

GNR.2086 of 1 October 1982: Rules relating to the practising of veterinary professions

DEPARTMENT OF AGRICULTURE

as amended by

Notice	Government Gazette	Date
R1066	13230	17 May 1991
R1473	15981	23 September 1994
R34	23027	18 January 2002
R731	23453	31 May 2002
R343	27464	15 April 2005
R249	28631	24 March 2006
R868	32298	12 June 2009

ANNEXURE

SUBDIVISION OF RULES

1. Definitions

PART

SERVICES PERTAINING SPECIALLY TO VETERINARY PROFESSIONS

I

2. General services
3. Exceptions in respect of certain physiological and pathological conditions

PART

CONDUCT OF PERSONS PRACTISING VETERINARY PROFESSIONS

II

4. General principles
5. Issuing of certificates
6. Acceptance and payment of commission
7. Canvassing and touting
8. Covering
9. Second opinion
10. Use of veterinary medicine
11. Supersession
12. Intrusion
13. Professional secrecy
14. Approximate fees

PART

ADVERTISING

III

15. Advertising
16. Promotion of products and services
17. Articles and Editorials
18. Name-plates at veterinary facilities
19. Identification of veterinary facilities
20. Indication of consulting hours
21. Printing on professional stationery

PART

VEHICLES

IV

22. Animal Transport Vehicle

PART V
MINIMUM STANDARDS FOR VETERINARY FACILITIES

- 23. General structural requirements
- 24. General procedural requirements
- 25. General requirements at veterinary facilities
- 26. Records at veterinary facilities
- 27. Diagnostic imaging
- 28. General requirements for anaesthesia

PART VI
MINIMUM STANDARDS FOR MOBILE ANIMAL SERVICES

- 29.

PART VII
MINIMUM STANDARDS FOR HOUSE/FARM CALLS

- 30.

PART VIII
MINIMUM REQUIREMENTS FOR HOSPITALS

- 31. Structural and procedural requirements for small animal hospitals
- 32. Structural and procedural requirements regarding animal hospitals for equines
- 33. Structural and procedural requirements regarding animal hospitals for production animals

PART IX
PROCEDURE AT INQUIRIES INTO PROFESSIONAL CONDUCT

- 34. Lodging of complaints
- 35. Preliminary investigation
- 36. Inquiry into professional conduct
- 37. Procedure at Inquiry into professional conduct
- 38. Consideration by the Council
- 39. Accessibility to Inquiry into professional conduct

PART X
GENERAL

- 40

Definitions

1. Unless the context otherwise indicate, words and phrases in these rules shall have the meaning assigned thereto in the Act, and-

"Act" means the Veterinary and Para-Veterinary Professions Act, 1982 (Act No.19 of 1982), and the regulations made there under;

"advertisement" means any form of communication including computer accessed communication in the media or any other visual or verbal announcement by a veterinary professional or veterinary group, whether paid for or not, which is intended to be read, heard or seen by members of the public with a view to direct attention to the services provided by such veterinary professional or veterinary group;

"animal hospital" means a veterinary facility where veterinary services are available at all times and wherein examination, diagnostic, prophylactic, medical, surgical and extended accommodation services for hospitalised animals are provided;

"animal transport vehicle" means a mobile facility equipped to safely transport animals;

"complaint" means a complaint, charge or allegation of unprofessional, improper or disgraceful conduct against a respondent;

"computer-accessed communication" means any communication made by or on behalf of a veterinary professional or veterinary group that is disseminated through the use of a computer or related electronic device, including, but not limited to, web sites, weblogs, search engines, electronic mail, banner advertisements, pop-up and pop-under advertisements, chat rooms, list servers, instant messaging, or other internet presences, and any attachments or links related thereto.

"house or farm call" means when a veterinary professional leaves his/her base to render a basic medical and/or surgical service to his/her clients in a vehicle suitably equipped for that type of practice;

"investigation committee" means a committee of the council acting under powers delegated to by the council in terms of section 12 of the Act to investigate complaints;

"inquiry body" means a committee of the Council acting under powers delegated to it by the Council in terms of section 12 of the Act to preside at inquiries;

"logo" means any object or figure being a symbolic representation presented in a professional manner and used as a mark of recognition or distinguishing token;

"medicine" means a medicine or veterinary medicine as defined in section 1 of the Medicines and Related Substances Control Act, 1965 (Act No.101 of 1965).

"mobile animal service" means a clinical veterinary practice which may be transported or moved from one location to another for the rendering of a restricted range of medical or surgical services in a vehicle modified to function as a veterinary practice facility;

"principal" means the veterinary professional in whose name the veterinary facility is registered."

