

THE VETERINARY ACT

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SCHEDULES

THE VETERINARY ACT

Act
18 of 1975.

[1st October, 1976.]

1. This Act may be cited as the Veterinary Act. Short title.
2. In this Act— Interpreta-
tion.
- “animal health assistant” means a person enrolled as an animal health assistant in accordance with this Act;
- “the Board” means the Veterinary Board established by section 3;
- “functions” includes duties and powers;
- “register” means the Register of Veterinary Surgeons specified under section 6;
- “Registrar” means the public officer designated by the Minister pursuant to section 5;
- “roll” means the Roll of Animal Health Assistants specified under section 9;
- “veterinary surgery” means the art and science of veterinary surgery” and medicine and, without prejudice to the generality of the foregoing, shall be taken to include—
- (a) the diagnosis of diseases in, and injuries to, animals, including tests performed on animals for diagnostic purposes;
 - (b) the giving of advice based upon such diagnosis;
 - (c) the surgical or medical treatment of animals; and
 - (d) the performance of surgical operations on animals.

Establishment of Board.

3.—(1) There shall be established for the purposes of this Act a body to be called the Veterinary Board.

First Schedule.

(2) The provisions of the First Schedule shall have effect with respect to the constitution and procedure of the Board and otherwise in relation thereto.

Functions of the Board.

4. The functions of the Board shall be—

- (a) to register veterinary surgeons and enrol animal health assistants;
- (b) to regulate the training of persons for enrolment as animal health assistants;
- (c) to appoint examiners to conduct such examinations in respect of persons applying for registration as veterinary surgeons and persons applying for enrolment as animal health assistants as may from time to time be necessary under the provisions of this Act;
- (d) to ensure the maintenance of acceptable standards of professional conduct by persons registered as veterinary surgeons or enrolled as animal health assistants, as the case may be, under this Act.

Veterinary Registrar.

5. The Minister may designate by general notice a public officer as the Veterinary Registrar.

Register of Veterinary Surgeons.

6.—(1) The Board shall cause the Registrar to keep in such form as it may from time to time determine a register, to be known as the Register of Veterinary Surgeons, in which shall be entered the name and such other particulars as may be prescribed of every person registered under this Act as a veterinary surgeon.

(2) The register shall be kept at such place as the Board may from time to time determine, and shall be open to inspection by the public at all reasonable times and a copy of the register shall be published in the *Gazette* at such times and in such manner as may be prescribed.

7. Every application for registration as a veterinary surgeon shall be made to the Board in the prescribed form and shall be accompanied by the prescribed fee and by such documents as may be prescribed.

Application for registration as a veterinary surgeon.

8.—(1) If the Board is satisfied in relation to any application for registration that—

Registration.

(a) the provisions of section 7 have been complied with; and

(b) the applicant possesses the prescribed qualifications; and

(c) the applicant is of good character and is a fit and proper person to practise veterinary surgery, the Board shall authorize the Registrar to register the applicant as a veterinary surgeon and the Registrar shall notify the applicant in writing accordingly and furnish him with a certificate of registration in the prescribed form.

(2) Every veterinary surgeon registered under this Act shall be entitled to practise veterinary surgery in Jamaica and to demand and recover any reasonable charges for services rendered by him as a veterinary surgeon and for any drugs, medicines or appliances supplied by him.

9.—(1) The Board shall cause the Registrar to keep in such form as it may from time to time determine a roll, to be known as the Roll of Animal Health Assistants, in which shall be entered the name and such other particulars as may be prescribed of every person enrolled under this Act as an animal health assistant.

Roll of Animal Health Assistants.

(2) The roll shall be kept at such place as the Board may from time to time determine, and shall be open to inspection by the public at all reasonable times, and a copy of the roll shall be published in the *Gazette* at such times and in such manner as may be prescribed.

Application for enrolment as an animal health assistant. **10.** Every application for enrolment as an animal health assistant shall be made to the Board in the prescribed form and shall be accompanied by the prescribed fee and by such documents as may be prescribed.

Enrolment. **11.** If the Board is satisfied in relation to any application for enrolment that—

- (a) the provisions of section 10 have been complied with; and
- (b) the applicant possesses the prescribed qualifications; and
- (c) the applicant is of good character and is a fit and proper person to practise as an animal health assistant,

the Board shall authorize the Registrar to enrol the applicant as an animal health assistant and the Registrar shall notify the applicant in writing accordingly and furnish him with a certificate of enrolment in the prescribed form.

Amendment of register or roll.

