

CHAPTER 243 THE VETERINARY SURGEONS ACT

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CHAPTER 243

VETERINARY SURGEONS

12 of 1964
Government Notice
497 of 1964
Act No.
18 of 1975
13 of 1994

An Act to provide for the registration of veterinary surgeons; to provide for the regulation of the practice of the profession of veterinary surgery and medicine; and to provide for matters incidental to the foregoing.

[10th January, 1964]

1. This Act may be cited as the Veterinary Surgeons Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"Board" means the Board of Veterinary Surgery established under section *three*;

"Director" means the Director of Veterinary Services;

"practice of veterinary surgery or medicine" includes the performance of any operation and the giving of and providing of any treatment, test, advice, diagnosis or attendance such as is usually performed, given or provided by veterinary surgeons;

"the Register" means the Register of Veterinary Surgeons provided for in section *nine*;

"to register" means to enter in the Register the particulars required by section *nine*;

"registered veterinary surgeon" means a person whose name appears in the Register as a veterinary surgeon.

3. There is hereby established a Board, to be known as the Board of Veterinary Surgery, which shall consist of-

Establishment and
constitution of
Board

(a) the Director, who shall be the Chairman;

(b) three members (of whom two shall be veterinary surgeons) to be appointed by the Minister; and

(c) two other members (of whom one shall be a private practitioner) to be elected by the Veterinary Association of Zambia from among persons who are registered veterinary surgeons and appointed by the Minister.

(As amended by Act No. 18 of 1975)

4. The office of a member of the Board, other than the Director of Veterinary Services, shall become vacant- Vacation of office

(a) one month after the date he gives notice, in writing, to the Minister of his intention to resign his office;

(b) if he becomes mentally or physically incapable of performing his duties as a member;

(c) if he is adjudged bankrupt;

(d) on the date he begins to serve a sentence of imprisonment imposed without the option of a fine;

(e) if he has absented himself from two consecutive meetings of the Board without its leave.

5. (1) Meetings shall be held at such times and places as the chairman of the Board may determine and shall be convened by notice given by him. Meetings and decisions of Board

(2) Five members shall form a quorum at a meeting of the Board.

(3) All decisions at any meeting of the Board shall be by majority vote of the members present thereat, and in the event of an equality of votes, the chairman shall have a casting vote in addition to his deliberative vote.

(As amended by Act No. 18 of 1975)

6. It shall be the function of the Board to hold inquiries for the purpose of this Act and to do all other things required to be done by the Board under the provisions of this Act. Functions of Board

7. (1) No person shall-

Unregistered
persons prohibited
from practising

(a) practise veterinary surgery or medicine; or

(b) hold himself out or allow himself to be held out as a veterinary surgeon;

unless he is a registered veterinary surgeon.

(2) Nothing in subsection (1) shall be construed as precluding an unregistered person from performing, giving or providing, in accordance with the provisions of the First Schedule, any operation, treatment, test, advice, diagnosis or attendance which is specified in the said Schedule.

(3) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand penalty units or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months, or to such imprisonment without the option of a fine, or to both.

(As amended by Act No. 13 of 1994)

8. Subject to the provisions of this Act, a person shall be qualified to be registered as a veterinary surgeon-

Qualifications for registration

(a) if he holds, to the satisfaction of the Director, one or more of the qualifications set out in the Second Schedule;

(b) if he is of good character; and

(c) if his name has not been struck out of the Register on the direction of the Board:

Provided that a person whose name has been struck off shall not be disqualified under this paragraph, if-

(i) the Board has granted him written authority to make application for re-registration; or

(ii) the High Court has, on appeal, reversed the direction of the Board that his name be struck out of the Register.

(As amended by Act No 18 of 1975)

9. (1) The Director shall keep a book called "The Register of Veterinary Surgeons" in which shall be entered the full name, address,

Register to be kept

qualifications and date of registration of every person who is qualified to be registered as a veterinary surgeon and who applies for registration.

(2) The name, address, qualifications and date of registration of every veterinary surgeon shall upon registration be published in the *Gazette*.

(3) The Director may make in the Register any necessary alteration in any entry contained therein.

(As amended by Act No. 18 of 1975)

10. (1) Any person who desires to be registered as a veterinary, surgeon shall make written application therefor to the Director in the form set out in the Third Schedule.

