

CHAPTER 319

THE VETERINARY SURGEONS ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section.	Title
1.	Short title.
2.	Interpretation.
3.	Prohibition of practice of veterinary surgery by unregistered persons.
4.	Qualifications for registration.
5.	Establishment and constitution of Veterinary Board.
6.	Meetings and procedure of the Board.
7.	Registrar and register.
8.	Applications for registration.
9.	Certificate of registration.
10.	Correction of register.
11.	Publication.
12.	[Repealed.]
13.	Use of title.
14.	Persons registered to practise and sue for fees.
15.	Professional charges not recoverable by unregistered person.

16. Certificates to be signed by duly registered veterinary surgeon.
17. Certain veterinary officers to be registered free of charge.
18. Offences.
19. Power to strike off register.
20. Effect of removal, cancellation or suspension.
21. Special provisions relating to charitable institutions.
22. Rules.
23. Exemption from restrictions on practice of veterinary surgery.

SCHEDULE

CHAPTER 319

THE VETERINARY SURGEONS ACT

An Act to make provision for the Registration of Veterinary Surgeons and the practice of Veterinary Surgery.

[5th September, 1958]

Ord. No. 20 of 1956

[R.L. Cap. 376]

Acts Nos.

1 of 1963

41 of 1969

[PCh319s1]1. Short title

This Act may be cited as the Veterinary Surgeons Act.

[PCh319s2]2. Interpretation Acts Nos. 1 of 1963 s. 2; 41 of 1969 Sch.

(1) In this Act, unless the context otherwise requires—

"animal" means any domestic animal or bird or any wild animal or bird;

"Board" means the Veterinary Board established under section 5;

"Minister" means the Minister responsible for agriculture;

"register" means the register kept by the Registrar in accordance with the provisions of section 7;

"registered veterinary surgeon" means a person whose name is for the time being entered in the register;

"Registrar" means the Registrar appointed by section 7.

(2) For the purposes of this Act, the practice of veterinary surgery shall be deemed to include the performance of any surgical operation on, the giving of any medical or surgical treatment to, or the inoculation of or the making of any diagnosis of any disease, sickness or injury on any animal.

(3) From and after the commencement of this Act the words "legally qualified veterinary surgeon" or "duly qualified veterinary surgeon" or any expression meaning a person recognised by law as a veterinary surgeon or member of the veterinary profession, when used in any enactment with reference to such a person, shall be construed to mean a person registered under this Act.

[PCh319s3]3. Prohibition of practice of veterinary surgery by unregistered persons Act No. 1 of 1963 s. 3

No person shall, unless he is registered under this Act, practise, or hold himself out, whether directly or by implication, as practising, or being prepared to practise, veterinary surgery.

[PCh319s4]4. Qualifications for registration Act No. 1 of 1963 s. 4

No person shall be qualified to be registered under this Act unless he is the holder of a veterinary degree or diploma recognised by the Board.

[PCh319s5]5. Establishment and constitution of Veterinary Board Act No. 1 of 1963 s. 5

(1) There is hereby established a Veterinary Board which will consist of the Director of the Veterinary Division in the ministry responsible for agriculture, or the person for the time being appointed to act in that capacity, who shall be the Chairman of the Board, and five other members, four of whom shall be registered veterinary surgeons to be appointed by the Minister and one of whom shall be an officer employed in the Attorney-General's Chambers to be appointed by the Attorney-General.

(2) A member of the Board appointed under subsection (1) of this section (other than the member appointed by the Attorney-General), shall, unless his appointment is earlier cancelled by the Minister, hold office for three years but shall be eligible for re-appointment. The member appointed by the Attorney-General shall hold office for such period or periods as the Attorney-General may from time to time determine and shall be eligible for re-appointment.

(3) The Chairman shall appoint a Secretary to the Board. The Secretary may be a person holding an office of emolument under the Republic.

(4) The Minister may appoint a registered veterinary surgeon to act temporarily in the place of any member of the Board, other than the Chairman, in the case of the death, resignation, absence from Tanzania or inability to act of such member.

