

VETERINARY SURGEONS LAW - 1992 (PNDCL 305C)

- Section - 1 - Establishment Of Veterinary Council.

- There is hereby established a council to be known as the Veterinary Council of Ghana (in this Law referred to as "the Council").

- Section - 2 - Membership Of The Council.

- (1) The Council shall consist of the following members-
 - (a) four registered members of the Ghana Veterinary Medical Association elected by the Ghana Veterinary Medical Association;
 - (b) the Director of Animal Health and Production Department of the Ministry of Agriculture;
 - (c) a representative of the Council for Scientific and Industrial Research (C.S.I.R.) nominated by the Director-General of C.S.I.R.;
 - (d) a legal practitioner of not less than ten years standing as a lawyer nominated by the Government;
 - (e) a veterinary surgeon from one of the Universities in Ghana; and
 - (f) a distinguished and recognized livestock farmer appointed by the P.N.D.C.
- (2) The Chairman of the Council shall be a registered veterinary surgeon elected by the members of the Council from among their number.
- (3) There shall be a vice-chairman of the Council who shall be elected by the members from among their number.

- Section - 3 - Functions Of The Council.

- (1) The Council shall be concerned with the veterinary practice and practitioners (hereinafter referred to as "practitioners") and shall be responsible for securing the highest standards in the practice of veterinary medicine in Ghana.
- (2) The Council shall in particular-
 - (a) prescribe standards of professional conduct and ethics for practitioners;
 - (b) uphold and enforce professional standards by disciplinary powers conferred under this Law;
 - (c) maintain and publish a register of practitioners; and

(d) do all such things as in the opinion of the Council are necessary or desirable for the proper regulation of the practice of veterinary surgery and the improvement of veterinary services of Ghana.

• Section - 4 - Tenure Of Office Members Of The Council.

○ (1) Members of the Council shall hold office for a period of three years and shall on the expiration of that period be eligible for re-appointment.

(2) A member of the Council may, at any time in writing, addressed to the Chairman of the Council resign his office.

(3) In the event of death of, or resignation from office by a member of the Council before the completion of his term of office, a new member shall subject to subsection (5) of this section be elected or appointed to hold office for the remaining term of office.

(4) Where the Chairman certifies that a member of the Council is absent from Ghana or is in any manner unable to carry out his duties, another person may be appointed or elected subject to subsection (5) of this section.

(5) No election or appointment of a member shall be made under subsection (4) if the remaining term of office is less than one year.

(6) A member of the Council who is a member by virtue of his profession or office shall cease to be a member when he ceases to be a member of that profession or a holder of that office.

• Section - 5 - Meetings Of The Council.

○ (1) The Council shall meet at least thrice in a year or at such shorter intervals as the Chairman may decide.

(2) The Chairman shall preside at every meeting of the Council and in his absence the Vice-Chairman, and in the absence of both, the members present shall appoint one of their number to preside.

(3) Subject to subsection (2) of this section, the Chairman and two other members of whom at least one shall be a veterinarian shall form a quorum.

(4) The decision at any meeting of the Council shall be determined by a majority of the members present and voting and in the event of an equality of votes, the Chairman or the person presiding shall have a second or casting vote.

(5) The Council may co-opt any person to act as adviser at its meeting except that the co-opted person shall not vote on a matter for decision by the Council.

(6) The proceedings of the Council shall not be invalidated because of a vacancy in the membership or a defect in the appointment or qualification of a member.

(7) Except as otherwise provided in this Law the Council shall regulate its own procedure.

• Section - 6 - Committees Of The Council.

- (1) The Council may establish such committees as it thinks necessary for the proper conduct of its functions and exercise of its powers.

(2) A committee appointed under subsection (1) of this section may consist of members of the Council or non-members or both.

- Section - 7 - Financial Provisions.

- (1) The funds of the Council consist of-

(a) fees, grants and gifts from both governmental and non-governmental sources; and

(b) such other monies and assets that may vest in or accrue to the Council.

(2) All monies received by or on behalf of the Council shall be deposited to the credit of the Council at a bank approved by the Council.

(3) The Council may pay to its members, committee members and persons attending meetings of the Council such allowances, as the Council may with the approval of the Secretary determine.

- Section - 8 - Accounts And Audit.

- (1) The Council shall keep proper books of account and other records relating to its funds.

(2) The books and accounts of the Council shall be audited each year by the Auditor-General or an auditor approved by the Auditor-General.

(3) The auditor shall forward a copy of his report to the Secretary, who shall upon receipt and after further discussions with the Council enforce any recommendations embodied in the report.

- Section - 9 - Report Of The Council.

- (1) The Registrar of the Council shall annually submit to the Secretary a report on the Council's activities for the year.

(2) A member may obtain a copy of the Council's annual report on the payment of a fee determined by the Council.