"products" mean veterinary and animal related products;

"respondent" means a person registered in terms of the Act against whom a complaint, charge or allegation of unprofessional, improper or disgraceful conduct has been lodged;

"veterinary facility" means a facility at or from which a person practises a veterinary profession;

"veterinary services at all times" does not necessarily mean that the facility must be manned by a veterinary professional at all times. The person on duty may be a registered veterinary nurse or another adequately trained person;

"veterinary professional" means a person practising a veterinary profession as a veterinarian or veterinary specialist; and

"veterinary group" for the purposes of advertising means any representative group recognised by the Council. The Council shall on application recognise any group of veterinary professionals formed in terms of a memorandum of association and regulated by a constitution, representing at least 50% (fifty) plus 1 (one) of all registered veterinary professionals within a clearly defined geographical area or within a special veterinary field.

PART I: SERVICES PERTAINING SPECIALLY TO VETERINARY PROFESSIONS

General Services

2. For the purposes of the Act -

(a) the diagnosis, treatment, prevention of, or advice on a disease, physiological or pathological condition in an animal;

(b) a surgical or dental operation or procedure on an animal; and

(c) the prescribing or administration of medicine to an animal;

shall be deemed to be services which pertain specially to a veterinary profession.

Exceptions in respect of certain physiological and pathological conditions

3. The provisions of rule 2(a) shall not be construed so as to prohibit an appropriately qualified person to diagnose or treat a physiological or pathological condition in an animal, which is caused by malnutrition.

Exceptions in respect of importing, exporting and applying for the registration of veterinary medicine

3A. The provisions of rule 2 shall not be construed so as to prohibit an appropriately qualified person from importing, exporting or applying for the registration of veterinary medicine.

PART II: CONDUCT OF PERSONS PRACTISING VETERINARY PROFESSIONS

General principles

4.(1) A veterinary professional shall base his/her personal and professional conduct thereon that -

(a) he/she is a member of a learned and honourable profession and is required to act at all times in such a manner as will maintain and promote the prestige, honour, dignity and interests of the profession and of the persons by whom it is practised;

(b) he/she is morally obliged to serve the public to the best of his/her ability and in the light of the latest scientific knowledge;

(c) he/she will not seek any personal advantage at the expense of any colleague in the profession;

(d) he/she will not permit himself/herself to be exploited in a manner which may be detrimental to an animal, his/her client, the public or the profession; and

(e) he/she shall, as far as it is within his/her professional ability -

(i) not refuse treatment to an animal; and

(ii) not abandon the treatment of an animal under his/her professional care unless he/she is satisfied that he/she has done his/her utmost to safeguard the welfare of the animal concerned.

(2) A veterinary professional shall keep himself/herself informed of the laws which affect him/her in the practising of his/her profession and shall, as far as it lies in his/her power, assist in the application of those laws.

(3) All persons practising veterinary professions are working for the same good cause, irrespective whether they are in private practice or in the service of an employer, and they shall therefore co-operate with each other and the authorities concerned to promote that cause.

(4) A person who practises a veterinary profession shall refrain from expressing any criticism in public through which the reputation, status or practise of a colleague in the profession is or could be undermined or injured, or through which a reflection is or could be cast on the probity, skill, methods or conduct of such colleague.

(5) The place at or from which a person practises a veterinary profession shall comply with the applicable minimum standards for a consulting room, or an animal hospital, as the case may be, which are specified in these Rules, and be registered with Council.

Issuing of certificates

5.(1) Certificates or other documents, which are issued by veterinary professionals in their professional capacity, shall contain facts and not any particulars based on hearsay.

(2) A veterinary professional shall only certify those matters of which -

(a) he/she has personal knowledge;

(b) can be ascertained by him/her personally; or

(c) are the subject of a supporting certificate from another veterinary professional who has personal knowledge of the matters in question and is authorised to provide such a supporting document.

(3) The certificate referred to in rule 5 (1) shall -

(a) be prepared with care and accuracy;

(b) be legible;

(c) be unambiguous and easy to understand;

(d) be produced on one sheet of paper or, where more than one page is required, shall be indivisible; and

(e) contain dates that are written in words.

(4) All certificates thus issued shall indicate -

(a) The name and residential address of the owner of the animal concerned;

(b) The address of the premises where the animal is kept;

(c) The breed, sex, colour and age of the animal;

(d) Any positive identification of the animal such as tattoo numbers, microchips and body markings where possible;

(e) The purpose for which the animal is certified (e.g. hacking, racing, etc); and

(f) The date of issue of the certificate as well as the date of examination of the animal must appear on the certificate; and

(g) For vaccination certificates the following are also required -

(i) The batch number or date of manufacture of the vaccine which has been used; and

(ii) The date of vaccination of the animal concerned.

(5) Any certificate or other document which is issued in a professional capacity by a veterinary professional, shall be signed by such a veterinary professional personally.

