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THE VETERINARY ACT, 2003

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SCHEDULE



No. 16 of 2003

I ASSENT,

BENJAMIN WILLIAM MKAPA,
President

30th January, 2004

An Act to provide for the registration of veterinarians, enrollment or enlistment of Paraprofessional and Paraprofessional Assistants, and for the establishment of the Veterinary Council and for other matters incidental and connected thereto

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

1. This Act may be cited as the Veterinary Act, 2003 and shall come into operation on such date as the Minister may by notice published in the Gazette appoint.

Short title and commencement

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

"animal" means any vertebrate or invertebrate other than a human being;
"Assistant Registrar" means a member of the secretariat appointed to be Assistant Registrar under section 10;

Interpretation

- "Association" means the Tanzania Veterinary Association or any association for the time being responsible for the welfare of Veterinarians, Paraprofessional and Paraprofessional Assistants;
- "Chairman" means the Chairman of the Council;
- "Committee" means the Committee established by the Council under section 6;
- "Council" means the Veterinary Council of Tanzania established under section 3;
- "Deputy Registrar" means the Deputy Registrar of the Council appointed under section 8;
- "Director" means the Director responsible for Veterinary services in the Ministry responsible for livestock;
- "enlisted" means listed in the List as a Paraprofessional Assistant;
- "enrolled" means enrolled in the Roll as a Paraprofessional;
- "facility" includes any established premise, structure or ambulatory service where any animal is attended;
- "Inspector" means a person appointed to be an inspector under section 11;
- "List" means a List of Paraprofessional Assistants kept by the Registrar in accordance with this Act;
- "livestock" means any domesticated animal and includes cattle, water buffalo, sheep, goats, pigs, dogs, cats, donkeys, horses, camels, rabbits, guinea pigs and poultry;
- "member" means a member of the Council, or committee established under this Act;
- "Minister" means the Minister responsible for livestock;
- "Paraprofessional" means any person enrolled as paraprofessional under this Act;
- "Paraprofessional Assistant" means any person enlisted as Paraprofessional Assistant under this Act;
- "practice" means in case of veterinary medicine the diagnoses, prognoses, treatment, administering to, prescribing for, operations on, manipulations of appliances or any apparatus or appliance for any disease, pain, deformity, defect, injury, wound or physical or mental condition of any animal or for the prevention of, or to test for the presence of any disease of any animal and includes acts related to statutory or compliance functions, and of persons representing themselves as engaged in the practice of veterinary medicine or uses of any words, letters or titles in such connection and under such circumstances as to induce the belief that the person using them is

engaged in the practice of veterinary medicine in any of its branches as defined by this Act;

"private practice" means any practice for hire, gain, fee, compensation or reward received, promised, offered, expected, or accepted, directly or indirectly, by the person rendering the service from the person requesting or receiving the service for an animal;

"Register" means a register for registered Veterinarians and Veterinary specialists and includes a register for veterinary practice facilities;

"Registrar" means the Registrar of the Council appointed under section 8 of this Act;

"Roll" means a Roll of enrollment of Paraprofessionals kept by the Registrar in accordance with this Act;

"Veterinarian" means any person who has been awarded a degree in Veterinary Medicine or its equivalent from a veterinary institution recognized by the Council;

"veterinary specialist" means a veterinarian who has received a post-graduate or specialized qualifications and with exceptionally high level of skill that is well above that of a practitioner in the discipline of specialization.

PART II

ESTABLISHMENT OF THE COUNCIL

3.—(1) There is hereby established a Council to be known as the Veterinary Council of Tanzania.

Establishment of the Council

(2) The Council shall be a body corporate and shall -

- (a) have perpetual succession and a common seal;
- (b) in its corporate name be capable of purchase, acquire, transfer and lease movable or immovable property;
- (c) sue and be sued and have all the rights and privileges of a natural person;
- (d) collect, spend and invest funds;
- (e) enter into contracts and agreements; and
- (f) have power to borrow such sums as it may require for its purpose.

4.—(1) The Schedule to this Act shall have effect as to appointment of members of the Council, constitution, procedures and other matters relating to the Council.

Composition of the Council

(2) The Minister may on the advice of the Council and by an order published in the *Gazette*, amend, vary or replace all or any of the provisions of the Schedule.

Func-
tions and
powers
of the
Council

5.—(1) The Council shall be the sole authority for -

- (a) effecting registration, enrolment and enlistment under this Act;
- (b) monitoring the performance of veterinarians, Veterinary specialists, Paraprofessionals and Paraprofessional Assistants;

(2) Without prejudice to the generality of subsection (1), the functions of the Council shall include to -

- (a) register Veterinarians, Veterinary Specialists and veterinary practice facilities, enrol Paraprofessionals and enlist Paraprofessional Assistants pursuant to this Act;
- (b) advise and make recommendations to the Minister on any matters relating to veterinary practice;
- (c) regulate veterinary practice;
- (d) recognize qualifications, training facilities, training institutions and colleges; and
- (e) collaborate with other relevant institutions or bodies in accrediting courses of training curriculum which provide qualifications for registrations of Veterinarians, Veterinary Specialists, enrolment of Paraprofessional and enlistment of Paraprofessional Assistants;
- (f) determine the minimum standards for-
 - (i) veterinary practice facilities under this Act;
 - (ii) conduct scope of practice activities by Veterinarians, Veterinary specialists, Paraprofessionals and Paraprofessional Assistants under this Act; and
 - (iii) training proficiency required for degree, diploma, certificates or any other award entitling the holders thereof to practice;
- (g) exercise effective disciplinary control over the professional ethics and conduct of veterinary practice;
- (h) promote and encourage educational advancement with regard to the practice of the veterinary profession;

