



CHAPTER 61:04
VETERINARY SURGEONS
ARRANGEMENT OF SECTIONS
SECTIONS

PART I

Preliminary

1. Short title
2. Interpretation

PART II

Veterinary Surgeons Council

3. Establishment of Council
4. Functions of Council
5. Meetings of Council
6. Committees

PART III

Registration of Veterinary Surgeons

7. Prohibition of unregistered persons from practising as veterinary surgeons
8. Registrar
9. Application for registration
10. Examination to qualify to practise as veterinary surgeon
11. Qualifications for registration
12. Registration as veterinary surgeon
13. Register of veterinary surgeons
14. Declaration made by registered veterinary surgeons
15. Additional qualifications
16. Notification of change of name and address
17. Certificate signed by Registrar admissible
18. Striking off and removal of veterinary surgeon from the Register
19. Restoring name of veterinary surgeon to Register

PART IV

Effect of Registration

20. Use of title and description of veterinary surgeon
21. Drugs to be purchased, kept, used, prescribed or supplied
22. Validity of certificate issued by veterinary surgeon

PART V

Code of Ethics

23. Council to issue Code of ethics
24. Required standards of practice
25. Confidentially
26. Certification and attestation
27. Premises, supplies etc. to be properly maintained
28. Canvassing or touting prohibited

PART VI

Provisions Relating to Discipline

29. Inquiry into misconduct

30. Allegations to be supported
31. Appearance before Council to address allegations
32. Council may hear witnesses and receive documentary evidence
33. Registrar may summon witnesses
34. Penalty for failure to obey summons or to give evidence
35. Parties to hearing entitled to legal representation
36. Order made after inquiry
37. Service of Order upon veterinary surgeon
38. Appeal to the High Court

PART VII

Private Practice

39. Private practice
40. Application for licence to establish private practice
41. Validity of licence
42. Renewal of licence
43. Licence not exemption from obtaining other licences
44. Revocation of licence
45. Appeals against refusal to grant licence to establish private practice

PART VIII

General

46. Indemnity of council and its members
47. Offences and penalties
48. Regulations
49. Transitional provisions
50. Savings
- Schedule 1
- Schedule 2

Act 35, 1971,
S.I. 30, 1973,
Act 41, 1973,
Act 22, 1978,
Act 4, 1979,
Act 7, 1980,
Act 18, 2006,
Act 24, 2008,
S.I. 15, 2011.

An Act to make provision for the regulation of veterinary surgeons; for the establishment of the Veterinary Surgeons Council and for matters incidental thereto and connected therewith.

[Date of Commencement: 11th March, 2011]

PART I

Preliminary (ss 1-2)

1. Short title
This Act may be cited as the Veterinary Surgeons Act.
2. Interpretation
In this Act, unless the context otherwise requires-

"animal" includes-

- (a) any kind of mammal, except man; and
- (b) any bird, fish, reptile or insect;

"Association" means the Botswana Veterinary Association registered under the Societies Act (Cap. 18:01);

"Chairperson" means the Chairperson of the Council, appointed under section 3(1)(a) of the Act;

"Committee" means a committee of the Council, established under section 6(1);

"Council" means the Veterinary Surgeons Council established under section 3(1);

"Director" means the Director of Veterinary Services;

"game" means any animal specified in the Sixth and Seventh Schedules to the Wildlife Conservation and National Parks Act (Cap. 38:01);

"licence" means a licence issued under section 39 to establish a private practice;

"member" means a member of the Council, appointed under section 3(1);

"para-professional" means a person, other than a veterinary surgeon, authorised by the Council to carry out designated duties relating to veterinary medicine under the supervision of a veterinary surgeon;

"private practice" means the rendering of veterinary services by a veterinary surgeon for hire, gain, fee, compensation, reward received or promised or offered directly or indirectly;

"Register" means the register of veterinary surgeons kept under section 13;

"Registrar" means the Registrar of Veterinary Surgeons appointed under section 8;

"repealed Act" means the Veterinary Surgeons Act (Cap. 61:04);

"veterinary biologicals" means-

(a) any live, live attenuated or inactivated vaccines, and sera and antisera used in animals for prophylactic immunisation of animals against animal diseases;

(b) any live intestinal microflora used for probiotic purposes;

(c) any interdermal tuberculin for diagnostic tests;

(d) any enzymes for the treatment of diarrhoeas, improvement of starch, fibre digestion and restoration of gut microflora of all species; or

(e) any material for therapeutic use produced using biotechnological means of recombinant DNA;

"veterinary surgeon" means a person registered as a veterinary surgeon under section 12(1); and

"veterinary surgery" includes the practise of veterinary medicine and the giving or providing of any treatment, test, advice, diagnosis or attention such as is normally performed, given or provided by veterinary surgeons at an established location.