(6) When signing a certificate, a veterinary professional shall ensure that -

(a) he/she signs and completes any manuscript portions in ink;

- (b) the certificate contains no deletions, other than those, which are indicated on the face of the certificate to be permissible, and subject to such deletions being initialled by the certifying veterinary professional;
 - (c) the certificate bears not only his/her signature but also, in clear lettering, his/her name, qualifications and address and, where applicable his/her official or practice stamp; and
 - (d) no blank spaces are left on any certificates.
- (7) Students may not sign certificates.
- (8) An official translation of a certificate must be supplied when requested.
- (9) Copies of certificates issued by a veterinary professional must be retained for a minimum period of three years.
- (10) Original certificates should always be issued.
- (11) When required, a facsimile of a certificate will be acceptable provided that a witness is available to verify the contents of the facsimile (e.g. in court). The certifying veterinary professional must retain the original certificate.
- (12) Certificates should not require veterinary professionals to certify that there has been compliance with the laws of some other country, unless the provisions of the law are set out clearly on the certificate.
- (13) A veterinary professional should not issue certificates with regard to his/her own animals.

Acceptance and payment of commission

6.(1) Subject to rule 6 (2) a veterinary professional shall not -

- (a) pay or offer any commission to any person as a consideration for clients that are referred to the veterinary professional, by such person;
- (b) accept any commission from any person as a consideration for referrals of any clients by such veterinary professional to such person;
- (c) share with any person, fees charged for a service unless -
 - (i) such sharing is commensurate with the extent of such other person's participation in the rendering of the service concerned; or
 - (ii) he/she is a veterinary professional associated with the veterinary professional as a partner, shareholder, employee or *locum tenens*; and
- (d) charge or accept any fee for the examination of an animal from both the buyer and the seller of that animal or both the insurer and the owner of that animal.

(2) The provisions of rule 6 (1) shall not be so construed as to prohibit a veterinary professional -

- (a) from paying to a debt collection agency any commission in respect of debts which are collected by such agency on his/her behalf; or
- (b) from accepting any royalty or similar compensation in respect of an article or product to which he/she holds the patent rights.

Canvassing and touting

7.(1) Nothing in these rules shall be construed as authorising a veterinary professional to canvass or tout, directly or indirectly, for work commonly performed by a veterinary professional.

(2) For purposes of rule 7(1) a veterinary professional will be deemed to be canvassing or touting for work, but not limited thereto, if he/she -

(a) approaches a person who is not a client with a view to persuade such a person to make use of his/her professional services;

(b) solicits custom or work directly from any person;

(c) with a view to attract clients, grants or undertakes to grant any person, firm, association or other body, a discount on the fee usually charged for a service;

(d) makes unsolicited visits or telephone calls or sends unsolicited letters or printed material to any person, with a view to establishing a professional relationship with such a person; or

(e) enters into an arrangement with any person, whether employee or not, for the introduction of a client to his/her practice; but this will not apply to any arrangement between a veterinary professional and another veterinary professional for the referral of work in the normal course of either's practice.

(3) the provisions of rule 7(1) and 7(2) shall however not be construed so as to prohibit a veterinary professional -

(a) from directing letters or printed material to a person to whom he/she has rendered professional services during the preceding three years, or to colleagues in the profession; Provided that such letters or printed material shall be contained in an envelope on which the names and addresses of persons to whom it is directed appears; and

(b) from delivering a lecture or speech or publishing any report, interview or article or permitting the publication thereof in a *bona fide* attempt to save animals in a specific area during an emergency situation.

Covering

8.(1) A veterinary professional shall not -

(a) enter into a partnership in his/her practice with another person;

(b) offer a professional appointment in his/her practice to another person;

(c) employ another person in a professional capacity at his/her practice; or

(d) share his/her waiting and consulting rooms with another person;

unless such other person is also registered or deemed to be registered in terms of the Act to practise a veterinary or a para-veterinary profession, as the case may be.

(2) Subject to rule 8 (3) a veterinary professional shall not

(a) place his/her professional knowledge at the disposal of a member of the public or a lay organisation; or

(b) be involved in co-operation or collaboration with a member of the public or a lay organisation;

if unlawful or irregular practices are or may be encouraged thereby or it may adversely affect a veterinary professional.

(3) The provisions of rule 8 (2) shall not be so construed as to prohibit a veterinary professional from rendering assistance under the circumstances concerned to a member of the public or a lay organisation in an emergency in order to save a life or to prevent suffering: Provided that the person concerned shall as soon as possible thereafter notify the Council in writing of the relevant circumstances.

Second opinion

9.(1) If a client of a veterinary professional, requires a second opinion on the condition of an animal being treated by a veterinary professional, such veterinary professional shall -

(a) assist the client with the choice of and arrangements with a colleague in the profession to furnish the required second opinion; and

(b) furnish the colleague concerned with complete records of the animal concerned, and state the reasons for requesting such second opinion.