12.—(1) It shall be the duty of the Registrar—

- (a) to remove from the register or roll, as the case may be, any entry which the Board, acting under the provisions of subsection (2) of this section or under paragraph (ii) of subsection (1) of section 13 directs him to remove;
- (b) to restore to the register or roll, as the case may be, any entry which the Board acting under the provisions of subsection (3) of this section or under subsection (2) of section 13 directs him to restore;
- (c) to correct in accordance with the Board's directions, any entry in the register or roll, as the case may be, which the Board directs him in writing to correct as being in the opinion of the Board an entry which was incorrectly made;
- (d) to remove from the register or the roll, as the case may be, the name of any person who has died, or

who, for a period of not less than two years, has ceased to practise in Jamaica as a veterinary surgeon or an animal health assistant, as the case may be, or who, for a like period, has been absent from Jamaica; and

- (e) to make from time to time any necessary alterations in any of the particulars contained in the register.

(2) *If the Registrar—*

- (a) sends by post to any person registered or enrolled under this Act, a registered letter addressed to him at the address entered in the register or roll, as the case may be, enquiring whether he has ceased to practise his profession and receives no reply to that letter within three months from the date of posting it; and
- (b) upon the expiration of that period sends in like manner to that person a second similar letter and receives no reply within three months from the date of posting it,

the Registrar shall remove from the register or roll, as the case may be, the name of that person.

(3) The Board may at any time direct the Registrar to restore to the register or roll any name removed therefrom under subsection (1) or subsection (2).

13.—(1) If any person registered or enrolled under this Act is found upon enquiry by the Board in the prescribed manner—

Censure,
suspension
and striking
off.

- (a) to be suffering from any physical or mental condition, or from any habit, which renders him unfit to practise as a veterinary surgeon or, as the case may be, to perform satisfactorily his functions as an animal health assistant; or

- (b) to have procured his registration or enrolment as the case may be, under this Act, as a result of any misleading, false or fraudulent representations; or
 - (c) to have been convicted of a criminal offence; or
 - (d) to be guilty of dishonesty, negligence, or incompetence in the performance of his functions as a veterinary surgeon or, as the case may be, an animal health assistant, or of conduct that is, in the opinion of the Board, unprofessional, or disgraceful or discreditable to the profession,
- the Board may, if it thinks fit—

- (i) in the case of the matters specified in paragraph (c) or (d) censure him; or

- (ii) in the case of the matters specified in paragraph (a), (b), (c) or (d) suspend his registration or enrolment for a period not exceeding two years, or direct the Registrar in writing to remove his name from the register or roll, as the case may be.

(2) The Board may at any time, if it thinks just, direct the Registrar to restore to the register or roll any name removed therefrom under subsection (1).

(3) The Board shall, as soon as practicable after—

- (a) the registration or enrolment of any person has been suspended; or

- (b) the name of any person has been removed from the register or roll; or

- (c) the name of any person which was so removed is restored to the register or roll,

cause a notice of the appropriate fact to be published in the *Gazette*.

(4) Where the name of a person has been removed from the register or from the roll, as the case may be, the

Board may in writing require that person to return to the Registrar his certificate of registration or certificate of enrolment, and that person shall comply with that requirement.

14.—(1) There is hereby established for the purposes of hearing appeals from the decisions of the Board a Veterinary Appeal Tribunal (hereinafter referred to as the Tribunal). Veterinary
Appeal
Tribunal.

(2) The provisions of the Second Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto. Second
Schedule.

15.—(1) Any person who is aggrieved— Appeal to
Tribunal.

(a) by the refusal of the Board to register him as a veterinary surgeon or to enrol him as an animal health assistant; or

(b) by the decision of the Board to censure him, or to suspend his registration or enrolment, or to cause his name to be removed from the register or from the roll,

may appeal to the Tribunal against such refusal or such decision in such manner and within such period as may be prescribed.

(2) The Tribunal may—

(a) at the hearing of an appeal against refusal of registration or enrolment, dismiss the appeal, or allow the appeal and direct the Board to cause the registration or enrolment to be effected;

(b) at the hearing of an appeal other than an appeal against refusal of registration or enrolment—

(i) dismiss the appeal and confirm the decision of the Board; or

(ii) allow the appeal and set aside the decision of the Board; or

- (iii) allow the appeal and direct that the disciplinary proceedings in respect of which the decision of the Board was made be reconducted by the Board; or
- (iv) set aside the punishment inflicted by the Board and impose in substitution therefor such other less severe punishment mentioned in subsection (1) of section 13 as the Board may think proper.

(3) Upon allowing any appeal from any decisions of the Board under subsection (1) of section 13, the Tribunal shall cause notice of its decision to be published in the *Gazette* and shall, in the event of the appellant's certificate of registration or certificate of enrolment having been returned under subsection (4) of section 13, direct that such certificate be restored to him.

Offences.