PART II

Veterinary Surgeons Council (ss 3-6)

3. Establishment of Council

(1) There is hereby established a Council to be known as the Veterinary Surgeons Council which shall consist of the following members-

- (a) the Chairperson, who shall be appointed by the Minister;
- (b) three veterinary surgeons elected by the Association;
- (c) one person, not being a veterinary surgeon or biologist, who the Minister considers appropriate;
- (d) one veterinary surgeon who is a member of staff of the Botswana College of Agriculture elected by the Botswana College of Agriculture Council;
- (e) the Director who shall be an *ex-officio* member;
- (f) one person representing the Attorney-General; and
- (g) one veterinary surgeon from the Department of Wildlife appointed by the Minister responsible for wildlife.

(2) Within 30 days of the commencement of this Act, the Association shall submit to the incumbent Chairperson of the Board registered under the repealed Act names of three veterinary surgeons elected by the

Association to be members.

(3) The Chairperson shall convene the first meeting of the Council as soon as practicable after the commencement of this Act, and may, when circumstances demand, convene a special meeting as he or she may think necessary.

(4) At the first meeting of the Council, the members shall elect from among their number a Vice-Chairperson, who shall hold office for a term of three years, unless he or she sooner resigns or ceases to be eligible to be a member.

(5) At the expiration of the term of office of the Chairperson and the Vice-Chairperson, or if for some other reason their offices become vacant before such expiration, a new Chairperson or Vice-Chairperson, as the case may be, shall be elected by members at its next meeting, or as soon thereafter as may be convenient or practicable.

(6) The Chairperson and the Vice-Chairperson may resign from office without such resignation terminating his or her membership of the Council and shall have the option of retaining membership to the Council.

(7) The members, except the member referred to in subsection (1)(e), shall hold office for a period of three years, and shall be eligible for re-appointment.

(8) The Minister shall, within 21 days of the appointment of the members, notify the public in the *Gazette* of the names of the persons appointed as members.

4. Functions of Council

The Council shall-

(a) regulate the practice of veterinary medicine and para-professionals and the registration of persons practising such professions;

(b) determine the minimum standards of training required for degrees, diplomas and certificates entitling the holders thereof to be registered to practise as veterinary surgeons or para- professionals;

(c) exercise effective control over the professional conduct of persons practising as veterinary surgeons or para-professionals;

(d) determine the standards of professional conduct of persons practising as veterinary surgeons or para-professionals;

(e) encourage and promote efficiency in, and responsibility with regard to, the practice of veterinary medicine and that of para-professionals;

(f) protect the interests of veterinary surgeons and para- professionals and to deal with any matter relating to such interests;

(g) maintain and enhance the prestige, status and dignity of veterinary surgeons and para-professionals and the integrity of persons practising such professions;

(h) manage its own budget through a subvention or grant from government until such time as the Council is able to source its own funding; and

(i) do such other things as may be necessary for, or conducive to, the achievement of the objects of the Council.

5. Meetings of Council

(1) The Council shall meet at least twice every year for the transaction of business at such times and places as the Chairperson may determine, and upon the giving of written notice to every member, of the meeting, by the Registrar, of not less than 14 days:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(2) The Chairperson shall preside at all meetings of the Council, or, in his or her absence, the Vice-Chairperson shall preside at a meeting of the Council.

(3) In the absence of the Chairperson and the Vice-Chairperson, the members shall appoint from amongst themselves a Chairperson.

(4) The *quorum* at any meeting of the Council shall be the Chairperson or the Vice-Chairperson and any four members.

(5) Subject to the provisions of this Act, the Council shall regulate its own procedure.

(6) A decision of the Council on any question shall be by a majority of the members present and voting at a meeting of the Council and, in the event of an equality of votes, the person presiding shall have a casting vote in addition to that person's deliberative vote.

(7) A decision of the Council shall not be rendered invalid by reason only of a vacancy on the Council or by reason of a person who was not entitled to sit as a member having so sat.

(8) The Chairperson shall cause to be recorded and kept, minutes of all proceedings of the meetings of the Council.

(9) Where a member is present at a meeting of the Council or committee at which meeting a matter which is the subject of consideration is one in which he or she is directly or indirectly interested in his or her private capacity, the member shall as soon as practical at the commencement of the meeting disclose such interest, and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question with respect to that matter.

(10) A disclosure made under subsection (8) shall be recorded in the minutes of the meeting at which it is made.

(11) Where a member of the Council or a Committee fails to disclose his or her interest in accordance with subsection (9) and a decision by the Council or a committee is made benefiting such member, such decision shall be null and void.

(12) A member who contravenes the provisions of subsection (9) shall be guilty of an offence and liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding one year, or to both.

6. Committees

(1) Subject to subsection (4), the Council may appoint such committees as it may consider necessary to assist it in the performance of its functions under this Act.

(2) The Council may appoint as a member of a committee any person who is or is not a member, but the chairperson of a committee shall be a member.

(3) The Council may assign to any committee such other functions as it may determine including investigating disciplinary cases and imposing penalties on persons who contravene this Act.

(4) The Committees that the Council may establish under this Act shall include-

- (a) the Professional Conduct and Ethics Committee;
- (b) the Grievances and Disciplinary Committee;
- (c) the Registration and Certification Committee;
- (d) the Private Practice and Licensing Committee;
- (e) the Research and Publication Committee; and
- (f) any other Committee that the Council may consider necessary.

(5) A committee shall meet for the transaction of business at such times and places as the Council may determine.