(2) A veterinary professional shall only request a second opinion on the condition of an animal being treated by him/her if the client agrees thereto.

(3) A person from whom a second opinion has been requested in terms of rule 9 (1) or 9(2) shall furnish his/her findings to both the client and the colleague concerned.

(4) A person who has furnished a second opinion, shall subject to rule 11(d), only attend to the animal concerned at the invitation of or with the consent of the person by whom that animal is being treated.

Use of veterinary medicine

10(1) Whenever a veterinary professional, administers medicine to an animal or prescribes the administering thereof, he/she shall satisfy himself that the administering thereof is justified with due allowance for the benefits and risks which that medicine may hold for -

(a) the animal to which it is administered;

(b) the person by whom it is administered; and

(c) the consumer of the products of that animal if residues of the medicine concerned should be present in those products.

(2) A veterinary professional shall inform the owner of an animal to which medicine is administered, fully with regard to -

(a) the application and effect of and precautionary measures in connection with that medicine; and

(b) the period, if any, during which the products of that animal are to be withheld from human consumption.

Supersession

11. A veterinary professional shall not examine or treat any animal currently being treated by a colleague in the profession, or advise the owner of such animal on the diagnosis or treatment of that animal unless -

(a) he/she is in terms of rule 9 requested to furnish a second opinion on the condition of the animal concerned;

(b) he/she is unaware of the fact that a colleague is treating the animal concerned;

(c) the colleague concerned agrees that the veterinary professional may take over the treatment of the animal concerned; or

(d) the client/owner of the animal concerned has requested the veterinary professional to take over the treatment of the animal concerned, in which case, such veterinary professional shall notify the colleague concerned thereof as soon as possible; or

(e) he/she applies emergency treatment on the animal concerned, in which case -

(i) the veterinary professional shall ascertain beforehand that the colleague concerned is not available to apply such emergency treatment; and

(ii) the veterinary professional shall notify the colleague concerned of the nature and extent of the emergency treatment applied.

Intrusion

12.(1) If a veterinary professional has obtained any confidential information regarding the nature and extent of the practice of a colleague in the profession, such veterinary professional shall not use that information to promote his/her own practice.

(2) If a veterinary professional, renders professional services to an employer on a part-time basis, he/she shall not use his/her connection with such employer in any manner whatsoever to promote his/her own practice at the expense of those of his/her colleagues in the profession.

Professional secrecy

13.(1) A veterinary professional shall treat all information obtained by him/her in the course of the practise of his/her profession, and which relates to an animal, as strictly confidential, irrespective whether that information has been obtained as a result of the examination, diagnosis or treatment of that animal, or has been disclosed to him/her by another person.

(2) Information referred to in rule 13(1) -

(a) may subject to the provisions of rule 13 (2)(b) and 13(2)(c) only be revealed to another person with the consent of the owner of the animal concerned;

(b) shall be revealed by the person concerned if he/she is directed thereto by a court, or is obliged thereto under some or other law; and

(c) may be revealed by the person concerned if he/she is of opinion that the public interest outweighs his/her obligation to the owner of the animal concerned.

Approximate fees

14.(1) A veterinary professional shall inform the person in charge of an animal in respect of which a service is to be rendered beforehand of the approximate fee which he/she intends to charge for such service -

(a) when so requested by the person in charge of the animal;

(b) when such fee exceeds the fee usually charged for such service; and

(c) when a service is required in addition to the original service anticipated.

(2) Any veterinary professional claiming payment from a person in respect of any service rendered by him/her shall furnish such person with a detailed account within 30 days after being so requested by such person.

(3) A person who has been so furnished with such detailed account may, in writing, apply to the Council to determine the amount which, in the opinion of the Council, should have been charged in respect of the service to which the account relates.

(4) The Council shall, as soon as possible after receipt of such application, afford the person who furnished the account concerned the opportunity to submit to the Council in writing his/her case in support of the amount charged.

(5) The Council shall, after consideration of the case, determine the amount that in its opinion should have been charged for the service to which the account related and notify the applicant and the person who furnished the account thereof in writing.

(6) The Council's decision is final.

PART III ADVERTISING

Advertising

15.(1) A veterinary professional may advertise his/her services, products and facilities or permit another person to do so without limitation on the size, format, artistic or literary style: Provided that the advertisement complies with the provisions of these rules and shall in no way compromise or impair any of the following, namely -

(a) the client's freedom to consult a veterinary professional of his/her choice; and

(b) the good reputation of the veterinary profession.

(2) All advertising by a veterinary professional shall be in good taste with regard to content, prominence and medium and may not be offensive to any cultural, religious or linguistic community or be contrary to the spirit of the code of conduct of the veterinary profession.