- (i) provide information and education as regards to the veterinary profession;
- (j) facilitate collaborations among persons and organizations relating to veterinary practice in order to enhance dignity and integrity of the veterinary profession;
- (k) initiate and provide advice to the body for the time being responsible for regulating the use of veterinary pharmaceutical drugs and poisons;
- (l) arrange and conduct qualifying examinations to establish competence in veterinary education and practice; and
- (m) perform such other functions as may be required under this Act.

6.—(1) The Council may, for the purpose of performing its functions, establish such number of Committees to perform specific functions as may be determined by the Council.

Estab-
lishment
of
Commit-
tees

(2) The Committees of the Council to be established under subsection (1) shall include but not limited to—

- (a) the Registration and Examination Committee;
- (b) the Disciplinary Committee;
- (c) the Practice and Facilities Monitoring Committee; and
- (d) the Pharmaceuticals and Biologicals Advisory Committee.

(3) Each Committee established by the Council under this section shall be composed of a Chairman and not more than five other members to be appointed by the Council.

(4) The Council shall, by guidelines, determine terms and conditions for committees and regulate procedures to be observed by the committees in the performance of their respective functions.

7.—(1) There shall be a Secretariat of the Council which shall consist of the Registrar, Deputy Registrar, Assistant Registrars, technical personnel and such other staff of the Council as may be determined by the Council.

The
Secre-
tariat of
the
Council

(2) Members of the Secretariat and other staff of the Council shall be employees of the Government appointed to perform the functions of the Council.

(3) The Council may co-opt members from the private practice facility to perform the functions of the Council under this section.

Appoint-
ment of
the
Registrar
and the
Deputy
Registrar

8. The Minister shall, after consultation with the Council appoint from amongst veterinarians in the public service, the Registrar and Deputy Registrar of the Council.

Func-
tions of
the
Registrar
and
Deputy
Registrar

9.-(1) The Registrar shall-

- (a) be the Secretary to the Council; and Head of the Secretariat;
- (b) keep and maintain -
 - (i) registers in respect of Veterinarians, Veterinary Specialists and veterinary practice facilities;
 - (ii) rolls in respect of Paraprofessionals; and
 - (iii) lists in respect of Paraprofessional Assistants; as may be directed by the Council;
- (c) be responsible to the Council for the administration and management of its affairs; and
- (d) perform such other duties as may be directed by the Council.

(2) Where the Registrar is absent or unable to carry out any of his functions under this Act, the Deputy Registrar shall exercise such functions.

(3) The Deputy Registrar shall assist the Registrar of the Council and shall perform such other duties as may be directed by the Council or the Registrar.

(4) Where the Registrar and Deputy Registrar are both absent, any other officer of the Council shall carry out the functions of the Registrar in his behalf as the Chairman of the Council may in writing designate.

Appoint-
ment and
functions
of
Assis-
tants
Registrar

10. The Council shall for each district appoint a registered Veterinarian to be Assistant Registrar who shall perform specific duties as may be delegated to him by the Registrar.

11.—(1) The Minister shall, upon recommendation of the Council and by notice published in the *Gazette*, appoint from amongst registered veterinarians such number of persons to be Inspectors under this Act.

Appoint-
ment,
duties
and
powers of
Inspe-
ctors

(2) Duties of an Inspector appointed under subsection (1) shall include:

- (a) to inspect veterinary practice facility or facilities in his area of operation;
- (b) to examine or inspect any certificate of registration, enrolment or enlistment, licences, books, electronic information, storage system or other related document in the premises and he may take extracts from documents which may be necessary to effect the examination or inspection;
- (c) to provide advice to occupiers or operators of the facility on the management of the veterinary practice facility;
- (d) to prepare inspection reports for submission to the Council;
- (e) to do such other things as may be required or directed by the Council.

(3) The Inspector shall in the performance of his duties under subsection (2) have powers -

- (a) to enter and inspect any premises suspected to be used as the veterinary practice facility;
- (b) to require the owner or operator of the veterinary practice facility or premises to observe and maintain good condition or established standards of the veterinary practice facility;
- (c) to issue prohibition notice to owners or operators of veterinary practice facilities who operate in contravention of prescribed procedures or standards;
- (d) to seize and detain any drugs, equipment, record, or any other thing which appear to him to constitute or contain evidence of contravention of this Act; and
- (e) to inquire into any matter regarding animal disease or animal health within his area of jurisdiction.

12.—(1) Funds and resources of the Council shall include -

- (a) such sums as may be apportioned by the National Assembly for the purpose of the Council;
- (b) all fees payable under this Act;
- (c) such donations, grants, bequeaths, and loans as the Council may from time to time receive from any person or institution;

Funds
and
resources
of the
Council

- (d) proceeds derived from sale of Council's property; and
- (e) any other source of income identified by the Minister or Council and legally obtained.

