subsection (3);
- (e) to call persons to give evidence in support of his or her defence; and
- (f) to be heard in his or her defence.

[Sub-s. (7) substituted by s. 11 (c) of Act 19 of 1989 and amended by s. 17 of Act 10 of 2002.]

(7A) At any inquiry in terms of this section it shall be no defence that the person whose conduct or act, omission or contravention is the subject of the inquiry, acted within the scope of his or her employment with any employer, or in a representative capacity on behalf of a juristic person.

[Sub-s. (7A) inserted by s. 11 (d) of Act 19 of 1989 and amended by s. 17 of Act 10 of 2002.]

(8) Any person who, having been duly sworn or having made an affirmation, tenders false evidence at an inquiry held under this section, knowing such evidence to be false, shall be guilty of an offence and liable on conviction to the penalties which may lawfully be imposed for the offence of perjury.

[a19y1982s33]33Disciplinary powers of council

(1) If the council, after an inquiry held under section 32, finds a person who is registered or deemed to be registered in terms of this Act guilty of unprofessional, improper or disgraceful conduct, the council may-

- (a) reprimand or caution him or her;

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(aA) impose a fine not exceeding the amount determined by the Minister by notice in the Gazette;

[Para. (aA) inserted by s. 11 of Act 10 of 2002.]

(b) impose conditions and restrictions subject to which the person concerned may, for a specified period, practise the profession in respect of which he or she is registered;

[Para. (b) amended by s. 17 of Act 10 of 2002.]

(c) suspend his or her registration for such period and subject to such conditions as the council may in each case determine;
or

[Para. (c) amended by s. 17 of Act 10 of 2002.]

(d) withdraw his or her registration.

[Para. (d) amended by s. 17 of Act 10 of 2002.]

(2) The council may-

(a) postpone the imposing of a penalty upon any person so convicted; or

(b) suspend the execution of a penalty mentioned in subsection (1) (c) or (d) and so imposed upon a person,

for such period and subject to such conditions as it may in each case determine.

(3) The registrar shall-

(a) inform a person who is so found guilty, in writing of his or her conviction and of the grounds on which it is based;

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) enter the particulars of any penalty imposed upon a person under subsection (1) (a), (b) or (c), opposite his or her name in the appropriate register;

[Para. (b) amended by s. 17 of Act 10 of 2002.]

(bA) publish the name and address of the person concerned, and particulars of his or her conviction and the penalty imposed upon him or her, by notice in the Gazette;

[Para. (bA) inserted by s. 12 of Act 19 of 1989 and amended by s. 17 of Act 10 of 2002.]

(c) remove the name of a person whose registration is withdrawn under subsection (1) (d), from the appropriate register.

(4) (a) Any person whose registration is suspended under subsection (1) (c) of this section shall, except for the purposes of section 26, for the period of such suspension be deemed not to be so registered.

(b) The council may at any time before the expiration of the period for which any registration has been suspended under subsection (1) (c), on application in the prescribed manner terminate such suspension subject to such conditions as it may in each case determine.

(5) (a) If at the end of the period for which the imposition of a penalty has been postponed under subsection (2) (a), the council is satisfied that the person concerned has observed all the relevant conditions, the registrar shall inform the person concerned that no penalty will be imposed upon him or her.

[Para. (a) amended by s. 17 of Act 10 of 2002.]

(b) If the execution of a penalty has been suspended under subsection (2) (b) and the council is satisfied that the person concerned has observed all relevant conditions throughout the period of suspension, the registrar shall inform such person that such penalty will not be executed.

(6) If a person fails to comply with any conditions determined in terms of subsection (2), the council shall impose a penalty upon him or her or execute the penalty imposed upon him or her, unless he or she satisfies the council that the non-compliance with such conditions was due to circumstances beyond his or her control.

[Sub-s. (6) amended by s. 17 of Act 10 of 2002.]

(7)

[Sub-s. (7) deleted by s. 4 of Act 13 of 1993.]

(8) For the purposes of imposing a penalty under this section upon a person who is registered or deemed to be registered in terms of this Act, 'unprofessional, improper or disgraceful conduct', in relation to such person, means-

(a) the contravention of or the failure to comply with any provision of this Act or the rules;

(b) becoming mentally or physically disabled to such extent that it would be detrimental to the public interest to allow him or her to continue practising his or her profession;

[Para. (b) amended by s. 17 of Act 10 of 2002.]

(c) becoming unfit to purchase, acquire, keep, use, administer, prescribe, order, supply or possess any Scheduled substance as defined in the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965), or using, possessing, prescribing, administering or supplying any such Scheduled substance for purposes other than a medicinal purpose as defined in the said Act, or becoming addicted to the use of any such Scheduled substance; or

(d) conducting himself, through any other act or omission, in the opinion of the council unprofessionally, improperly or disgracefully, when regard is had to his or her profession.

[Para. (d) amended by s. 17 of Act 10 of 2002.]