(3) Subject to the provisions of rule 15(7) and 15 (8) the content of an advertisement shall be limited to -

(a) a description of -

(i) the nature of the services rendered; and

(ii) the products, merchandise and foodstuffs stocked and sold;

(b) the address at which such services are rendered and the products, merchandise and foodstuffs sold;

(c) the times the services are provided;

(d) the name of the veterinary professional concerned; and

(e) a logo.

(4) An advertisement describing a specific veterinary animal care service direct to the public shall contain the telephone number of the veterinary professional concerned as well as information regarding emergency and out-of-hours service.

(5) A veterinary group, however, may advertise without any limitation on the content of an advertisement subject to the requirements of rule 15(7): Provided that the advertisement concerned has the approval of the majority of its members.

(6) The responsibility for ensuring that a group advertisement complies with the standards required by these rules shall be borne by the Chairperson or President, and executive committee of the group and in all other cases by the veterinary professional submitting the advertisement.

(7) Advertisements shall not -

(a) be misleading in any respect;

(b) compare the quality of services, products, merchandise and/or foodstuffs provided, the standards of facilities and/or the knowledge or expertise of a veterinary professional with that of another veterinary professional or the veterinary profession generally, nor may it claim to be superior in any respect;

(c) criticise the quality of services, products, merchandise and/or foodstuffs provided by another veterinary professional; and

(d) have fees and incentives that relate to any services that pertain specially to the veterinary profession as the subject of any advertisement. Prices of products, merchandise and foodstuffs sold and services that do not pertain specially to the veterinary profession rendered at the facility may, however, be advertised. Incentives including the word "discount" may be used when advertising such products, merchandise and foodstuffs and non-veterinary services provided that the advertisement clearly states that incentives and discounts do not apply to any services that pertain specially to the veterinary profession.

(8) No veterinary professional other than a specialist registered as such with the Council may claim that he/she is a specialist or an expert in a particular field in any advertisement.

(9) A veterinary professional may advertise that he/she has a particular interest in a certain species, organ or discipline: Provided that the advertisement indicates that the veterinary professional is a general practitioner with such a particular interest.

(10) A veterinary professional shall not collude with any person to ensure that his/her advertisement appears adjacent to an article and/or advertorial published by such person if the said article and/or advertorial would be in contravention of these rules if published by a veterinary professional.

(11) If a veterinary professional is identified in any way in an article, then an advertisement by such veterinary professional may not appear on the same page as the article.

(12) A veterinary professional shall not utilise a pop-up or pop-under advertisement in connection with computer accessed communications other than on the veterinary professional's own web site or other internet presence.

(13) A veterinary professional may refer to the Guideline of Tariffs published on the Council's website www.savc.co.za and may create a link to the relevant webpage in computer accessed communications.

Promotion of products and services

16.(1) Subject to rule 16 (2) the name of a veterinary professional shall not in any manner whatsoever, whether direct or indirect, be used –

(a) as part of the name of any business or organisation;

(b) in appeals to the public for contributions in aid of animal_welfare;

(c) in an advertisement to promote an article or a product which is or may be used in connection with the practising of a veterinary profession or a para-veterinary profession or the feeding, treatment or care of animals;

(d) in an advertisement in connection with any place at which animals are sold or boarded, or is owned, controlled or managed by himself or another person; or

(e) in an advertisement in connection with any business or trade in which he/she has an interest or is employed in a capacity other than as a veterinary professional, if it is used thus in conjunction with his/her professional title or qualifications or his/her professional address or telephone number.

(2) The provisions of rule 16 (1) shall not be so construed as to prohibit -

(a) a veterinary professional from promoting a particular product or service in a *bona fide* attempt to save animals in a specific area during an emergency situation;

(b) a veterinary professional who signs a letter regarding a veterinary matter on behalf of his/her employer, from indicating his/her professional title and qualifications with his/her signature; or

(c) a veterinary professional from stating his/her name and professional title and qualifications in a document which is required in terms of the Companies Act (Act No.19 of 1973), in respect of a company of which he/she is a director; or

(d) the use of separate advertising boards that indicate products stocked or used by the veterinary professional at his/her registered veterinary facility. Provided that such boards shall not contain the name of the veterinary professional or name of the registered veterinary facility or any other words that are misleading, confusing or conveying a false perception to the public or that may be construed as endorsement of such a product.

Articles and Editorials

17. A veterinary professional is allowed to state his/her name, qualifications and his/her capacity in articles or editorials published in the printed media. However, the address, telephone numbers and/or name of the veterinary facility from which the veterinary professional practises may not appear in such an article or editorial.

Name-plates at veterinary facilities

18.(1) Subject to rule 18 (3) it shall be permissible to display one nameplate for each veterinary professional at each veterinary facility where he/she practices his/her profession.