(6) Subsections (3) to (12) of section 5 shall, with the necessary modifications, apply to committees.

PART III

Registration of Veterinary Surgeons (ss 7-19)

7. Prohibition of unregistered persons from practising as veterinary surgeons

(1) No person, including a person employed by the Government as a veterinary officer or otherwise, shall-

- (a) practise veterinary medicine;
- (b) hold himself out, or allow himself to be held out, as a veterinary surgeon; or
- (c) hold himself out, or allow himself to be held out, as qualified to practise veterinary medicine, unless he is registered, in accordance with the provisions of this Part, to practise as a veterinary surgeon.

(2) Notwithstanding subsection (1), the Council shall consider, for temporary registration, any veterinary surgeon not resident in Botswana for research purposes or any speciality work to be done in Botswana for a limited period of time.

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

(4) The Council shall maintain a list of all unregistered persons authorised by it to carry out, in accordance with the provisions of Schedule 1, any treatment, test, advice, diagnosis or attendance which is specified in that Schedule.

8. Registrar

(1) There shall be a Registrar of Veterinary Surgeons who shall be appointed by the Minister from among veterinary surgeons who are permanent residents or citizens of Botswana and who are employed in the Public Service.

(2) The Registrar shall be the Secretary to the Council and shall be responsible for-

- (a) the day-to-day administration of the Council; and
- (b) the registration of veterinary surgeons, as directed by the Council.

(3) The Council shall, from time to time, inspect the office of the Registrar so as to ensure that the office is properly run and records are properly kept.

9. Application for registration

(1) A person who wishes to be registered as a veterinary surgeon shall apply to the Registrar.

(2) The application referred to in subsection (1) shall be in the prescribed form, (or a form approved for the purpose by the Council), and shall be accompanied by-

- (a) the prescribed application fee;
- (b) proof of academic qualification, in the form of a degree, diploma, certificate or any other document, or a copy thereof certified by or on behalf of the university or institution which granted or issued the original thereof, that the applicant possesses the requisite qualifications for registration as a veterinary surgeon;
- (c) a recent photograph of the applicant with his signature on the back and certified as a true likeness by a Commissioner of Oaths;
- (d) written evidence, satisfactory to the Council, that the applicant is a person of good character and repute and a fit and proper person to be registered as a veterinary surgeon, from the-
 - (i) where the applicant is a non-citizen, an equivalent body of the applicant's country of origin, or
 - (ii) veterinary school from which the applicant obtained qualifications referred to under section 9(2)(b); and
- (e) the names and addresses of three referees who must have known the applicant for at least two years and who would be prepared to certify in respect of the applicant's character and reputation to the Council.

(3) A person employed as a veterinary officer by the Government who applies for registration as a veterinary surgeon shall not be exempt from payment of the application fee.

(4) The referees referred to in subsection (2)(e) shall include the Chairperson or the Secretary of the Council, or an equivalent body of the applicant's country of origin.

10. Examination to qualify to practise as veterinary surgeon

Without prejudice to any other steps the Council may take for the purpose of satisfying itself that a person has the requisite knowledge and skill to qualify him or her for registration to practise veterinary surgery in Botswana, the Council may, for that purpose, require such person to sit for examinations held for the purposes of this section by or under arrangements made by the Council.

11. Qualifications for registration

(1) The requisite qualifications for registration as a veterinary surgeon, referred to in section 9(2)(b), shall be such qualifications as the Minister, acting on the advice of the Council, may prescribe.

(2) No person shall be registered under this Act unless he or she is resident in Botswana.

12. Registration as veterinary surgeon

(1) Where an applicant satisfies the requirements set out in section 9 for registration, the Registrar shall, subject to the provisions of section 10 and subsection (2) hereof, enter his or her name in the Register as a veterinary surgeon, together with the particulars specified in section 9(2).

(2) No person shall be registered as a veterinary surgeon if he or she has been struck off the Register, of any registering authority for veterinary surgeons outside Botswana, and has not been reinstated thereon, or if the Council or the High Court in Botswana or any equivalent body or court outside Botswana has not ordered that his or her name be restored to the Register.

(3) The Registrar shall after registering a person as a veterinary surgeon, issue such person with a certificate of registration.

(4) There shall be paid by a veterinary surgeon, within three months of registration, an annual registration fee which shall be prescribed by the Minister.

13. Register of veterinary surgeons

The Registrar shall open and maintain a register to be styled "the Register of Veterinary Surgeons" in which shall be entered the-

- (a) registration number of the veterinary surgeon;
- (b) personal identification number of the veterinary surgeon;
- (c) surname and the first name or names, of the veterinary surgeon;
- (d) permanent postal address of the veterinary surgeon;
- (e) qualifications of the veterinary surgeon; and
- (f) date of registration of every person as a veterinary surgeon.

14. Declaration made by registered veterinary surgeons

(1) On admission to the Register and before registration, a veterinary surgeon shall make the declaration set out in Schedule 2.

(2) The Registrar shall be the custodian of all declarations made under subsection (1).