Application for
registration

(2) The application shall be supported by the original, or a certified copy of the certificate, diploma or other documents recording such qualification held by the applicant as is required to qualify him to be registered as a veterinary surgeon, and by such other documents and information as the Director may require.

(3) A fee of four hundred fee units shall be payable by an applicant upon being registered as a veterinary surgeon.

(4) Upon registration of an applicant as a veterinary surgeon the Director shall issue to the person so registered a certificate in the form set out in the Fourth Schedule.

(As amended by Acts No. 18 of 1975 and No. 13 of 1994)

11. (1) During the month of January in each year the Director shall cause to be published in the *Gazette* a list containing the full names of all persons on the Register at the end of the previous year, together with their addresses in Zambia and their qualifications.

Annual publication
of list of registered
veterinary
surgeons

(2) The publication of such a list shall be *Prima facie* evidence that the persons named therein are registered veterinary surgeons and the absence of the name of any person shall be *prima facie* evidence that such person is not so registered.

(As amended by Act No. 18 of 1975)

12. (1) The Director shall strike out of the Register the name of a registered veterinary surgeon whose name has been directed to be struck out by the Board under section *thirteen*, and shall re-enter such name in the Register if the High Court so directs.

Removal of name
from Register

(2) The Director shall remove from the Register the name of any registered veterinary surgeon-

(a) who makes written application to the Director to have his name removed; or

(b) who the Director is satisfied is dead.

(3) Upon being satisfied that a registered veterinary surgeon has ceased to practise veterinary surgery or medicine in Zambia, the Director shall-

(a) publish in the *Gazette* notification of his intention to remove the name of such registered veterinary surgeon from the Register;

(b) send a copy of such notification to the address of the said registered veterinary surgeon or, if such address is not known, to the address recorded in the Register;

and if no objection to the removal of the name is received within thirty days of such publication, the Director shall remove the said name from the Register.

13. (1) If any registered veterinary surgeon shall be convicted of a felony or shall, after due inquiry of the Board, be deemed to have been guilty of infamous or disgraceful conduct in any professional or other respects, the Board may do one or more of the following:

Disciplinary
powers of Board

(a) caution him;

(b) censure him;

(c) direct that his name be struck out of the Register.

(2) If any person, after due inquiry by the Board, shall be found by the Board to have procured his registration under this Act as a veterinary surgeon by any false or fraudulent representation or declaration, the Board may direct that his name be struck out of the Register.

14. (1) In any inquiry held under section *thirteen*, the person concerning whom such inquiry is held shall be entitled to be heard by the Board in person or through his legal representative.

Right of audience

(2) In any such inquiry as is referred to in the preceding subsection, the Board shall have the power to summon witnesses, to call for the production of books, documents, records and other things and to examine witnesses under oath, and for such purpose the chairman of the Board is hereby authorised to administer such oath.

(3) If any person who has been summoned under the foregoing subsection, having reasonable notice of the time and place at which he is required to attend, fails to attend, or refuses to take an oath or to answer any question he is lawfully required to answer or refuses or fails to produce any book, document, record or other thing and does not excuse his refusal to the satisfaction of the Board, such person shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two hundred and fifty penalty units.

(4) In the exercise of the powers conferred upon it by section *thirteen*, the Board shall have power to regulate its own procedure.

(As amended by Acts No 18 of 1975 and No. 13 of 1994)

15. Any person whose name has been struck out of the Register on the direction of the Board may make written application to the Board for authority to make application for re-registration, and the Board may grant or refuse such authority.

Authority for
re-registration

16. Any person aggrieved by any decision of the Board may appeal to the High Court, and the Court may make such order as it may deem fit:

Appeals

Provided that no such appeal shall lie unless notice of appeal is given within thirty days after the date of the decision of the Board.

17. (1) Notwithstanding any other provision of this Act, the Director shall register the name, address, qualifications and date of registration of any person who- Existing registered veterinary surgeons

(a) immediately prior to the commencement of this Act, was ordinarily resident in Zambia and was a registered veterinary surgeon under the provisions of the *Veterinary Surgeons Act, 1961, of the Legislature of the former Federation of Rhodesia and Nyasaland; or

*Discontinued by G.N. No. 447 of 1963.

(b) subsequent to the commencement of this Act, is appointed to the public service as a veterinary officer.

(2) The Director shall cause to be published in the *Gazette* the name, address, qualification and date of registration of any person whose name is registered in accordance with subsection (1).