(5) Any member of the Board, other than the Chairman or a person holding an office of emolument under the Republic, may at any time resign his office by notice in writing addressed to the Chairman, who shall cause it to be forwarded to the Minister, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.

(6) The appointment and resignation of members of the Board shall be published in the Gazette for general information.

[PCh319s6]6. Meetings and procedure of the Board

(1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Chairman may determine.

(2) The Chairman shall preside at all meetings of the Board at which he is present, and in the case of his temporary absence the members present and constituting a quorum shall elect a Chairman for that meeting from their number.

(3) A quorum of the Board shall be four members.

(4) The decisions of the Board shall be by a majority of votes and the Chairman of the meeting shall have a deliberative and a casting vote.

(5) Minutes of each meeting in proper form shall be kept by the Secretary and shall be confirmed by the Chairman as soon as practicable at a subsequent meeting of the Board.

(6) The powers of the Board shall not be affected by any vacancy in the membership, nor by the fact that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the Board.

[PCh319s7]7. Registrar and register Act No. 1 of 1963 s. 6

(1) The Secretary shall be Registrar and he shall perform such duties in connection with the register as may be prescribed in this Act or in any rules made under this Act.

(2) The Registrar shall keep a Veterinary Surgeons Register in the prescribed form.

[PCh319s8]8. Applications for registration Act No. 1 of 1963 s. 7

(1) Any person who has been granted a veterinary degree or diploma recognised from time to time by the Board may apply to the Registrar for registration as a registered veterinary surgeon.

(2) Every such application shall be made in the prescribed manner and form and shall be accompanied by—

- (a) the prescribed fee;
- (b) the original degree or diploma which the applicant claims entitles him to be registered or a certificate from the body which granted such degree or diploma to the effect that the applicant has been granted such degree or diploma; and
- (c) an affidavit, setting forth the full name and address of the applicant, that the degree or diploma or certificate submitted is authentic and is valid, and that the applicant

is lawfully entitled to practise veterinary surgery in the country in which the degree or diploma was obtained and that he intends to hold himself out in Tanzania as practising as a veterinary surgeon.

(3) Where any person has complied with the provisions of subsection (2) of this section and with any rules relating thereto, and has satisfied the Board of his entitlement to register as a registered veterinary surgeon, he shall be registered in the register by the Registrar.

[PCh319s9]9. Certificate of registration

The Registrar shall issue to every registered veterinary surgeon a certificate of registration in the prescribed form.

[PCh319s10]10. Correction of register

(1) The Registrar shall from time to time make any necessary alteration or correction in the register in relation to any entry.

(2) The Registrar shall remove from the register the name of every deceased person, and shall also remove any entry which has been incorrectly or fraudulently made.

(3) (a) The Registrar, with the consent of the person concerned, may remove from the register the name of a person who has ceased to or never commenced to practise in Tanzania as a veterinary surgeon.

(b) The Registrar with the previous consent of the Board shall remove from the register the name of any person—

(i) who has ceased to reside for a period of one year in Tanzania; or

(ii) who in the opinion of the Board has ceased to practise veterinary surgery in Tanzania.

(c) Any name removed under this subsection may, at the request of the person concerned, if such person resumes his residence and practice in Tanzania, be reinstated by the Registrar.

[PCh319s11]11. Publication Act No. 1 of 1963 s. 8

(1) The Registrar shall publish in the Gazette, at such times as may be prescribed, a copy of the names of the persons registered under this Act.

(2) The production at any time of the issue of the Gazette in which such copy was last published shall be prima facie evidence—

(a) that any person whose name appears therein is registered under this Act; and

(b) that any person whose name does not appear therein is not registered under this Act.

[PCh319s12]12. Repealed

[Repealed by Act No. 1 of 1963 s. 9.]

[PCh319s13]13. Use of title Act No. 1 of 1963 s. 10

(1) A person registered under this Act shall be entitled to take or use the title and description of veterinary surgeon.

(2) A person registered under this Act shall not take or use, or affix to or use in connection with his premises, any title or description other than that of veterinary surgeon unless he possesses professional status or qualification, indicated by particulars entered in

the register in respect of him, entitling him to take or use such additional or other title or description.