[a19y1982s34]34Dispensing of medicine

(1) A person who is registered or deemed to be registered in terms of this Act to practise a veterinary profession, may personally compound or dispense any medicine which is prescribed by himself or by any other person with whom he or she is in partnership or with whom he or she is associated as a principal or an assistant or a locum tenens, for use in the treatment of an animal which is under his or her professional care: Provided that he or she shall not be entitled to keep an open shop or pharmacy.

[Sub-s. (1) amended by s. 17 of Act 10 of 2002.]

(2) A person referred to in subsection (1) shall not accept or obtain any commission or other reward from a pharmacist or other supplier in connection with medicine which is compounded or dispensed by virtue of a prescription.

[a19y1982s35]35Charges for the rendering of services

(1) No remuneration shall be recoverable in respect of the rendering of any service which in terms of the rules is deemed to pertain specially to a veterinary profession or a para-veterinary profession when rendered by a person who is not registered or deemed to be registered in terms of this Act to practise the profession concerned.

(2) to (4) inclusive

[Sub-ss. (2) to (4) inclusive deleted by s. 13 of Act 19 of 1989.]

[a19y1982s36]36Obligation of employers

(1) Any person who employs a person who is registered or deemed to be registered in terms of this Act to practise a veterinary profession or a para-veterinary profession, shall not cause such person to perform any work which he or she may not perform in terms of the rules.

[Sub-s. (1) amended by s. 17 of Act 10 of 2002.]

(2) The council may require an employer of a person who is registered or deemed to be registered in terms of this Act to submit to it a copy of the service contract which has been concluded with such person.

[a19y1982s37]37Secrecy

No person shall, except for the purposes of carrying out his or her functions or performing his or her duties under this Act or for the purpose of legal proceedings under this Act or when required to do so by any court or under any law, disclose to any other person any information acquired by him or her in the carrying out of his or her functions or the performance of his or her duties under this Act and relating to the business or affairs of any person registered or deemed

to be registered in terms of this Act.

[S. 37 amended by s. 17 of Act 10 of 2002.]

[a19y1982s38]38Correction of errors

(1) The registrar may authorize-

(a) the correction of any clerical error or error in translation appearing in any document submitted or issued in terms of this Act, or in a register kept in terms of this Act;

(b) the amendment of any document for the amendment of which no express provision is made in this Act;

(c) the condonation or correction of any irregularity in procedure in any proceedings before him or her, if such condonation or correction is not detrimental to the interests of any person.

[Para. (c) amended by s. 17 of Act 10 of 2002.]

(2) The registrar may exercise the authority under subsection (1) of his or her own accord or upon request in writing.

[Sub-s. (2) amended by s. 17 of Act 10 of 2002.]

(3) Where the registrar intends exercising his or her authority under subsection (1) of his or her own accord, he or she shall give notice of his or her intention to any person who in his or her opinion has an interest in the matter, and shall give such person an opportunity of being heard before exercising his or her authority.

[Sub-s. (3) amended by s. 17 of Act 10 of 2002.]

[a19y1982s39]39Defect in form not to invalidate documents

A defect in the form of any document which is in terms of any law required to be executed in a particular manner, or in a notice issued in terms of this Act, shall not render unlawful any administrative act performed in terms of this Act in respect of the matter to which such document or notice relates, and shall not be a ground for exception to any legal procedure which may be taken in respect of such matter, if the requirements and meaning thereof are set forth substantially and intelligibly.

[a19y1982s40]40Limitation of liability

No person, including the State, shall be liable in respect of anything done in good faith in the exercise or performance of a power or duty conferred or imposed by or under this Act.

[a19y1982s41]41Offences and penalties

(1) Any person who-

(a) by means of a false or misleading statement, whether verbally or in writing, procures for himself or any other person registration in terms of this Act, or any certificate, receipt, approval or other document issued under this Act;

(b) makes any unauthorized entry or addition or alteration in or removal from a register which is kept in terms of this Act, or an extract therefrom, or any certificate, receipt, approval or other document issued under this Act;

(c) wilfully destroys or damages or renders illegible any entry in a register kept in terms of this Act or, without the permission of the holder thereof, a certificate, receipt, approval or other document issued under this Act;

(d) forges or, knowing it to be forged, utters any document purporting to be a certificate, receipt, approval or other document issued in terms of this Act;

(e) impersonates any person registered or deemed to be registered in terms of this Act;

(f) contravenes or fails to comply with the provisions of section 23 (1), 29 (2) or 36 (1), or fails to comply with any requirement under section 36 (2);

(g) having appeared as a witness at an inquiry in terms of section 32, refuses or fails without lawful cause to be sworn or to make an affirmation or to answer any question or to produce any book, document or record which he or she may lawfully be required to answer or to produce;

[Para. (g) amended by s. 17 of Act 10 of 2002.]

(h) having been duly summoned to appear at an inquiry in terms of section 32, refuses or fails without lawful cause so to appear;

(i) refuses or fails to comply with any condition or restriction imposed by the council in terms of section 33 (1) (b) or (c);

(j) refuses or fails without lawful cause to make any statement or give any explanation which may lawfully be demanded from him or her in the application of this Act, or makes or gives a false statement or explanation knowing it to be false;

[Para. (j) amended by s. 17 of Act 10 of 2002.]