(3) The fee required by subsection (3) of section *ten* shall not be payable by a person whose name is registered in accordance with subsection (1) but such fee shall, in the case of a person registered under paragraph (b) of subsection (1), become payable upon termination of such person's appointment of the public service as a veterinary officer.

(As amended by Act No. 18 of 1975)

18. The Minister may give such directions and, by statutory Regulations instrument, make such regulations as he may think fit for the purpose of giving effect to the provisions of this Act.

(As amended by Act No. 18 of 1975)

FIRST SCHEDULE

(Section 7)

OPERATIONS, TREATMENTS, TESTS, ADVICE, DIAGNOSIS AND ATTENDANCE WHICH MAY BE PERFORMED, GIVEN OR PROVIDED BY UNREGISTERED PERSONS

The following treatments, tests, operations and other acts may be performed by

unregistered persons:

- (a) any non-surgical treatment given to an animal by-
 - (i) its owner; or
 - (ii) a member of the household of which the owner is a member; or
 - (iii) a person in the employment of the owner; or
 - (iv) a person in the employment of a person referred to in subparagraph (ii);
- (b) anything done, otherwise than for payment or material advantage, by a person engaged or employed in farming to any animal owned for the purposes of agriculture;
- (c) anything done in the course of his duties by a person employed by the Government;
- (d) the rendering in an emergency of first aid for the purposes of saving life or relieving pain;
- (e) the performance of the following operations:
 - (i) caponising of poultry;
 - (ii) castration of bovines, rams or goats with a bloodless castrator;
 - (iii) castration of boars up to three months of age;
 - (iv) the tailing of a lamb;
 - (v) the docking of a tail of a dog before the dog's eyes are open;
 - (vi) the amputation of the dew claws of a dog before the dog's eyes are open.

(As amended by Act No. 18 of 1975)

SECOND SCHEDULE

(Section 8)

QUALIFICATIONS FOR REGISTRATION AS A VETERINARY SURGEON

1. Degree in Veterinary Medicine granted by the University of Nairobi.
2. Membership or Fellowship of the Royal College of Veterinary Surgeons.
3. Degree in Veterinary Science or Medicine granted by a University in the United Kingdom or the Republic of Ireland.
4. Degree in Veterinary Science or Medicine granted by any University in the Commonwealth and approved by the Board.
5. Degree of Doctor of Veterinary Medicine granted by the Veterinary School of any one of the following Universities in the United States of America, together with such additional qualification as is required before practice is permitted in the United States of America:

Auburn	New York
California	Ohio
Colorado	Oklahoma
Iowa	Pennsylvania
Kansas	Texas
Michigan	Tuskegee
Minnesota	Washington

6. A degree in Veterinary Science granted by the University of Zambia.

7. A degree or diploma in Veterinary Science (State Examination) granted by any of the following authorities:

- (a) University of Berne;
- (b) University of Gieseen;
- (c) University of Utrecht;
- (d) University of Vienna;
- (e) University of Zurich;
- (f) Veterinary College of Berlin;
- (g) Veterinary College of Hanover;
- (h) Veterinary College of Munich;
- (i) Karl Marx University at Leipzig;
- (j) National Veterinary School of Alfort;
- (k) National Veterinary School of Lyon;
- (l) National Veterinary School of Toulouse;
- (m) Royal Veterinary and Agricultural College, Copenhagen;
- (n) Ukrainian Academy of Agricultural Science, Kiev;
- (o) Royal Swedish Veterinary College, Stockholm;
- (p) Royal Norwegian Veterinary College, Oslo.

THIRD SCHEDULE

(Section 10 (1))

APPLICATION FOR REGISTRATION AS A VETERINARY SURGEON

The Director of Veterinary Service,
The Board of Veterinary Surgery,
P.O. Box RW60,

Lusaka

I
(full name)

of

hereby make application for registration as a veterinary surgeon.

My qualifications are

I enclose a certified true copy of the following degree\diploma:

.....

Date

Signature

(As amended by Act No. 18 of 1975)

FOURTH SCHEDULE

(Section 10 (4))

CERTIFICATE OF REGISTRATION AS A VETERINARY SURGEON

is hereby registered as a veterinary surgeon under section 10 (4) of the Veterinary Surgeons Act.

GIVEN at Lusaka this

day of ,19

Director of Veterinary Services

(As amended by Act No. 18 of 1975)