[PCh319s14]14. Persons registered to practise and sue for fees Act No. 1 of 1963 s.

11

Every registered veterinary surgeon shall be entitled to practise veterinary surgery and demand, sue for and recover in any court of competent jurisdiction reasonable charges for professional aid, advice and visits, and the value of any medicine or veterinary appliance supplied by him.

[PCh319s15]15. Professional charges not recoverable by unregistered person Act No. 1 of 1963 s. 12

(1) No person practising veterinary surgery shall be entitled to recover any charges for professional aid or advice given or visit made, or for the value of any medicine or appliance supplied, after the commencement of this Act, unless, at the time when such aid or advice was given or visit made or such medicine or appliance was supplied, he was duly registered under this Act.

(2) Any person registered within two months after the commencement of this Act shall, for the purpose of this section, be deemed to have been so registered from the date of such commencement.

[PCh319s16]16. Certificates to be signed by duly registered veterinary surgeon

No certificate or other document given after the commencement of this Act which is required by law to be signed by a duly qualified veterinary surgeon, shall be valid unless signed by a person registered under this Act as a veterinary surgeon.

[PCh319s17]17. Certain veterinary officers to be registered free of charge Act No. 1 of 1963 s. 13

Every veterinary officer in the service of the Government who is entitled to be registered under this Act shall, upon making application to the Board in the usual form, be registered without payment of the prescribed fee.

[PCh319s18]18. Offences Act No. 1 of 1963 s. 14

Any person who—

(a) fraudulently makes, or causes or permits to be made, any false or incorrect entry in the register or any copy thereof; or

(b) fraudulently procures or attempts to procure himself or any other person to be registered under this Act; or

(c) not being a registered veterinary surgeon, falsely pretends to be such, or falsely takes or uses any title or description implying whether in itself or in the circumstances in which it is taken or used, that such person is a veterinary surgeon or is qualified to practise veterinary surgery; or

(d) being a registered veterinary surgeon, allows an unregistered person to practise veterinary surgery on, or from an office in premises used by such registered veterinary surgeon in the performance of his professional duties; or

(e) contravenes the provisions of section 3 or section 13, shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

[PCh319s19]19. Power to strike off register Act No. 1 of 1963 ss. 15 and 16

(1) If any registered veterinary surgeon is convicted of any offence against this Act or is after inquiry by the Board found to have been guilty of any infamous or disgraceful conduct in a professional respect, the Board may direct the Registrar to remove the name of such person from the register.

(2) Upon an inquiry held by the Board under subsection (1) of this section, the person whose conduct is being inquired into shall be afforded an opportunity of being heard either in person or by an advocate.

(3) For the purpose of proceedings at any inquiry held by the Board, the Board may administer oaths and may, subject to the provisions of any rules made under section 22, enforce the attendance of persons as witnesses and the production of books and documents.

(4) Subject to the foregoing provisions of this section and to the provisions of any rules as to procedure made by the Minister under section 22, the Board shall have power to regulate its own procedure.

(5) The power to order the removal of the name of a person from the register shall include a power exercisable in the like manner to direct that, during such period as may be specified in the order, the registration of his name in the register shall not have effect.

(6) Any person aggrieved by the decision of the Board may appeal to the High Court, and in any such appeal the High Court may give such directions in the matter as it thinks proper and any order of the High Court under this subsection shall be final.

(7) Any person who, having been paid or tendered by the party calling him the prescribed witness expenses, fails when summoned by the Board to attend as a witness or to produce any books or documents which he is required to produce shall be guilty of an offence and shall be liable on conviction to a fine of two hundred shillings or to imprisonment for a period not exceeding one month.

[PCh319s20]20. Effect of removal, cancellation or suspension Act No. 1 of 1963 s.

16

(1) Where the name of any person has been removed from the register by virtue of section 19, the name of that person shall not be again entered in the register except by order of the Board.

(2) Where an order has been made for the removal of a person's name from the register or for suspending the effect of a person's registration under subsection (5) of section 19, the Board may, either of its own motion or on the application of the person concerned, and in either case after holding such inquiry as the Board thinks fit, cause the name of that person to be restored to the register or terminate the suspension of the registration either without fee, or on payment of such fee, not exceeding the registration fee, as the Board may determine.