(k) obstructs or hinders a member of the council or of the executive committee or of any other committee of the council or the registrar, in the exercise of his or her powers or the performance of his or her functions under this Act;

[Para. (k) amended by s. 17 of Act 10 of 2002.]

(l) fails or refuses to furnish particulars to the council in terms of section 20 (2) (a);

(m) prevents a person designated in terms of section 20 (2) (b) from entering the premises of a university or other educational institution, or fails or refuses to afford the reasonable assistance required there by such person;

(n) is a student without having been registered in terms of this Act;

(o) refuses or fails to comply with any condition determined by the council under section 25 (3);

(p) refuses or fails to comply with any condition referred to in section 25 (7) (b);

(q) contravenes or fails to comply with the provisions of section 25 (8), 28 (3) or 35;

(r) supplies or offers to supply to any person who is not registered or deemed to be registered in terms of this Act, any

instrument or appliance which can primarily be used for services which in terms of the rules are deemed to pertain specially to a veterinary profession or a para-veterinary profession, knowing that the instrument or appliance concerned will be used by such unregistered person for the rendering for gain of services of a kind of which he or she is in terms of this Act prohibited to perform for gain,

[Para. (r) amended by s. 17 of Act 10 of 2002.]

shall be guilty of an offence and-

(i) on a first conviction of a contravention referred to in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k), be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment;

[Para. (i) substituted by s. 12 of Act 10 of 2002.]

(ii) on a second or subsequent conviction of any contravention referred to in paragraph (i), whether the same or any other contravention referred to in that paragraph, be liable to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment;

[Para. (ii) substituted by s. 12 of Act 10 of 2002.]

(iii) on a first conviction of an offence referred to in paragraph (l), (m), (n), (o), (p), (q) or (r), be liable to a fine or to imprisonment for a period not exceeding three months, or to both a fine and such imprisonment;

[Para. (iii) substituted by s. 12 of Act 10 of 2002.]

(iv) on a second or subsequent conviction of any contravention referred to in paragraph (iii), whether the same or any other contravention referred to in that paragraph, be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

[Para. (iv) substituted by s. 12 of Act 10 of 2002.]

(2) Any fine paid or recovered in respect of an offence under this Act shall be paid over to the council.

(3) A magistrate's court shall have jurisdiction to impose any penalty provided for by this section.

[a19y1982s42]42.....

[S. 42 deleted by s. 13 of Act 10 of 2002.]

[a19y1982s43]43Regulations

(1) The Minister may, after consideration and approval of any relevant recommendation by the council, make regulations regarding-

- (a) the election of members of the council;
- (b) the entry of particulars in any register kept in terms of this Act;
- (c) the degrees, diplomas and certificates which serve as a prerequisite for the registration of the holders thereof in terms of this Act;
- (d) the furnishing of particulars relating to students enrolled at universities or other educational institutions in the Republic for degrees, diplomas and certificates prescribed in terms of section 20;
- (e) matters concerning para-veterinary professions;
- (f) the registration of students in terms of this Act, the conditions subject to which they are registered, and the maintenance of such registration;
- (g) the registration of persons in terms of this Act to practise veterinary professions and para-veterinary professions, the conditions subject to which they are registered, and the maintenance and alteration of such registration;
- (h) the payment of fees;
- (i) the registration of consulting rooms, clinics, animal hospitals and other places at or from which a veterinary profession or a para-veterinary profession is practised;
- (j) any matter which in terms of this Act is required or

permitted to be prescribed by regulation,

and, in general, in relation to any matter which he or she may consider necessary or expedient to prescribe in order to attain or promote the objects of this Act, and the generality of this provision shall not be limited by the preceding paragraphs of this subsection.

[Sub-s. (1) amended by s. 17 of Act 10 of 2002.]

(2) Different regulations may be made under this section in respect of different veterinary professions or para-veterinary professions or in such other respects as the Minister may determine.

(3) A regulation may, for any contravention thereof or failure to comply therewith, prescribe a fine or imprisonment for a period not exceeding three months, or both a fine and such imprisonment.

[Sub-s. (3) substituted by s. 14 of Act 10 of 2002.]

[a19y1982s44]44Repeal of laws

Subject to the provisions of sections 18 (2) and (4), 20 (4) and 25 (7), the laws specified in the Schedule are hereby repealed.

[S. 44 substituted by s. 15 of Act 10 of 2002.]

[a19y1982s45]45Short title and commencement

(1) This Act shall be called the Veterinary and Para-Veterinary Professions Act, 1982, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

Schedule

LAWS REPEALED

Number and year of law	Short title
Act 16 of 1933	Veterinary Act, 1933
Act 49 of 1963	Veterinary Amendment Act, 1963
Act 19 of 1972	Veterinary Amendment Act, 1972
Act 20 of 1974	Veterinary Amendment Act, 1974