15. Additional qualifications

A veterinary surgeon who satisfies the Council that he or she has obtained and possesses any prescribed qualifications additional to the qualifications by virtue of which he or she was registered shall be entitled to have such additional qualifications inserted in the Register in substitution for, or in addition to, the qualifications previously registered under his or her name.

16. Notification of change of name and address

A veterinary surgeon shall notify the Registrar of any change in his or her name or address, and the Registrar shall record such change in the Register.

17. Certificate signed by Registrar admissible

A certificate purporting to be signed by the Registrar that a person is or is not registered as a veterinary surgeon shall, in proceedings before any court, be admissible in evidence without further proof thereof, and the court shall presume that the facts stated therein are true unless the contrary is proved.

18. Striking off and removal of veterinary surgeon from the Register

(1) The Registrar shall strike off the Register the name of any veterinary surgeon which the Council has directed to be struck off under section 36.

(2) Without prejudice to subsection (1), the Registrar shall remove, from the Register, the name of any veterinary surgeon who-

- (a) makes written application to the Registrar to have his or her name removed from the Register;
- (b) the Registrar is satisfied is dead;
- (c) the Registrar is satisfied has ceased to practise veterinary surgery in Botswana;
- (d) has permanently left Botswana; or
- (e) has not paid up the annual registration fee after the Registrar has given him or her two reminders to pay such fee, or after the expiration of a period of three months from the date the fee became due, whichever is the earlier.

(3) For the purpose of satisfying himself or herself that a veterinary surgeon has ceased to practise veterinary medicine in Botswana, the Registrar shall notify, in writing, such veterinary surgeon of his or her intention to remove the veterinary surgeon's name from the Register, which notice shall be forwarded to the address recorded in the Register, or to any later address of which the Registrar has knowledge or notice, of the said veterinary surgeon, and this shall serve as adequate notice to the veterinary surgeon.

19. Restoring name of veterinary surgeon to Register

Where the Council has ordered that the name of a veterinary surgeon be struck off the Register permanently or for a specified period, the Council may, either of its own motion or on the application of the person concerned, and, in either case after holding such investigation (if any) as it considers necessary, order the name of that person to be restored to the Register either without fee or on payment of such fee, not exceeding the registration fee, as the Council may determine, and the Registrar shall give effect to any such order.

PART IV

Effect of Registration (ss 20-22)

20. Use of title and description of veterinary surgeon

A veterinary surgeon-

- (a) shall, by virtue of being registered as such, be entitled to take and use the title and description of "veterinary surgeon"; and
- (b) shall not take or use, or affix to or use in connection with his premises, any title or description in addition to that of veterinary surgeon, except such as is warranted by the particulars relating to his or her qualifications entered in the Register:

Provided that a veterinary surgeon employed by the Government may use the title "veterinary officer", or "official veterinary surgeon".

21. Drugs to be purchased, kept, used, prescribed or supplied

(1) A veterinary surgeon may purchase, keep, use, prescribe or supply without licence, any goods, poisons or drugs required solely for the treatment of animals under his or her care in the course of his or her practice.

(2) Nothing in subsection (1) shall be construed as exempting a veterinary surgeon from the provisions of any statute which regulates the purchase, importation and use of veterinary biologicals or drugs.

(3) For the purposes of subsection (1) of this section and section 25(1), an animal or herd shall be considered to be under the care of a veterinary surgeon if the following conditions are met-

(a) the veterinary surgeon has been given responsibility for the health of the animal or herd in question by the owner or the owner's agent; and

(b) the veterinary surgeon gives the animal or herd on-going and continuing care.

22. Validity of certificate issued by veterinary surgeon

No certificate or document required to be signed by a veterinary surgeon shall, if it was given or issued after the commencement of this Act, be valid unless it is signed by a person registered as a veterinary surgeon under this Act.

PART V

Code of Ethics (ss 23-28)

23. Council to issue Code of ethics

(1) The Council shall prepare and issue to all veterinary surgeons, as a guide to professional conduct, a code of ethics that stipulates the obligations of veterinary surgeons.

(2) The obligations imposed on the profession shall apply to all veterinary surgeons registered under this Act engaged in clinical practice, Government service, industry, research, teaching, commercial appointments, appointments with registered charities or in any other form of veterinary activity.

24. Required standards of practice

A veterinary surgeon, whether in a private or a salaried capacity, who provides a direct veterinary service to the public, shall-

(a) make proper provision at all times for the relief of pain or suffering of such animals and for their further treatment, when necessary, either by himself or herself or through professional colleagues; and

(b) not, without good reason and without safe-guarding the welfare of the animal, abandon a case undertaken.

25. Confidentially

(1) A veterinary surgeon shall consider as confidential any information concerning an animal under his or her care obtained either from the owner of the animal, or from someone acting on the owner's behalf or derived from examination of the animal.

(2) A veterinary surgeon shall not divulge the information referred to in subsection (1) to any third party, except-

(a) with the consent of the owner of the animal;

(b) where there is a legal obligation to do so;

(c) when required to do so in a court of law;

(d) in an exceptional case when animal welfare or the public interest is so endangered as to outweigh any obligation to the owner of the animal; or

(e) information on the disease that the animal under his or her care is suffering from, to the Director or his or her representative.