16.—(1) Any person who—

- (a) procures or attempts to procure registration or enrolment for himself or for any other person by knowingly—
 - (i) making, or causing to be made, any misleading, false or fraudulent representation or declaration, either orally or in writing, or otherwise; or
 - (ii) producing or causing to be produced, any false or fraudulent document or certificate;
- (b) wilfully makes, or causes to be made, any falsification in any matter relating to the register or to the roll;
- (c) forges, or uses, or lends to or allows to be used by any other person any certificate issued under this Act; or

- (d) makes, or has in his possession, any document so closely resembling such certificate as to be calculated to deceive,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(2) Any person who, not being registered as a veterinary surgeon under this Act—

- (a) takes or uses any title, addition or description implying or calculated to lead persons to believe that he is registered as a veterinary surgeon, or that he is recognized by law as a person authorized or qualified to practise veterinary surgery; or
- (b) assumes or uses any affix indicative of any occupational designation relating to the practice of veterinary surgery;
- (c) advertises or holds himself out as a person authorized or qualified to practise veterinary surgery,

shall be guilty of an offence and shall be liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment:

Provided that this subsection shall not operate to prevent an animal health assistant enrolled under this Act or a professional person registered under, or recognized by, any other enactment from using any title which he is authorized to use by the enactment under which he is enrolled, registered or recognized.

(3) Subject to subsection (4), any person who, during a period when his registration as a veterinary surgeon under

this Act is suspended, or who, not being registered as a veterinary surgeon under this Act—

- (a) practises veterinary surgery in any of its branches; or
- (b) for reward, diagnoses or offers to diagnose or attempts to diagnose any animal disease, ailment, deformity, defect or injury, or examines or advises upon any physical condition of any animal; or
- (c) prescribes or administers any drug, serum or any other substance or remedy, applies any apparatus, or performs any operation or manipulation for the cure, treatment or prevention of any animal disease, ailment, deformity, defect or injury; or
- (d) acts as the assistant or associate of any person who performs any of the acts specified in this subsection,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(4) The provisions of subsection (3) shall not apply to—

- (a) any person registered, enrolled or licensed under this or any other enactment who performs or provides any service which he is authorized or entitled to perform thereunder;
- (b) any student of veterinary surgery performing the services approved by his faculty or school as part of his course of instruction or part of any examination in relation thereto;
- (c) any services approved by the Board to be performed by any person in the course of his training for enrolment as an animal health assistant;

- (d) any person performing the functions which he is employed by the Government to perform;
- (e) any person giving necessary veterinary aid in cases of urgent need without hire, gain or hope of reward; or
- (f) the domestic administration of home remedies;
- (g) such other circumstances as may be prescribed.

17.—(1) The Board may, with the approval of the Minister make regulations generally for giving effect to the purposes and provisions of this Act and in particular, but without prejudice to the generality of the foregoing, may make regulations—

Regulations.

- (a) prescribing the professional qualifications and the requirements which shall be a prerequisite for registration or enrolment under this Act;
- (b) with respect to the conduct of examinations as specified under paragraph (c) of section 4;
- (c) prescribing the form of, and particulars to be included in, the register and the roll, the manner in which additional qualifications obtained in veterinary surgery or related subjects by a registered veterinary surgeon or enrolled animal health assistant may be added to those particulars entered in the register or the roll in relation to him, and the procedure to be followed to ensure that the particulars in the register and the roll are kept up to date;
- (d) prescribing the forms for application for registration or enrolment and certificates of registration or enrolment;
- (e) prescribing fees for registration or enrolment;
- (f) prescribing the manner in which enquiries or disciplinary proceedings may be instituted before

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the Board, the procedure to be followed in the conduct of such enquiries or proceedings and matters incidental to or consequential on such proceedings;

- (g) prescribing the manner of appealing to the Tribunal and as to the proceedings in any such appeal and matters incidental to or consequential on such proceedings;
- (h) prescribing the nature of the functions of animal health assistants and the conditions under which those functions may be performed and any other matters relating to those functions;
- (i) prescribing any other matter or thing which may be, or is required by this Act to be, prescribed.

(2) Regulations under this section may contain different provisions for veterinary surgeons and for animal health assistants.