(2) A nameplate, which is displayed in terms of rule 18 (1), shall -

(a) not be larger than 350mm by 250mm;

(b) contain only an indication of the name, professional title, and qualifications recorded in the register, of the person concerned; and

(c) be displayed -

(i) next to the main entrance door to the veterinary facility of the person concerned; or

(ii) at the main entrance of the building in which the veterinary facility concerned is situated; or

(iii) next to the main entrance gate to the premises on which the veterinary facility concerned is situated.

(3) If the veterinary facility of a veterinary professional is situated in a building which is shared with other occupiers, the Council may, on application by such veterinary professional, approve that the nameplate be displayed in the manners referred to in rule 18 (2)(c)(i), (ii) and (iii).

(4) If -

(a) a veterinary professional, takes over the practice of a colleague in the profession; or

(b) a partner in a practice dies or retires;

the nameplate of the predecessor or deceased or retired partner may be displayed at the veterinary facility of the practice concerned for a period not exceeding six months after the date of take-over, death or retirement, as the case may be: Provided that in the case of take-over, the words "successor to" shall be added before the name of the predecessor concerned on his/her name-plate of the person who has taken over the practice concerned shall be displayed immediately above that of his/her predecessor.

Identification of veterinary facilities

19.(1) It shall be permissible to identify a veterinary facility by means of an identification board.

(2) An identification board referred to in rule 19 (1) shall, subject to the provisions of rule 19 (4), only contain –

(a) in the case of a veterinary facility which does not comply with the minimum standards of a hospital -

(i) the words "veterinary or animal consulting room;

(ii) the consulting hours;

(iii) a telephone number of the veterinary facility; and

(iv) a logo; or

(b) in the case of a veterinary facility which complies with the minimum requirements of a hospital -

the words "veterinary clinic" or "veterinary hospital" or "animal clinic" or "animal hospital";

(i) the words "veterinary clinic" or "veterinary hospital" or "animal clinic" or "animal hospital";

(ii) the consulting hours;

(iii) a telephone number of the veterinary facility; and

(iv) a logo.

(3) An identification board may be illuminated.

(4) The Council may, on application, approve that such words as the Council may in each case determine, be used on an identification board together with the applicable words referred to in rule 19 (2)(a) or 19 (2)(b) as the case may be, as the name of the veterinary facility concerned.

(5) If the veterinary facility is situated in a building where communal provision for the identification of the room numbers of tenants exists in the entrance hall or on the various floors the person concerned may make use of such communal provision to identify his/her veterinary facility.

(6) If a veterinary professional moves to a veterinary facility at a new address, a notice to this effect, stating the new address of his/her veterinary facility may be displayed at his/her old address for a period of not more than six months following the date of such move.

(7) If a veterinary professional takes over the practice of a colleague in the profession and opens a veterinary facility at an address other than that of his/her predecessor, a notice to this effect, stating the address of his/her veterinary facility may be displayed at the address where the veterinary facility of his/her predecessor was situated, for a period of not more than six months following the date of such take-over.

(8) A veterinary facility may be identified by means of a direction board, which direction board shall comply with the provincial or municipal regulations governing boards and only contain the words approved in terms of rule 19 (4) by the Council together with the applicable words referred to in rule 19 (2)(a)(i) or 19(2)(b)(i), as the case may be and a direction arrow.

(9) If a veterinary facility is concealed to such extent that it cannot readily be found by the public, the Council may on application by the person concerned, approve that a signboard may be erected under such conditions as it may in each case determine, to indicate where that veterinary facility is situated.

Indication of consulting hours

20.(1) The consulting hours during which a veterinary professional, is available for consultations at a veterinary facility at or from which he/she practises, shall be indicated on a suitable board at such veterinary facility.

(2) A board which is used in terms of rule 20 (1) shall in addition to the consulting hours concerned, indicate the telephone number where suitable veterinary assistance may in an emergency be obtained during normal working hours and after hours.

Printing on professional stationery

21.(1) A veterinary professional shall not -

(a) use any letterhead or prescription forms in his/her practice if it contains any particulars in addition to the -

(i) name;

(ii) address;

(iii) telephone number;

(iv) emergency numbers as defined in rule 20 (2);

(v) professional title and qualifications registered with the Council of that person and his/her partner in the practice concerned;

(vi) consulting hours; and

(vii) applicable words referred to in rule 19(2)(a) or 19 (2)(b) and if applicable, the words approved in terms of rule 19 (4).

(b) use in his/her practice any prescription form on which the name or address of a pharmacist or pharmacy appears.

PART IV: VEHICLES

Animal Transport Vehicle

22.(1) An animal transport vehicle shall be constructed in such a way that injuries to the animals are prevented, animals cannot escape therefrom and it be easily sanitised.