26. Certification and attestation

A veterinary surgeon shall only provide certification based on his or her professional judgement and knowledge and attest only to what, to the best of his or her knowledge and belief, is true.

27. Premises, supplies etc. to be properly maintained

A veterinary surgeon in clinical practice shall maintain his or her premises, supplies, equipment, records and facilities in a proper condition and standard for the exercise of his or her profession.

28. Canvassing or touting prohibited

(1) A veterinary surgeon shall not canvass or tout for practice whether personally, through a third party or otherwise.

(2) Nothing in subsection (1) shall be construed as a ban on advertising the availability of professional services-

(a) as a veterinary hospital, boarding kennel or other similar establishment:

Provided that such establishment is of a standard and has the facilities to justify such a description;

(b) if the title chosen is of an appropriate and professional nature;

(c) if the advertisement does not give a misleading impression of the services provided; or

(d) if personal advertising is legal, decent and truthful with due regard to professional property, and all statements are accurate and capable of substantiation.

PART VI

Provisions Relating to Discipline (ss 29-38)

29. Inquiry into misconduct

Where any person believes or has reasonable cause to believe that a veterinary surgeon has-

(a) procured his registration under this Act by any false representations or declaration;

(b) contravened the provisions of this Act;

(c) has been sentenced for any offence to imprisonment without the option of a fine or convicted of an offence involving dishonesty; or

(d) in Botswana or elsewhere, committed an act, or conducted himself or herself in a manner, whether in his or her professional capacity or otherwise, unbecoming of a veterinary surgeon as shall be specified in the code of ethics referred to in section 23(1), whether or not such act or conduct constitutes or involves the commission of a criminal offence and whether or not he or she has been convicted or acquitted by any court of any offence so constituted or the commission of which is so involved, and the Council is satisfied that there is a *prima facie* case for inquiry, such person may, in writing, report those things to the Council, and the Council shall hold an inquiry into the said allegations.

30. Allegations to be supported

The Chairperson may require a person who has made any allegation of a character specified in section 29 against a veterinary surgeon to support the allegation by an affidavit setting out the facts on which he or she relies.

31. Appearance before Council to address allegations

(1) The veterinary surgeon against whom an allegation has been made or evidence is available, resulting in an enquiry being held under section 29, shall be given an opportunity to appear before the Council to address the Council concerning such allegation or evidence.

(2) The veterinary surgeon referred to in subsection (1) shall be informed, in writing, at least 28 days before the date appointed for the inquiry, of the substance of the allegation made against him or her or the nature of the evidence adduced against him or her and shall be furnished with a copy of any-

(a) affidavit made under section 30; and

(b) other relevant document, and be given the opportunity of inspecting such document.

32. Council may hear witnesses and receive documentary evidence

(1) The Council may, in the course of its inquiry, hear such witnesses and receive such documentary evidence as, in its opinion, may assist it in coming to a conclusion as to the truth or otherwise of the allegation, or the correctness or otherwise of the evidence, which forms the subject matter of the inquiry.

(2) The Council shall require any witness appearing before it to give his or her evidence on oath, and the Chairperson may administer oaths for that purpose.

33. Registrar may summon witnesses

(1) Where the Council is of the opinion that the evidence of any person or the production of any document is necessary for the purposes of the inquiry, the Registrar may issue a summons under his or her hand in such form as may be prescribed directing the person named therein to attend at the time and place mentioned to give evidence or to produce the documents therein specified or to do both.

(2) The Registrar shall take such steps as are necessary to ensure that summons are served under this section.

(3) A person attending at an inquiry in obedience to a summons issued under this section shall be entitled to allowances payable out of the funds of the Council, as though he were attending at a magistrate's court as a witness in civil proceedings under *subpoena*.

34. Penalty for failure to obey summons or to give evidence

(1) Subject to subsection (2), where any person upon whom a summons has been served under section 33 refuses or omits without sufficient cause to attend in obedience to such summons, or fails to answer fully and satisfactorily to the best of his or her knowledge and belief all questions put to him or her by or with the concurrence of the Council, or refuses or omits without sufficient cause to produce any document in his or her possession or under his or her control which is mentioned in the summons, he or she shall be guilty of an offence and liable to a fine not exceeding P4 000, or to imprisonment for a term not exceeding two years, or to both.

(2) Notwithstanding the provisions of subsection (1), no person giving evidence before the Council shall be compelled to incriminate himself or herself and such person shall, in respect of any evidence given by him or her or any document which he or she is required to produce, be entitled to all the privileges to which a witness in a trial before the High Court is entitled in respect of evidence given by him or her or a document which he or she is required to produce before such court.

35. Parties to hearing entitled to legal representation

The veterinary surgeon in respect of whom an allegation has been made or evidence has come to the Council's notice and the complainant (if any) may appear in person or through a legal representative.

36. Order made after inquiry

Where, after the inquiry is completed, the Council is satisfied that any allegation or evidence of a character specified in section 29 has been established against the veterinary surgeon concerned, the Council may-

- (a) order the name of the veterinary surgeon to be struck off the Register permanently;
- (b) order the name of the veterinary surgeon to be struck off the Register for such period as it may specify;
- (c) make an order reprimanding the veterinary surgeon; or
- (d) caution the veterinary surgeon.