[PCh319s21]21. Special provisions relating to charitable institutions Act No. 1 of 1963 s. 17

(1) The Board may if it thinks fit grant a licence under this section to any person employed by a society or institution which is wholly supported by voluntary contributions or endowments or both and provides free medical or surgical treatment for animals.

(2) Notwithstanding anything in section 3, during the continuance in force of a licence issued under this section the holder may, in the course of his employment by such society or institution and subject to any conditions specified in the licence, give such medical or other treatment to animals as may be authorised by the licence.

(3) It shall be a condition of the granting of a licence under this section that the society or institution in question undertakes not to employ the holder in treating or operating on any animal unless its owner appears to the society or institution to be unable to afford or obtain the services of a veterinary surgeon.

(4) The Board may at any time in its discretion revoke a licence granted under this section or suspend it for such period as the Board thinks fit.

[PCh319s22]22. Rules Act No. 1 of 1963 s. 18

The Minister may make rules generally for the better carrying out of the provisions of this Act and any such rules may, without prejudice to the generality of the foregoing—

- (a) prescribe anything required by this Act to be prescribed;
- (b) provide for the procedure to be followed by the Board in any inquiry under section 19; and
- (c) provide for enforcing the attendance of witnesses and the production of books and documents at any inquiry held by the Board.

[PCh319s23]23. Exemption from restrictions on practice of veterinary surgery

Notwithstanding anything to the contrary in this Act the practice of veterinary surgery shall not, for the purposes of section 3, include—

(a) the doing of anything specified in Part I of the Schedule to this Act and not excluded by Part II of that Schedule;

(b) any minor treatment, test or operation specified by order of the Minister made under this paragraph after consultation with the Board so long as any conditions specified in the order are complied with.

SCHEDULE

EXEMPTION FROM RESTRICTIONS ON PRACTICE OF VETERINARY SURGERY Act No. 1 of 1963 s. 19

(Section 23)

PART I

TREATMENT AND OPERATIONS WHICH MAY BE GIVEN OR CARRIED OUT BY UNQUALIFIED PERSONS

1. Any treatment given to an animal by the owner thereof, by other member of a household of which the owner is a member, or by a person in the regular employment of the owner or of any other member of such household.

2. Anything done, otherwise than for reward, by a person engaged or employed in farming, to an animal owned (whether by himself or another person) for the purposes of agriculture.

3. Anything done in the rendering of first aid for the purpose of saving life or relieving pain.

4. Anything done by a Government veterinary employee in the course of his employment on the instructions of a veterinary surgeon.

5. The destruction of any animal by painless methods.

PART II

EXCLUSIONS FROM PROVISIONS OF PART I

Nothing in paragraph (a) of section 23 of this Act shall be deemed to extend to the castration (by any means other than the use of bloodless castration appliances or such other means as may be prescribed by rules) of any animal mentioned in the following Table after it has reached the age shown therein—

TABLE

Horses, asses, mules or dogs Any age.

Bull or goat 15 months.

Ram 15 months.

Boar 9 months.

Cat 6 months.

Note: Section 20 of the amending Act No. 1 of 1963 (in force 8.3.1963) provides that notwithstanding the provisions of the said Act—

(a) every person who immediately prior to 8.3.1963 was a registered veterinary surgeon shall be deemed for the purposes of section 4 of Cap. 376 replaced by the said Act, to be the holder of a veterinary degree or diploma recognised by the Board and shall without the necessity for any application in that behalf under section 8 of Cap.

376 but subject to the remaining provisions of Cap. 376, continue after such date to be a registered veterinary surgeon;

(b) every person who immediately prior to 8.3.1963 was a licensed veterinary practitioner shall after such date continue to be, subject to the provisions of Cap. 376, a licensed veterinary practitioner and during such continuance all the provisions of Cap. 376 relating to licences and to licensed veterinary practitioners shall in relation to such person, remain in force as if the said Act had not been enacted.