(2) The words "Animal Transport Vehicle", the approved name and logo of the registered veterinary facility and the telephone number of the veterinary facility may be displayed on the vehicle.

PART V: MINIMUM STANDARDS FOR VETERINARY FACILITIES

General structural requirements

23.(1) A veterinary facility at or from which a person practises a veterinary profession shall -

(a) be a permanent structure. (This is not intended to exclude buildings, which are factory produced and site assembled, e.g. a prefabricated building as the word "permanent "relates to the materials used and not the building itself);

(b) have a source of lighting, which is adequate to ensure the completion of a procedure in progress;

(c) in the case of a referral veterinary facility or a veterinary facility where advanced surgical procedures are performed, have an alternate power supply to allow the veterinary facility to function in the event of a power failure and to meet the requirements of local authorities;

(d) have a fire extinguishing apparatus, which meets the requirements of local authorities;

(e) be so constructed as to prevent the escape of an animal and to ensure the effective confinement of animals at all times;

(f) have appropriate equipment, or access thereto, for the effective sterilisation of surgical packs and other equipment;

(g) have adequate storage for sterilised packs and employ acceptable techniques to indicate the effectiveness and expiry of sterilisation;

(h) have facilities and equipment or access thereto for the hygienic disposal of soiled dressings, animal tissue and any other contaminated or unwholesome matter or objects to prevent the contamination of the veterinary facility as well as the environment; and

(i) have equipment to determine the weight of patients adequately.

(2) Subject to any requirements of a local or other authority, a veterinary facility shall consist of -

(a) a reception and office area;

(b) a waiting room for clients with access to toilet facilities; and

(c) one or more examination rooms.

(3) The internal walls and floor surfaces, shelves and tables of a veterinary facility shall be of such a nature that they can be properly cleansed and disinfected so that hygienic conditions can be maintained.

(4) The drainage and washing water of a veterinary facility shall run into an adequate sewer and comply with the requirements of local authorities.

(5) The veterinary facility shall have a direct public entrance.

(6) Provision shall be made at a veterinary facility for the storage and disposal of carcasses in a manner, which will ensure that they will not start to decompose before being disposed of.

(7) Provision shall be made at a veterinary facility for hygienic, insect and rodent free storage of therapeutic and nutritional requirements.

(8) Adequate facilities shall be available for the preparation of food and washing and cleaning of all equipment.

General procedural requirements

24.(1) Personnel shall be trained in the basics of aseptic technique.

(2) Personnel responsible for the operation of sophisticated equipment and apparatus shall be adequately trained and available in case of emergencies after hours.

(3) A veterinary professional shall attend to animals accepted into a veterinary facility at least once a day.

(4) The telephone at a number or alternative number that is indicated in an official telephone directory in respect of a veterinary facility shall be answered at all times, and the use of an automatic answering service outside the normal consulting hours shall be permissible for this purpose as long as it states the normal consulting hours of that practice and refers the client to either a telephone number, cell phone number of the veterinary professional on duty or to the address and telephone number of an after hours veterinary facility.

General requirements at veterinary facilities

25.(1) A veterinary facility shall have the necessary facilities in order to ensure that -

(a) a diagnostic service, including imaging diagnosis, can be rendered there or access to such a service is readily available;

(b) an emergency and intensive care service can be rendered there;

(c) a laboratory service for its own requirements can be rendered there, which veterinary facility shall have at its disposal routine equipment including at least a microscope, centrifuge and refractometer, or access to such service;

(d) a pharmacy service for its own requirements can be rendered there, and shall be maintained as well as administered in accordance with relevant legislation; and

(e) post mortem examinations can be done there.

(2) During the consulting hours specified on a notice board the veterinary facility shall be manned by a person registered to practise a veterinary profession.

(3) An animal with a contagious disease shall not be hospitalised at a veterinary facility unless facilities for the isolation thereof exist.

(4) Only routine surgery that is not complicated abdominal, orthopaedic or cardio-vascular surgery may be performed at a consulting room. If such routine surgery is performed at a consulting room, the provisions of rule 31(1)(b) shall be complied with.

Records at veterinary facilities

26.(1) The attending veterinary professional shall maintain records for each animal or group of animals which are legible, accurate and permit prompt retrieval of information.

(2) Records shall, where applicable, contain the following information -

(a) client's identification;

(b) patient name, other forms of identification, as well as the specie, breed, gender and age;

(c) clinical information;

(d) vaccination record;

(e) special procedures;

(f) diagnosis;

(g) treatment; and

(h) discharge instructions.