37. Service of Order upon veterinary surgeon

(1) The Registrar shall cause a copy of any order made under section 36 to be served immediately upon the veterinary surgeon to whom it relates.

(2) The service referred to in subsection (1) may be effected personally or by registered post, and if effected by registered post shall be deemed, notwithstanding anything to the contrary contained in any other law, to have been effected on the fourteenth day after the day on which the order was posted.

(3) The Registrar shall not strike off the Register the name of the veterinary surgeon in pursuance of an order made under the provisions of section 36 until-

- (a) 30 days have elapsed from the date of service of a copy of the order; and
- (b) he or she has ascertained that no appeal has been lodged under section 39, or, if such appeal has been lodged, that it has been finally determined in such a manner as to require striking off of the name of the veterinary surgeon.

38. Appeal to the High Court

Any veterinary surgeon in respect of whom an order has been made under section 36(1)(a) or (b) may, by notice served within 30 days of the service upon him or her of a copy of the order, appeal to the High Court.

PART VII

Private Practice (ss 39-45)

39. Private practice

(1) A veterinary surgeon shall not practise on his or her own accord or establish a private practice unless he or she has obtained a licence to do so from the Council.

(2) A veterinary surgeon who contravenes subsection (1) shall be guilty of an offence and liable to a fine of not less than P2 000, but not exceeding P6 000, or to imprisonment for a term not exceeding three years, or to both.

40. Application for licence to establish private practice

(1) A veterinary surgeon who wishes to apply for a licence to establish a private practice shall do so in the prescribed form and shall attach, to that form-

- (a) his or her registration and personal identification numbers entered in the Register under section 13; and
- (b) such other documents as may be required by the Council.

(2) The Council shall grant a licence to an applicant to establish a private practice if the Council is satisfied that-

- (a) the applicant's name has been entered in the Register; and
- (b) the applicant has practised in a facility that is recognised by the Council, for such period as may be determined by the Council;
- (c) the applicant works from a facility that meets standards prescribed by the Council; or
- (d) in the case of an applicant who has newly graduated from a university or other educational institution, the applicant has submitted a good proposal for a clinic.

(3) The Council shall refuse to grant a licence if it is not satisfied in terms of subsection (2).

41. Validity of licence

Subject to the conditions specified in the licence, the licence granted under this Part shall be valid for three years.

42. Renewal of licence

(1) A veterinary surgeon who wishes to have his or her licence renewed shall apply to the Council not later than three months before the date of expiration of the licence.

(2) The Council may renew a licence if, after inspecting the facility where the private practice is, it is satisfied with the facility.

43. Licence not exemption from obtaining other licences

A licence issued under this Act shall not exempt a veterinary surgeon from obtaining any other licence that may be required by another Act.

44. Revocation of licence

The Council shall revoke the licence of a veterinary surgeon under this Act Part if such veterinary surgeon is convicted of an offence under this Act.

45. Appeals against refusal to grant licence to establish private practice

A person who is aggrieved by a decision of the Council refusing to grant him or her a licence may, after giving notice to the Council and within three months from the date of such refusal, appeal against the refusal to the Minister.

PART VIII

General (ss 46-50)

46. Indemnity of council and its members

Legal proceedings, shall not lie against the Council or any of its members in respect of anything done in the performance of any duty, or the exercise of any power under this Act if that thing was done in good faith.

47. Offences and penalties

Any person who-

- (a) contravenes the provisions of section 7(1);
- (b) contravenes the provisions of section 20(b);
- (c) contravenes the provisions of section 26;
- (d) fraudulently makes, or causes or permits to be made, any false or incorrect entry in the Register or any copy thereof;
- (e) fraudulently procures or attempts to procure himself or herself or any other person to be registered; or
- (f) being a veterinary surgeon, allows a person whose name is not entered on the Register to practise veterinary surgery on, or from an office in, the premises used by such veterinary surgeon in the performance of his professional duties, shall be guilty of an offence and liable to a fine not exceeding P6 000, or to imprisonment for a term not exceeding three years, or to both.

48. Regulations

The Minister may make regulations for the better carrying out of the provisions of this Act, and without prejudice to the generality of the foregoing may-

- (a) prescribe any matter or thing required to be prescribed;
- (b) prescribe the procedure to be followed in relation to inquiries in so far as it is not provided for in this Act;
- (c) on the advice of the Council, prescribe fees to be paid for any matter or thing to be done under this Act;
- (d) on the recommendation of the Council, declaring all or any of the provisions of this Act applicable to para-professionals;
- (e) prescribe private practice standards;
- (f) prescribe the standards of facilities;
- (g) prescribe the procedure relating to the renewal of licences under this Act;
- (h) prescribe the composition, functions and powers of committees of the Council; and

(i) prescribe the temporary registration of veterinary surgeons from outside Botswana on short duration to undertake a specified task of veterinary nature for purposes of meeting the needs of Government or the public;

49. Transitional provisions

(1) Upon the coming into operation of this Act, the Board established under the repealed Act shall be dissolved, but shall continue to operate only for the purpose of winding-up its affairs and for the purpose of organising the election of the members referred to in section 3(1)(b).