(2) The funds and resources of the Council shall be applied for the purposes for which the Council is established and in accordance with the directions of the Council.

(3) The Council shall -

- (a) keep proper accounts and other records relating the funds and resources;
- (b) within three months after the end of each financial year, cause such accounts to be audited by a recognized auditing authority appointed for such purposes by the Council; and
- (c) prepare and publish an annual report which shall contain -
 - (i) estimates of income and expenditure of the Council for the year stated in the report;
 - (ii) an account of operations of the Council during the year for which the report was prepared;
 - (iii) an audited accounts; and
 - (iv) such other information or matters as may be required.

(4) Audited financial statements of the Council and the auditor reports, shall be forwarded to the Minister, who shall as soon as may be practicable lay the reports before the National Assembly.

Remu-
neration

13. Members of the Council, Committees, the Secretariat and other staff of the Council shall be paid from the funds of the Council allowances at such rates as may be determined by the Council upon the approval of the Minister.

Protec-
tion of
members
of the
Council
Commit-
tees and
other
staff

14. No matter or thing done by any member of the Council or Committee or any other person empowered to perform any function under this Act shall, if done in good faith in execution or purported execution of his functions under this Act, render the member or any other authorized person personally liable for the matter or thing done.

PART III

REGISTRATION OF VETERINARIANS AND VETERINARY SPECIALISTS

Qualifi-
cations
for
registra-
tion of
veterinar-
ian or
veteri-
nary
specialist

15.-(1) A person shall be required to register with the Council upon payment of prescribed fee before practicing as a veterinarian if -

- (a) in the case of veterinarian the person has been awarded a veterinary degree recognized by the Council; or

(b) in the case of Veterinary Specialist the person holds qualifications which entitles him to be recognized as a Veterinary Specialist under this Act.

(2) The Council shall prescribe the manner and procedure in which a qualified Veterinary Specialist shall be ascertained before being registered under this Act.

16. A person may not qualify for registration if:-

- (a) the applicant has been found guilty of an offence where ability or credibility of the applicant to practice is likely to be affected;
- (b) in the opinion of the Council, the applicant is unfit to be registered because of mental impairment which significantly impairs ability to practice;
- (c) the Council proves that his degree or the document presented for registration has been obtained by fraud or misrepresentation; or
- (d) the qualifications upon which the applicant relied for registration has been withdrawn by the Council.

Disquali-
fication
for
registra-
tion

17.-(1) A person who wishes to obtain registration under this Part, shall submit an application in the prescribed form to the Registrar.

(2) An application under subsection (1) shall be accompanied by -

- (a) a certified copy or copies of certificates for academic qualifications of the applicant; and
- (b) an application fee as may be prescribed in the Regulations.

(3) The Registrar shall, after receiving an application, refer the application together with his recommendations to the Council for consideration and determination.

(4) The Council may, after consideration of the matter-

- (a) approve the application and direct the Registrar to register the applicant; or
- (b) reject an application and direct the Registrar to inform the applicant accordingly stating the reasons for the Council's decision.

Proce-
dure for
registra-
tion

Certificate of registration

18.—(1) The Registrar shall, immediately after effecting registration under this Act, issue to every registered Veterinarian or Veterinary Specialist a certificate of registration upon payment of prescribed fee.

(2) The certificate of registration shall contain -

- (a) full names and address of the applicant;
- (b) his academic qualifications and title; and
- (c) such terms and conditions in respect of which a certificate is issued.

Privileges and use of titles

19.—(1) A person registered under this Act as a Veterinarian or Veterinary Specialist shall be entitled -

- (a) to take or use the title and description of Veterinary profession according to the title indicated on the certificate of registration and shall not be allowed to take or use or affix to or use in connection with his facility any title or description other than that of registration;
- (b) to practice a veterinary profession and demand, sue for and recover in any court of law reasonable charges for professional services, aid, advice and visits, and the value of any medicine, or veterinary appliance supplied by him and sign certificates or prescriptions or other documents required to be signed by a duly qualified Veterinarian or Veterinary Specialist.

(2) No person shall be entitled to recover therefore any charges for veterinary professional advice given or visit made, or for the value of any medicine or appliance supplied pursuant to this Act, if at the time when such service or advice was given or visit made or such medicine or appliance was supplied, the person was not duly registered.

Registration of veterinarians or veterinary specialist qualified outside Tanzania

20.—(1) Foreigners and Tanzanian citizens who qualified as Veterinarians or Veterinary Specialists outside Tanzania shall, upon payment of prescribed fees sit for and pass an examination before their registration by the Council.

(2) The Council may, if the applicant fails the examination under subsection (1), provide the last opportunity for the applicant to resit the examination.

21. The Council shall have power to grant temporary registration to a foreign Veterinarian or Veterinary Specialist who holds qualifications allowing him to practice for a specific period as may be determined by the Council.

Tempo-
rary
Registra-
tion

22.—(1) The Council shall cause to be kept and maintained a Register of all Veterinarians and Veterinary Specialists to whom the Council has granted registration under this Act.