- Section - 10 - Registrar Of Veterinary Surgeons And Other Staff.

- (1) The Council shall appoint a registered veterinary surgeon to be the Registrar of veterinary surgeons upon such terms and conditions as it shall determine.

(2) The Council may employ such other persons as it thinks fit and on such terms and conditions as it may determine.

- Section - 11 - Duties Of Registrar.

- The Registrar shall be the administrative secretary to the Council, and shall carry out any other duties imposed on him under this Law.

- Section - 12 -

- (1) There shall be a register to be known as Veterinary Surgeons' Register hereafter referred to as "the Register" in which shall be recorded by the Registrar the names of registered practitioners.

(2) The Register shall be in such form as the Council shall determine.

- **Section - 13 - Qualification For Registration.**

- (1) Subject to the provisions of this Law, any person who shows to the satisfaction of the Registrar that-

(a) he possesses the veterinary degree of a University from a country entitling him to be registered in the register of veterinary surgeons in that country; or

(b) he possesses a qualification bearing one of the following designations:

(i) Bachelor of Veterinary Medicine - B.V.M.;

(ii) Bachelor of Veterinary Medicine and Surgery - B.V.M. & S.;

(iii) Bachelor of Veterinary Science - B.V.Sc.;

(iv) Master of Veterinary Science - M.V.Sc.;

(v) Doctor of Veterinary Medicine - D.V.M.; or

(c) he possesses some other qualifications which is for the time being recognised by the Council,

shall subject to subsection (3) of this section and to the payment of the registration fee, be entitled to be registered as a Veterinary Surgeon.

(2) The Council may require any person who applies for registration to produce satisfactory evidence to the Council that he is a person of good character and a fit and proper person to be registered as a veterinary surgeon under this Law.

- **Section - 14 - Registration Procedure.**

- (1) A person who wishes to be registered under this Law shall apply in writing to the Registrar.

(2) An application for registration shall be supported by-

(a) a certificate conferring the qualification by virtue of which the registration is sought; and

(b) evidence of identity, good character and reputation and of authenticity and validity of any certificate submitted by the applicant.

(3) Where the Registrar is not satisfied with the documents produced for registration he may

reject the application and the applicant may within thirty days of the notification of the refusal, appeal to the Council which shall determine the appeal.

• Section - 15 - Registration Of Additional Qualification.

- (1) For the purpose of specialist professional designation and consultant grade, a registered veterinary surgeon who satisfies the Registrar that he has obtained a degree or qualification higher than or additional to the qualification in respect of which he was registered shall upon payment of the prescribed fee to the Council be entitled to have the higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered, unless it appears to the Council that the higher degree or additional qualification is not recognised by the appropriate authority in the country in which it was acquired.

(2) For the purpose of this section a "veterinary consultant" is a registered veterinarian, who has a specialist qualification, has been qualified as a veterinarian and practised as such for at least 10 years.

• Section - 16 - Temporary Register.

- (1) A person who does not intend to practise permanently in Ghana but who is otherwise qualified to be registered in the Register shall be entitled to be registered in a temporary register as a veterinary practitioner.

(2) A person otherwise qualified to be registered in the Register and who is required by the Council to serve any period of mandatory occasional training shall upon payment of the fee payable on registration, be registered in a temporary register.

(3) A person on a temporary register is entitled to be transferred to the standing register upon producing to the Registrar such written evidence as the Council may require.

• Section - 17 - Restriction Of Practitioners On Temporary Registers.

- (1) No practitioner on the temporary register shall practise veterinary medicine in Ghana unless he works with a registered veterinarian of good standing.

(2) A practitioner who fails to comply with this provision is guilty of infamous conduct in a professional respect and shall be considered not to have been registered under this Law.

• Section - 18 - Publication Of Register.

- The Registrar shall once every year, publish in the Gazette a list containing the names of registered veterinary surgeons.

• Section - 19 - Evidence Of Registration.

- (1) A copy of the list published in accordance with section 18 shall be evidence that the persons named in the list are registered under this Law.

(2) The absence of the name of any person from the list shall be evidence that the person is not so registered.

(3) The register, copies of it and extracts from it certified under the hand of the Registrar shall be receivable in evidence by a court of law.

- Section - 20 - Erasures And Corrections In The Register.

- (1) The Registrar shall remove from the register the name of any person if he is satisfied that the person has died or has left Ghana and does not intend to return.

(2) No erasure shall be made in a register but if an error occurs a red line shall be drawn through a word or sentence improperly inserted so as to leave the original word legible, and any word or sentence which may have been omitted shall either be underlined or written in the margin with red ink and the Registrar shall subscribe his name in the margin opposite the correction.

- Section - 21 - Rights Of Registered Members.