FIRST SCHEDULE

(Section 3)

1. The Board shall consist of—
- (a) the Director of Veterinary Services or his nominee (being a member of the Government Veterinary Service); and
- (b) four other persons appointed by the Minister after consultation with any body recognized by the Minister as representing veterinary surgeons.
2. The Minister shall appoint one of the members of the Board to be the chairman thereof.
3. The appointment of a member of the Board shall, subject to the provisions of this Schedule, be for a period not exceeding three years and such member shall be eligible for reappointment.
4. If the chairman or any other member of the Board is absent or unable to act, the Minister may appoint any person to act in the place of the chairman or such other member and, in making the appointment, the Minister shall have regard to the provisions of paragraph 1.
- 5.—(1) Any member of the Board, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman.
- (2) The chairman may at any time resign his office by instrument in writing addressed to the Minister.
- (3) Every such resignation as aforesaid shall take effect from the date of receipt by the Minister of the instrument of resignation.
6. The Minister may at any time revoke any appointment made by him under this Schedule.
7. If any vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed; and, in making such appointment, the Minister shall have regard to the provisions of paragraph 1.
8. The names of all members of the Board as first constituted, and every change in the membership thereof shall be published in the *Gazette*.
9. The funds of the Board shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament, and such other moneys as may be lawfully paid to the Board.

Constitution
of the
Board.

Chairman.

Tenure of
office.Acting
appoint-
ments.

Resignation.

Revocation
of appoint-
ments.Filling of
vacancies.Gazetting
of member-
ship.Funds of
Board.

Accounts and audit. 10. The Board shall keep proper accounts of its receipts, payments, assets and liabilities and such accounts shall be audited annually by the Auditor General.

Annual reports and estimates. 11.—(1) The Board shall in each year prepare and submit to the Minister on or before the thirtieth day of June a report of its proceedings during the twelve months ending on the thirty-first day of March in that year, including a statement of its accounts audited in accordance with paragraph 10.

(2) The Board shall on or before the thirty-first day of October in each year submit to the Minister for approval its estimates of revenue and expenditure in respect of the period commencing on the first day of April next following and ending on the thirty-first day of March of the subsequent year.

Seal and execution of documents. 12.—(1) The seal of the Board shall be kept in the custody of the chairman or the Registrar and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the chairman, or any other member of the Board, and the Registrar.

(2) The seal of the Board shall be authenticated by the signatures of the chairman, or any other member authorized to act in that behalf, and the Registrar.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hands of the chairman, or any other member authorized in that behalf, and the Registrar.

Procedure and meetings. 13.—(1) The Board shall meet at such times as may be expedient for the transaction of its business, and such meetings shall be held in such places on such days and at such times as the Board may determine.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting within fourteen days of the receipt of a written requisition for that purpose addressed to him by any two members of the Board.

(3) The chairman shall preside at all meetings of the Board at which he is present, and, in the case of the chairman's absence from the meeting, the members present and constituting a quorum shall elect one of their number to preside at the meeting.

(4) A quorum of the Board shall be three.

(5) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the chairman or other member presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in the proper form of each meeting of the Board shall be kept.

(7) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member thereof.

14.—(1) The Board may appoint such committees as it thinks fit, and may delegate to any committee so appointed the power and authority to carry out on its behalf such functions as the Board may determine, so, however, that no such committee shall have the power to make regulations. Committees.

(2) The constitution of each committee shall be determined by the Board.

(3) A committee appointed pursuant to this paragraph may include persons who are not members of the Board.

(4) The provisions of paragraph 15 shall apply to a member of a committee who is not a member of the Board in like manner as they apply to a member of the Board.

15.—(1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board. Protection of members.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Board shall be liable to the extent that it would be if the member were a servant or agent of the Board.

16. There shall be paid from the funds of the Board to the chairman and other members of the Board such remuneration whether by way of honorarium, salary or fees, and such allowances, as the Minister may determine. Remuneration of members.

17. The office of chairman or member of the Board shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica. Members not public officers.

SECOND SCHEDULE (Section 14(2))

1. The Tribunal shall be appointed by the Minister and shall consist of a chairman and two members sitting together. Constitution of the Tribunal.

2. The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for such period not exceeding three years as the Minister may determine and shall be eligible for reappointment. Tenure of office of members.

3. The Minister may appoint any person to act in the place of the chairman or any other member of the Tribunal in the case of the absence or inability to act of the chairman or other member. Acting appointments.

- Resignations. 4.—(1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister of such instrument that member shall cease to be a member of the Tribunal.
- (2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.
- Revocation of appointments. 5. The Minister may at any time revoke the appointment of any member of the Tribunal if he thinks it expedient so to do.
- Filling of vacancies. 6. If any vacancy occurs in the membership of the Tribunal such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.
- Publication of membership. 7. The names of all members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*.
- Remuneration of members. 8. There shall be paid to the chairman and other members of the Tribunal such remuneration whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.
- Voting. 9. The decision of the Tribunal shall be by a majority of votes of the members and in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal.
- Power to regulate proceedings. 10. Subject to the provisions of this Act, the Tribunal may regulate its own proceedings.
- Members not public officers. 11. The office of chairman or member of the Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.