Registers
for
Veteri-
narians
and
Veteri-
nary Spe-
cialists

(2) The Register shall contain -

- (a) full names and address of veterinarians or veterinary specialists;
- (b) particulars of registration including -
 - (i) date of registration and number of certificate issued;
 - (ii) academic qualifications;
 - (iii) name of institution where qualification was obtained;
 - (iv) date of obtaining the qualification; and
 - (v) any other personal particulars, as may be determined by the Council.

(3) The Council may from time to time and upon payment of prescribed fee, make any alteration or correction in relation to any change in the contents of the Register, regarding particulars of a registered person.

(4) The changes in the Register, under subsection (3) may include:-

- (a) removal of the name of a deceased person;
- (b) change of a name that has been legally changed through marriage or otherwise;
- (c) change of particulars of registration of a person;
- (d) removal therefrom any entry which has been incorrectly or fraudulently made;
- (e) consent of the person concerned or the opinion of the Council to remove the name of a person who has ceased to or never commenced to practice in Tanzania as a Veterinarian, or Veterinary Specialist;
- (f) removal of the name of any person or veterinary practice facility, which has ceased to retain the registration or for a period of one year; and
- (g) any other change as may be required.

Retention
in the
Register

23.—(1) Every registered Veterinarian or Veterinary Specialist shall retain his registration through annual renewal.

(2) An application for renewal for retention of registration shall be made to the Council in a prescribed manner before expiration of existing certificate and shall be accompanied by a prescribed renewal fee.

(3) Where a registered Veterinarian or Veterinary Specialist fails to apply for retention before the expiration of the existing certificate of registration, the Council may renew the registration if the application is made within six months after the end of the expiry period.

(4) Where at the end of that period of six months, a registered Veterinarian or Veterinary Specialist has not renewed his registration, the Council shall suspend the registration for one year, and if after a year the Veterinarian or Veterinary Specialist fails to renew the registration, then the Council shall subject to section 27 cancel the registration and remove person's name from the Register.

Publica-
tion of
Veterinar-
ians and
Veteri-
nary Spe-
cialists

24.— The Minister shall, on the advice of the Council and by notice in the *Gazette*, publish the names, academic qualifications and address of all Veterinarians and Veterinary Specialists registered under this Act.

Cancellat-
ion or
suspension
of
certifi-
cates

25.— The Council may subject to section 26 and if it is satisfied that the terms and conditions of registration have been violated –

- (a) cancel or suspend the certificate of registration; and
- (b) direct the Registrar –

- (i) to notify the Veterinarian or Veterinary Specialist whose certificate has been cancelled requiring him to stop practising; and
- (ii) to remove the name of the Veterinarian or Veterinary Specialist whose certificate has been cancelled from the Register.

Proce-
dure for
Cancellat-
ion or
Suspension

26.—(1) Where the Veterinarian or Veterinary Specialist is in violation of the terms and conditions of his registration, the Registrar shall, on the direction of the Council, serve on the Veterinarian or Veterinary Specialist a notice in writing specifying the nature of default.

(2) Upon receipt of the notice under subsection (1), the Veterinarian or Veterinary Specialist shall make representation in writing to the Registrar on the rectification of the default.

(3) Where the Veterinarian or Veterinary Specialist fails to rectify the default within the time specified in the notice or fails to make representation satisfactory to the Registrar, the Registrar shall recommend to the Council for cancellation or suspension of the Certificate of registration.

(4) The Council shall, if it is satisfied with the recommendations made under subsection (3), direct the Registrar to cancel or suspend the Certificate of registration.

27.—(1) A Veterinarian or a Veterinary Specialist whose certificate of registration has been cancelled or suspended shall be required to apply for reinstatement of his registration to the Registrar within the period of two years from the date of cancellation or suspension.

(2) Where the Veterinarian or Veterinary Specialist fails without good cause to submit an application for re-registration within the period of two years, the Council may direct that such Veterinarian or Veterinary Specialist be reinstated in the register after passing an examination or paying a penalty fee as may be determined by the Council.

Re-
registra-
tion of
Veteri-
narians
or
Veteri-
nary
Special-
ists

PART IV

ENROLMENT OF PARAPROFESSIONALS AND ENLISTMENT OF PARAPROFESSIONAL ASSISTANTS

28. Any person who wishes to practice as a Paraprofessional or Paraprofessional Assistant shall before practicing as such be required in case to enrol or as the case may be to enlist with the Council.

Require-
ment for
enrolment
and
enlistment

29.—(1) A person shall—

- (a) enrol with the Council to practice as a Paraprofessional if the person has been awarded a diploma in animal health recognized by the Council; or

Qualifica-
tion for
enrolment
and
enlist-
ment

(b) enlist with the Council to practice as the Paraprofessional Assistant if the person has been awarded an animal health certificate recognized by the Council.

(2) The Minister may on the recommendation of the Council and by notice published in the *Gazette* specify other certificates or qualifications which shall entitle the holders thereof for enrolment and enlistment under this Act.

Proce-
dure for
enrol-
ment or
enlist-
ment

30.—(1) A person who desires to enroll as the Paraprofessional or to enlist as the Paraprofessional Assistant shall submit his application in the prescribed form to the Registrar.