(2) The Register of Veterinary Surgeons kept under the repealed Act shall continue to exist as if kept under this Act.

(3) Any veterinary surgeon who was registered under the repealed Act shall be deemed to have been registered under this Act.

50. Savings

All subsidiary legislation made under the repealed Act and in force immediately prior to the coming into operation of this Act shall, in so far as such subsidiary legislation is consistent with the provisions of this Act, continue in force as if made under this Act.

SCHEDULE 1

(section 7(3) and (4))

SPECIFIED EXEMPTIONS FROM RESTRICTION TO PRACTISE VETERINARY SURGERY

PART I

MAINTENANCE OF LISTS OF UNQUALIFIED PERSONS

1. (1) A list will be maintained by the Council of persons authorised by the Council to carry out treatment, operations and procedures under the exemption provided for in section 7(3) and (4).

(2) Para-professionals employed by any Government Department will, under appropriate supervision in the course of their day-to-day official duties, be exempted from registering under this Act. Such artisans and technicians are, however, not exempt from complying with the provisions of the Act as stipulated in Part II of the Schedule.

(3) The Council shall cause the list referred to in subparagraph (1) to be updated annually by requiring the employers of listed persons to submit changes or alterations to the details of listed persons.

(4) Any person may make an application to the Council to be listed as a person to be exempted in accordance with section 7(3). Registration as a listed person shall be for a period of 12 months commencing from the date when the Council approves the application.

(5) The list referred to in subparagraph (1) shall provide information, in respect of each person listed, on the-

(a) name and address of the person;

(b) name and address of the employer of that person;

(c) details of employment and position held by that person;

(d) length of time the person has been in his position;

(e) formal training received and qualifications held by that person; and

(f) procedures which that person is authorised to carry out under veterinary supervision

2. The Council shall liaise with recognised training institutions, colleges and employers to monitor the content and standard of the training given to persons wishing to be listed. This must be adequate for the treatment, operations and procedures to be carried out by them.

3. No persons other than those listed under this Part shall carry out the treatment, operations and procedures to which this Schedule refers.

PART II

TREATMENT, OPERATIONS, ADVICE AND PROCEDURES WHICH MAY BE GIVEN OR CARRIED OUT BY LISTED UNQUALIFIED PERSONS

1. Taking of samples for diagnostic testing.
2. Artificial insemination and embryo transfer.
3. Minor surgery, not involving entry into the body cavity, including the procedures specified in paragraph 5 of Part III which may be performed by unqualified persons.
4. Medical treatment, subject to the provisions of the legislation on veterinary biologicals and medicinal products.
5. Vaccination.
6. Advisory services on any matter relating to veterinary medicine.
7. Meat inspection in accordance with the provisions of the legislation on meat inspection.

PART III

TREATMENT, OPERATION AND PROCEDURES WHICH MAY BE PROVIDED, PERFORMED OR GIVEN BY UNREGISTERED PERSONS

1. Any non-surgical treatment given to an animal by-
 - (a) its owner;
 - (b) a member of the household of which the owner is a member; or
 - (c) a person in the employment of a person referred to in paragraph (a) or (b).
2. Any non-surgical treatment provided, or advice given, otherwise than for personal gain or material advantage, by persons engaged or employed in farming other than the persons referred to in paragraph 1, in relation to any animal owned for the purpose of agriculture.
3. The rendering, in an emergency, of first aid for the purpose of saving an animal's life or relieving pain.
4. The performance of the following operations-

CATTLE

Operation	Age of Animal	Conditions	Persons who may perform	With or without anaesthetic
Castration	First week of life only	Rubber ring or device to constrict the flow of blood to the scrotum	Unqualified +	Without
Up to 2 months	Other than rubber ring or device to constrict the flow of blood to the scrotum	Unqualified +	Without	
Dehorning	2 months and over Any age	Veterinary surgeon	With	
Disbudding calves	First week of life only	Not specified	Unqualified	With
Unspecified	Other than above	Chemical cauterisation	Unqualified	Without
Vasectomy or electro-ejaculation	Any age	Veterinary surgeon	With	
Removal of supernummary teats of a calf	Up to 3 months	Not specified	Veterinary surgeon	With Without
3 months and over	Veterinary surgeon	Not specified	Unqualified	With
Docking of tails	Prohibited, except in an emergency or by a veterinary surgeon when disease or injury is present and proper treatment requires the operation	With		
Penis amputation and other penile operations				