- A registered veterinary surgeon is entitled to-

(a) use the title "Veterinary Doctor" and is entitled to practise veterinary medicine and surgery in Ghana;

(b) the right, subject to existing laws to prescribe and store dangerous and restricted drugs and chemicals.

- Section - 22 - Procuring By False Representation.

- A person who, for the purpose of procuring the registration for himself or another person under this Law, wilfully makes or produces or causes to be made or produced, a false certificate either verbally or in writing and any person aiding or assisting him commits an offence and is liable on conviction to a fine not exceeding c500,000.00 or in default to two years imprisonment or both.

- Section - 23 - Restrictions In Veterinary Practice.

- (1) No veterinary surgeon shall be entitled to recover in a court of law a fee charged for performing a veterinary operation, or for giving veterinary advice, or for acting in any manner as a veterinary surgeon or for practising in any case of veterinary surgery or any branch of veterinary surgery, unless he was at the time a registered Veterinary Surgeon.

(2) No certificate or other document required by law to be signed by a qualified Veterinary Surgeon shall, be valid unless signed by a registered veterinary surgeon if it was given or issued after the commencement of this Law.

- Section - 24 - Private Practice.

- No practitioner shall be allowed to enter into private practice on his own unless he-

(a) has had at least four years' practical experience-

(i) in the public sector under an officer not below the rank of a senior veterinary officer or its equivalent; or

(ii) with a private practitioner with not less than four years' experience;

(b) qualifies to practise under section 13 of this Law; and

(c) is a registered member of the Ghana Veterinary Medical Association.

• Section - 25 - Offences And Penalties.

○ Any person who-

(a) not being a registered veterinary surgeon wilfully and falsely-

(i) takes or uses the title of veterinary surgeon;

(ii) takes or uses any name, title, addition or description calculated to lead to the belief that he is a registered veterinary surgeon; or

(iii) holds himself out as registered under this Law;

commits an offence and is liable on conviction to a fine not exceeding one million cedis or to two years imprisonment or both and in the case of a continuing offence to a further fine not exceeding c20,000.00 for each day on which the offence continues.

• Section - 26 - Persons Already In Practice At Commencement Of The Law.

○ A veterinary surgeon shall be deemed to have been registered with effect from the date of the commencement of this Law, if he-

(a) was ordinarily carrying on the practice of veterinary surgery in Ghana at the date; and

(b) was at that date in possession of the qualification specified in section 13 of this Law and approved by the Council.

• Section - 27 - Regulations.

○ The Secretary may on the advice of the Council by legislative instrument make Regulations-

(a) prescribing the manner of election of members of the Council for a disciplinary inquiry;

(b) prescribing the procedure for disciplinary inquiry by the Council into allegations of misconduct against practitioners;

(c) prescribing matters relating to disciplinary orders by the Council and appeals against decisions of the Council;

(d) prescribing the fees to be paid for any matter or thing to be done under this Law or any rule made in this section;

(e) prescribing conditions of places used by veterinary surgeons as animal hospitals or surgeries and the prohibition of the use of any place as an animal hospital or surgery which does not conform to prescribed conditions set out by the Council; and

(f) for the effective implementation of this Law.

• Section - 28 - Appointment Of Veterinary Practitioner In The Public Service, Etc.

- Where an office in the Public Service or in the Armed Forces or in an institution of higher learning requires a veterinary qualification, a person shall not be appointed to that office or hold or remain in that office unless he is a registered veterinary surgeon.

- Section - 29 - Unregistered Persons Schedule.

- Nothing in this Law shall apply to unregistered persons performing the following operations and treatment-

(a) any non-surgical treatment given to an animal by its owner or a member of the household of which the owner is a member;

(b) the docking of the tail or the amputation of the dew claws of a dog before its eyes are open;

(c) castrating calves, lambs and kids not older than six months and a boar not older than three months;

(d) the performance by a registered medical practitioner of an operation on an animal for the purpose of medical research;

(e) the performance of an operation, treatment or test by a genuine veterinary student attending a recognised veterinary school and under the personal supervision of a registered surgeon with whom for the time being the student is undergoing instruction.

- Section - 30 - Interpretation.

- In this Law, unless the context otherwise requires-

"Council" means the Veterinary Council of Ghana established under section 1;

"Director" means the most senior Veterinarian within the Directorate of the Department of Animal Health and production;

"Registrar" means the Registrar of veterinary surgeons appointed under section 11;

"Secretary" means the P.N.D.C. Secretary for the time being assigned responsibility for matters relating to veterinary medical practice.

"veterinary officer" means a registered veterinary surgeon appointed by the Public Services Commission into the public services;

"veterinary surgery" means the art and science of veterinary surgery and medicine and without prejudice to the generality of the foregoing shall be taken to include surgical operation, test, diagnosis, advice and treatment performed on any animal.