(2) An application form under subsection (1) shall contain such particulars as may be determined by the Council and shall be accompanied by -

(a) a certified copy or copies of certificate for academic qualifications of the applicant; and

(b) enrolment or enlistment fee as may be prescribed.

Issuance
of
certificate
of
enrolment
or
enlist-
ment

31.—(1) The Registrar shall on the directive of the Council and upon payment of prescribed fee issue to every enrolled Paraprofessional and enlisted Paraprofessional Assistant a certificate of enrolment or enlistment as may be prescribed.

(2) A certificate to be issued under subsection (1) shall be signed by the Chairman and the Registrar, and shall on production thereof in any way be admissible as *prima facie* evidence of enrolment or enlistment under this Act.

(3) The Council shall in granting a certificate of enrolment or enlistment to the Paraprofessional or Paraprofessional Assistant under this Act, impose specific or general conditions to be observed by the holder of the certificate.

(4) Where an application for enrolment or enlistment is not granted, the Council shall direct the Registrar to notify the applicant in writing stating the reasons for the Council decision.

Restric-
tion in
veteri-
nary
practice

32. A Paraprofessional or Paraprofessional Assistant enrolled or enlisted pursuant to this Act shall at all times practice under the supervision of a registered Veterinarian or Veterinary Specialist.

33.—(1) The Council shall cause to be kept and maintained a Roll of Paraprofessional and a List of a Paraprofessional Assistants to whom the Council has granted enrolment or as the case may be enlistment under this Act and the Role or List shall contain the following particulars—

Maintenance of
Rolls and
Lists

- (a) full name and address; and
- (b) particulars of enlistment including -
 - (i) date of enlistment;
 - (ii) academic qualification;
 - (iii) a place where qualification was obtained;
 - (iv) date of obtaining the qualification; and
 - (v) such other particulars as may be determined by the Council.

(2) The Council shall from time to time and upon payment of prescribed fee make any alteration or correction in relation to any change in the contents of the Roll or List, regarding particulars of enrolled or enlisted persons.

(3) The changes in the Roll or List under subsection (2) may include—

- (a) removal of the name of a deceased person;
- (b) change of a name that has been legally changed through marriage or otherwise;
- (c) change of particulars of enrolment or enlistment of a person;
- (d) removal there from any entry which has been incorrectly or fraudulently made;
- (e) removal of the name of a person who has ceased to or never commenced to practice in Tanzania as Paraprofessional or Para professional Assistant;
- (f) removal of the name of any person which has ceased to retain the enrolment or enlistment for a period of one year; or
- (g) any other change as may be required.

34.—(1) Where the holder of the certificate of enrollment or enlistment fails to observe the imposed conditions as required, the Council may cancel or suspend the certificate of enrolment or enlistment granted to him under section 31.

Cancellation or
suspension of
certificates of
enrollment or
enlistment

(2) The provisions of section 26 shall apply *mutatis mutandis* in relation to the procedure for cancellation or suspension of the certificate for enrolment or enlistment under this section.

Re-enrolment and re-enlistment

35.—(1) Where a Certificate for enrolment and enlistment has been cancelled or suspended under this section, a person whose certificate is cancelled or suspended shall be required to apply to the Registrar for reinstatement of enrolment or enlistment within a period of two years from the date of cancellation or suspension of his certificate.

(2) Where a Paraprofessional or Paraprofessional Assistant fails to submit an application for reinstatement of enrolment or enlistment within the period of two years as required under subsection (1), the Council may order that such a person be reinstated in the Roll or List after passing an examination or paying a penalty fee as may be determined by the Council.

Publication of Para professional and Para professional Assistants

36.— The Registrar shall not later than 31st March of every year and at such other times as may be determined by the Council, cause publication of names of enrolled or enlisted person under this Act in the official *Gazette*, and in other media.

Retention in the Roll or List

37.—(1) Every enrolled Paraprofessional or enlisted Para professional Assistant shall retain enrolment or enlistment through annual renewal whereby an application for renewal of retention of enrolment or enlistment shall be made to the Council in a prescribed manner before expiration of existing certificate of enrolment or enlistment and shall be accompanied by a renewal fee as may be determined by the Council.

(2) Where the enrolled or enlisted person fails to apply for retention before the end of the existing enrolment or enlistment period, the Council may renew that enrolment or enlistment if the application is made within six months after the end of the expiry period.

(3) Where at the end of the period of six months, the enrolled or enlisted person has not renewed his enrolment or enlistment, the Council shall suspend the enrolment or enlistment for one year and if after the period of one year a Paraprofessional or Paraprofessional Assistant fails to renew the enrolment or enlistment then, the Council shall subject to section 34 cancel the enrolment or enlistment and order the removal of the relevant person's name in the Roll or List.

PART V

REGISTRATION OF VETERINARY PRACTICE FACILITIES

38.—(1) Any person who owns a veterinary practice facility shall before operating the facility be required to register the facility with the Council and to fulfill requirements of prescribed standards upon which the certificate of registration in respect of the facility shall be issued.

Registration of
Veterinary
practice
facilities

(2) A holder of certificate of registration issued under subsection (1) shall be entitled to operate the facility specified on the certificate of registration after obtaining an operating permit from the Council.