+ / ++ see key below

PIGS

Operation	Age of Animal	Conditions	Persons who may perform	With or without anaesthetic
Castration	First week of life only	Rubber ring or device to constrict the flow of blood to the scrotum	Unqualified +	Without
Up to 4 weeks	Other than rubber ring or device to constrict the flow of blood to the scrotum	Unqualified +		Without
Up to 2 months	Unqualified +	With		
2 months and over	Veterinary surgeon	With		
Tooth clipping	First week of life only	When there is evidence that injuries (to sows' teats or to other piglets) have occurred or are likely to occur as a result of not carrying out these procedures	Unqualified	Without
Docking of tails	First week of life only	Quick and complete severance of the tail to be removed	Unqualified	Without
Unspecified	When in the opinion of a veterinary surgeon, the operation is necessary for reasons of health or to prevent injury from vice of tail biting	Veterinary surgeon		With
Vasectomy or electro-ejaculation	Any age	Not specified	Veterinary surgeon	With Without
Penis amputation and other penile operations	Prohibited, except in an emergency or by a veterinary surgeon when disease or injury is present and proper treatment requires the operation			

+ / ++ see key below

SHEEP

Operation	Age of Animal	Conditions	Persons who may perform	With or without anaesthetic
Castration	First week of life only	Rubber ring or device to constrict the flow of blood to the scrotum	Unqualified +	Without
Up to 3 months	Other than rubber ring or device to constrict the flow of blood to the scrotum	Unqualified +		Without
3 months and over	Veterinary surgeon	With		
**Docking of tails	First week of life only	Rubber ring or device to constrict the flow of blood to the tail	Unqualified	Without
Any age	Permitted only if sufficient tail is retained to cover the vulva of female sheep and anus of male sheep	Unqualified + ++		With

Dehorning and Disbudding	Any age	Not specified	Veterinary With surgeon
Trimming of the insensitive top of an in-growing horn, which if left untreated could cause pain or distress	Unqualified	Without	
Vasectomy or electro-ejaculation	Any age	Not specified	Veterinary With surgeon Without
Prohibited, except in an emergency or by a			
Penis amputation and other penile operations	veterinary surgeon when disease or injury is present and proper treatment requires the operation		

+ / ++ see key below

** Docking of tail shorter than indicated is prohibited except in an emergency or by a veterinary surgeon when disease or injury is present and proper treatment requires the operation

POULTRY

Operation	Age of Animal	Conditions	Persons who may perform	With or without anaesthetic
Castration	Prohibited, except in an emergency or by a veterinary surgeon when disease or injury is present and proper treatment requires the operation			
Debeaking of domestic fowl or turkey	Any age	By means of a suitable instrument not more than 1/3 of its upper and lower beaks; or 1/3 of its upper beak only	Unqualified	Without
Desnooding a turkey	Up to 21 days	By manual pinching out or suitable instrument	Unqualified	Without
	21 days and over	Not specified	Veterinary surgeon	With
Dubbing (removal of comb) of domestic fowl or turkey	Up to 72 hours	Use of suitable instrument	Unqualified	Without
	72 hours and over	Veterinary surgeon		With

GOATS

Operation	Age of Animal	Conditions	Persons who may perform	With or without anaesthetic
Castration	First week of life only	Rubber ring or device to constrict the flow of blood to the scrotum	Unqualified +	Without
Up to 2 months	Other than rubber ring or device to constrict the flow of blood to the scrotum	Unqualified+		Without
2 months and over	Veterinary surgeon	With		
Dehorning and Disbudding	Any age	Not specified	Veterinary surgeon	With

Any age	Trimming of the insensitive top of an in-growing horn, which if left untreated could cause pain or distress	Unqualified	Without
Vasectomy or electro-ejaculation	Any age	Not specified	Veterinary surgeon With Without
Penis amputation and other penile operations	Prohibited, except in an emergency or by a veterinary surgeon when disease or injury is present and proper treatment requires the operation		

+ see key below

HORSES, PONIES, ASSES AND MULES

Operation	Age of Animal	Conditions	Persons who may perform	With or without anaesthetic
Castration	Any age	Not specified	Veterinary surgeon	With
Tailing, docking and nicking	Prohibited, except where certified necessary by a veterinary surgeon for the health of the horse because of disease or injury to the tail			
Penis amputation and other penile operations	Prohibited except in an emergency or by a veterinary surgeon when disease or injury is of present and proper treatment requires the operations			

DOGS

Operation	Age of Animal	Conditions	Persons who may perform	With or without anaesthetic
Docking	Up to 7 days 7 days and over	Quick and complete severance Veterinary surgeon	Unqualified With	Without
Removal of dew claws	Up to 7 days 7 days and over	Quick removal Veterinary surgeon	Unqualified With	Without

KEY TO TABLES

- + Operation may be performed by a person if such person is either-
 - (a) aged 18 or over; or
 - (b) aged 17 and is undergoing animal husbandry training either-
 - (i) under the direct personal supervision of a veterinary surgeon; or
 - (ii) at a recognised institution under the direct personal supervision of a person appointed to give such instructions at the institution.
- + + Operation may be performed by anyone aged 17 or over provided either of the conditions at (b) above are applicable.

SCHEDULE 2

(section 14(1))

DECLARATION BY VETERINARY SURGEON

I promise and solemnly declare that I will abide in all due loyalty to my profession and will do all in my power to maintain and promote its interests.

I promise, above all, that I will pursue the work of my profession with uprightness of conduct and that my constant endeavour will be to ensure the welfare of the animals committed to my care.

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Signature of veterinary surgeon Dated thisday of 20.....