(3) The certificate of registration and the operating permit issued under this section shall be in the form as may be prescribed.

(4) A registered Veterinary practice facility shall be run by a registered Veterinarian or Veterinary Specialists who shall be obliged to observe the code of conduct for veterinary practice as may be prescribed in the Regulations to be made under this Act.

39.—(1) A person who seeks registration of veterinary practice facility under this Act shall submit an application in the prescribed form together with prescribed application fee to the Registrar.

Procedure
for
registra-
tion of
facility

(2) The Council shall before granting registration of the veterinary practice facility, cause the facility to be inspected by the Inspection Committee of the Council.

(3) The Inspection Committee shall, inspect the premises of the veterinary facility and prepare a brief report in respect of inspected facility to be submitted to the Council.

- (4) The Council may -
- (a) if after due consideration of the report is satisfied that the applicant has fulfilled all requirements, grant registration of the veterinary practice facility and issue certificate of registration in respect of registered facility; and
 - (b) reject an application and direct the Registrar to notify the applicant in writing stating the reasons for the decision of the Council.

Register
of
Veteri-
nary
practice
facilities

40.—(1) There shall be kept and maintained a Register for registered veterinary practice facilities under this Act.

- (2) The Register shall contain -
- (a) the name and full address of the veterinary practice facility;
 - (b) name of the owner or operator of the facility;
 - (c) the location of the facility;
 - (d) registration number of the facility; and
 - (e) such other particulars as may be determined by the Council.

Cancellation
of
certificate
of
registra-
tion

41.—(1) The Council shall, where a registered veterinary practice facility is not managed or operated in accordance with prescribed standards and procedures -

- (a) cancel or suspend the certificate of registration in respect of that facility; and
- (b) direct the Registrar to notify the operator or owner of the facility requiring him to stop operating the facility.

(2) The provisions of section 27 shall apply *mutatis mutandis* in relation to procedures for cancellation and suspension of certificate of registration under this section.

PART VI

GENERAL PROVISIONS ON VETERINARY PRACTICE AND COMPLAINTS

Practice,
ethics
and
conduct

42. Every registered Veterinarian, Veterinary Specialist, enrolled Paraprofessional and enlisted Paraprofessional Assistant shall have the obligation to conduct affairs of the profession with the highest degree of honest, skill and integrity and shall be required to observe the code of conduct and ethics prescribed pursuant to this Act.

43. No person shall, practice, whether directly or by implication, as a Veterinarian or Veterinary Specialist or Paraprofessional or Paraprofessional Assistant unless he has obtained registration or enrollment or enlistment under this Act.

Prohibition of practice by unauthorized persons

44.—(1) The Minister may, by regulations and upon advice by the Council-

Exemptions

- (a) exempt any person or category of persons from the requirements of section 43; and
- (b) prescribe the procedure and manner in which the exempted person or category of persons shall practice.

(2) Without prejudice to subsection (1), exemption from the requirement of section 43 shall be granted in respect of -

- (a) any treatment given to an animal by the owner thereof, by any 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;
- (b) 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 purpose of livestock management practice;
- (c) anything done, in the rendering of first aid for the purpose of saving life or relieving pain;
- (d) the performance of all or any of the following operations -
 - (i) bloodless castration;
 - (ii) the tailing of a lamb;
 - (iii) the docking of the tail of a dog before its eyes are open;
 - (iv) the disbudding of a calf under the age of four weeks;
 - (v) earmarking an animal raised for human consumption; or
 - (vi) any minor treatment, test or operation as may be specified by the Council from time to time.

45.—(1) Where a complaint is lodged to the Council against any Veterinarian, Veterinary Specialist, or Paraprofessional or Paraprofessional Assistant, the Council shall cause an investigation to be conducted into such complaint by a Disciplinary Committee of the Council.

Investigations of complaints

(2) The Disciplinary Committee shall conduct a preliminary investigation in a manner it sees fit and submit to the Council the investigation report.

(3) The Disciplinary Committee may, in the process of investigation, invite any person to provide expertise as may be required.

Decision
of the
Council

46.—(1) The Council may, upon receiving a report of preliminary investigation -

- (a) direct that the matter shall not proceed further;
- (b) that an Inquiry Committee be appointed for conducting inquiry into the matter;
- (c) determine the means to deal with the complaint without necessarily carrying out any detailed formal investigation or inquiry.

(2) The Council shall, where it has decided to appoint an Inquiry Committee to enquire into the complaint -

- (a) serve a written notice by registered post on the Veterinarian or Veterinary Specialist or Paraprofessional or Paraprofessional Assistant concerned notifying him of the date, time and place for the inquiry and nature of the complaint;
- (b) appoint an Inquiry Committee consisting of not more than four persons being -
 - (i) one Veterinarian or Paraprofessional or Para-professional Assistant;
 - (ii) one Veterinary Specialist in the area of investigation;
 - (iii) one lawyer; and
 - (iv) one person as may be determined by the Council.

(3) Where the Inquiry Committee finds that the Veterinarian, or Veterinary Specialist or Paraprofessional or Paraprofessional Assistant has engaged in any professional misconduct, it shall submit a report to the Council with recommendations.

(4) The Council shall, after consideration of the inquiry report and the recommendations thereof, determine the matter and may direct that a person against whom the complaint was made -

- (a) be reprimanded or fined;

- (b) be suspended; or
- (c) be removed from the Register, Roll or as the case may be List.

(5) Notwithstanding the foregoing subsections, the Council shall have the power to conduct an informal hearing into the professional misconduct of a Veterinarian, Veterinary Specialist, Para professional or Para professional Assistant without appointing an Inquiry Committee.

PART VII

MISCELLANEOUS PROVISIONS

47.—(1) Any person who is aggrieved by any decision of the Council under this Act, may, at any time within three months after receiving the notice of the decision of the Council, appeal to the Minister. Appeals

(2) Where a decision of the Council for an offence makes it unlawful for a person to practice or use any veterinary practice facility for purposes of practicing, the person shall stop practising and shall not use the facility for that purpose, and if any appeal is lodged, until the appeal is finally determined.

48.—(1) Any person, who carries out any act that requires the services of a registered Veterinarian or Veterinary Specialist or enrolled Paraprofessional or enlisted Paraprofessional Assistant, or practices the veterinary profession, without obtaining registration, enrollment or enlistment under this Act, commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand shillings and not more than one million shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment. Offences related to unauthorized practice

(2) Any person, who operates a veterinary practice facility which is not registered under this Act, commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year.

49.—(1) Any person, being a registered Veterinarian or Veterinary Specialist, Paraprofessional or Paraprofessional Assistant, who- Offences related to professional misconduct

- (a) makes an advertisement that is, false, fraudulent, deceptive or misleading and refers to secret methods of treatment and violates by-law of advertisement; or

- (b) makes untruthful or deceitful or misleading statements or acts;
 - (c) conducts himself dishonestly or unfairly;
 - (d) uses unregistered, substandard, expired or counterfeit drugs; or
 - (e) commits any acts tantamount to misconduct or misdemeanor;
 - (f) unethically signs or validates a certificate without actually or physically inspecting the animal;
- commits an offence of professional misconduct and may, upon directions of the Council, be reprimanded or suspended or his name struck off from the Register, Roll or as the case may be List.

(2) Where the Council gives a direction under subsection (1), the Council shall cause notice of the direction to be signed by the Chairman and served on the person to whom it relates.

Offences
related to
fraud

50. Any person who -

- (a) makes false or misleading statement, whether verbally or in writing, procures for himself or any other person registration or any certificate, receipt, approval or other document issued under this Act;
- (b) makes any unauthorized entry or addition or alteration in or removal from a Register, which is kept in terms of this Act, or an extract therefrom, or other document issued under this Act;
- (c) destroys or damages or renders illegible any entry in a Register kept in terms of this Act or, without the permission of the holder thereof, a certificate, receipt, approval or other document issued under this Act;
- (d) forges or, knowing it to be forged, utters any document purporting to be a certificate, receipt, approval or other document issued in terms of this Act;
- (e) impersonating any person registered or deemed to be registered in terms of this Act;
- (f) refuses or fails without lawful cause to be sworn having appeared as a witness at an inquiry by the Council, or refuses to make an affirmation or to answer any question or to produce any book, document or record which he may lawfully be required to answer or to produce;

- (g) refuses or failing without lawful cause to appear, having been duly summoned to appear, at an inquiry by the Council under this Act;
- (h) refuses or fails to comply with any condition or restriction imposed by the Council under this Act;
- (i) refuses or fails without lawful cause to make any statement or give any explanation, which may lawfully be demanded, from him in the application of this Act;
- (j) makes or giving a false statement or explanation knowing it to be false;
- (k) obstructs or hinders a member of the Council or of the Disciplinary Committee or of any other Committee of the Council in the exercise of his powers or the performance of his functions under this Act;

commits an offence of a fraud nature; and shall be liable on conviction to a fine or to imprisonment for a term as prescribed by the Penal Code.

51.—(1) The Veterinary Surgeons Ordinance, 1958 is hereby repealed.

Repeal
and
transition
Cap. 376

(2) Notwithstanding the repeal of the Veterinary Surgeons Ordinance, any right, assets, liabilities and obligations of the Board immediately before its' abolition shall become the right, assets, liabilities and obligations' of the Council including contracts, agreements, or arrangements or amendments made by or against or in relation to the Board.

(3) A person who was registered as a Veterinary Surgeon under the Ordinance immediately before the commencement of this Act, shall be deemed to have been registered under this Act except that such registration shall expire on the 31st December of the year in which the Act comes into operation.

(4) Rules or regulations made by or under the authority of the former Board for the purpose of regulating functions and discipline amongst Veterinarians shall remain in force and shall continue in force until revoked or replaced by regulations made under this Act.

Power to
make
regula-
tions

52.—(1) The Minister may, after consultation with the Council make regulations for better carrying out the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations prescribing -

- (a) the procedure for registration, enrollment and enlistment under this Act;
- (b) various forms to be used under this Act;
- (c) the procedure for inspection of veterinary practice facilities by inspectors and supervision of veterinary practice, Paraprofessionals and Paraprofessional Assistants;
- (d) fees and other charges to be paid or charged under this Act;
- (e) procedure for conducting inquiry under this Act;
- (f) types of establishment and constitution of colleges for Veterinary Specialists under this Act;
- (g) training standards and range of interventions for Paraprofessional and Paraprofessional Assistants;
- (h) procedures for nominations, elections and appointment of certain members of the Council;
- (i) procedures for appointment of examiners, their duties and remuneration;
- (j) the manner and procedures for management of complaints and appeals under this Act;
- (k) code of conduct for veterinary practice to be observed by Veterinarians, Veterinary Specialists, Paraprofessional or Paraprofessional Assistants; and
- (l) anything which needs to be prescribed under this Act.

(3) The regulations made under this section shall be published in the *Gazette*.

SCHEDULE

(Made under section 4 (1))

PROVISIONS RELATING TO THE COUNCIL

1. The Council shall consist of nine members who shall be appointed by the Minister, as follows:

Composi-
tion of the
Council

- (a) the Chairman who shall be a Veterinarian of outstanding experience in Veterinary matters;
- (b) two representatives from veterinary department;
- (c) A representative from faculties of Veterinary Medicine who is a registered Veterinarian nominated by Dean;
- (d) A representative of registered private veterinarians who shall be nominated from amongst registered veterinarians in private practice;
- (e) A representative of the Tanzania Veterinary Association;
- (f) A representative of paraprofessionals nominated from amongst themselves;
- (g) A registered Veterinarian who is a representative of the veterinary pharmaceutical industry; and
- (h) A senior legal officer employed in the Attorney-General's Chambers to be nominated by the Attorney-General.

2.-(1) A member of the Council appointed under paragraph 1 other than the Chairman, the Vice Chairman and a representative of Attorney-General shall, unless the appointment is earlier cancelled by the Minister, hold office for three years and shall be eligible for re-appointment for one more term:

Tenure of
Office of
members

Provided that, no member shall be re-appointed to the Council for more than two terms.

(2) The Chairman shall be appointed to serve for four years and shall be eligible for re-appointment for one more term.

(3) The Vice Chairman shall be elected at the first meeting of the term by members of the Council from amongst themselves and the member so elected shall hold office for three consecutive years.

(4) A representative from the office of the Attorney-General shall hold office for such period or periods as the Attorney-General may determine.

3.-(1) Notwithstanding the provisions of subparagraph (1), of paragraph 2, any member of the Council, other than the Chairman or a person holding an office of emolument under the United Republic, may at any time resign from membership of

Termina-
tion of
member

Council by notice in writing addressed to the appointing authority, who shall forthwith cause it to be forwarded to the Council, and from the date of the receipt by the Council of such notice, such member shall cease to be a member of the Council.

(2) The appointment, termination and resignation of members of the Council shall be published in the *Gazette* for general information.

Meetings
of the
Council

4.—(1) The Council shall meet not less than four times in a year and 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 dates as may be determined by the Chairman.

(2) The Secretary of the Council shall give notice of a meeting to each member not less than fourteen days before the date of meeting.

(3) The Chairman shall preside at all meetings of the Council. In the case of his absence the Vice Chairman shall preside. In the case of the absence of both the Chairman and Vice Chairman, members present and constituting a quorum shall elect from among themselves a temporary Chairman who shall preside at that meeting.

(4) The decisions of the Council shall be by a majority of votes and the Chairman of the meeting shall have a casting vote in addition to his deliberative vote and if any member fails or refuses to vote the vote shall be counted in the negative.

(5) A decision may be made by the Council without a meeting by circulation of the relevant papers amongst the members and the expression of the views of the majority of the members in writing be honoured but any member may require that the decision be deferred and the subject matter be considered at a meeting of the Council.

Quorum

5.—(1) A quorum of the Council shall be two thirds of the total number of members including a member of the Council from the office of the Attorney-General.

(2) The powers of the Council shall not be affected by any vacancy in the membership thereof, 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 Council.

Invited
members

6. The Council shall have powers to invite a person to its meeting or meetings of its Committees for the purpose of providing expertise during deliberations on specific matters but such person shall not have the right to vote.

Minutes of
the
meetings

7. Minutes of each meeting shall be kept by the Registrar in proper form and shall be approved by the Chairman not later than fourteen days from the date of the meeting and confirmed at a subsequent meeting of the Council.

Orders
direction
of the
Council

8. All orders, directions, notices or other documents made or issued on behalf of the Council shall be signed by the Chairman or as the case may be the Vice Chairman or the Registrar.

Seal of the
Council

9. The seal of the Council shall not be affixed to any instrument except in the presence of the Chairman or the Vice Chairman or the Registrar.

Council to
regulate in
own
proceed-
ings

10. Subject to the provisions of this Schedule, the Council may regulate its own procedures.

11. A member shall cease to be a member of the Council if the person –
- (a) is absent from three consecutive meetings of the Council without good cause;
 - (b) ceases to hold the office or position for which he was appointed;
 - (c) tenders a resignation in writing to the Appointing Authority;
 - (d) dies; or
 - (e) is suffering from mental disorder or illness.

Passed in the National Assembly on the 4th November, 2003.

KIPENKA M. MUSSA
Clerk of the National Assembly