(3) Veterinary professionals attending to racing horses, excluding horses on spelling farms or studs registered with the National Horse Racing Authority of Southern Africa shall

(a) complete a veterinary case sheet in duplicate containing the following information

(i) premise identification;

(ii) patient identification;

(iii) diagnosis;

(iv) treatment; and

(b) Retain the original completed case sheet and hand a copy of the case sheet to the person requesting the treatment.

(4) All records including diagnostic images, laboratory and pathology results shall be retained by the principal of the veterinary facility for a period of three years from the patient's last visit.

(5) Records referred to in Rule 26(4) relating to a complaint, charge or allegation lodged with Council in terms of section 31(1) of the Act shall be presented to Council on request.

(6) Proper security arrangements shall be made to protect medical records from loss, fire, alterations or unauthorised use.

(7) Diagnostic images shall, on request of the owner of a patient or his/her representative, be handed over to such owner or representative, who shall sign a release in exchange for receipt of such records. Provided that a register be kept of the transfer indicating the date thereof as well as the particulars of the owner concerned.

(8)(a) The principal of a veterinary facility will be responsible for confirming the identity of the attending veterinary professional to Council, where a complaint is lodged against his/her veterinary facility.

(b) Should the principal of a facility fail to comply with the provisions of Rule 8(a), he/herself will then be held accountable for any unprofessional conduct arising from such a complaint.

Diagnostic imaging

27.(1) Imaging facilities suitable and adequate for the needs of the type of practice or veterinary facility or access thereto shall be provided and be readily available at all times. Operation and maintenance of diagnostic imaging facilities and equipment shall comply with manufacturer stipulations.

(2) Equipment shall be capable of producing images of diagnostic quality appropriate to the range of animals seen in the practice.

(3) Structural requirements for facilities where radiation equipment is installed, as well as safety precautions for the use of this equipment shall comply with the relevant legislation.

(4) An imaging logbook shall be kept listing the identity of animal and owner, numerical number, exposure figures, anatomical position and diagnosis.

(5) A suitable range of cassettes, screens, grids and contrast materials shall be available.

(6) Suitable facilities for the processing, recording, viewing, filing and storage of diagnostic images shall be available.

(7) Each radiograph shall have a permanent identification legibly exposed in the film emulsion and shall include the identity of animal and owner, practice identity, date, and indication of left or right.

(8) The use of self-adhesive labels for the identification of radiographs is not permissible.

(9) In the absence of a special agreement between the radiographer (veterinary professional) and client, a diagnostic image remains the property of the veterinary professional or the veterinary facility, which originally requested it.

(10) The diagnostic image shall be released immediately upon the request of another veterinary professional, provided he/she has been instructed by the owner to make such a request and furthermore that the expenses incurred in producing the diagnostic images are settled.

(11) Such image shall be returned to the original veterinary professional as soon as possible or, alternatively, at a date agreed upon by prior arrangement.

(12) The client/owner of an animal is entitled to a written report.

General requirements for anaesthesia

28.(1) Equipment for anaesthesia and facilities adequate and appropriate for the needs of the relevant practice and veterinary facility shall be provided at all times.

(2) An appropriate range of endotracheal tubes shall be available.

(3) Oxygen shall be available at all times to meet any emergency or other situation.

(4) Proper storage for all explosives shall be provided.

(5) A means to provide artificial ventilation shall be available.

(6) Intravenous fluids, administration sets and drugs for cardiopulmonary resuscitation shall be readily available for use in cases of emergency.

(7) Lock-up facilities shall be available for schedule drugs in accordance with the relevant laws.

(8) Where applicable, equipment for the control of body temperature shall be provided.

(9) Appropriate monitoring equipment shall be available to ensure the safe anaesthesia of all animals.

(10) Anaesthetic equipment shall be adaptable for variation in body weight within the specie range in which it is intended for use.

(11) Active or passive anaesthetic gas scavenging equipment shall be in use.

(12) All animals shall undergo a pre anaesthetic examination.

(13) An anaesthetic logbook shall be kept.

(14) All persons administering anaesthesia must be properly trained in the efficient use of all anaesthetic facilities and equipment.

(15) All anaesthetic equipment shall be properly maintained and serviced at regular intervals.

(16) The monitoring, maintenance and recovery from anaesthesia shall be effected by registered personnel or trained non-registered personnel under supervision of a veterinary professional who must be on the premises. The same person shall not do surgery, monitoring and maintenance of general anaesthesia.

(17) All animals shall be monitored after surgery and not discharged unless adequately recovered from anaesthesia. All animals must be fully conscious and ambulatory before discharging them from a veterinary facility.

(18) Adequately recovered from anaesthesia shall mean -

(a) In canines and felines - until the swallowing reflex of the patient has returned. In addition, in brachycephalic breeds until sternal recumbency can be maintained without assistance.

(b) In equines - until the patient is standing and assistance should be provided during recovery to compensate for physical disabilities.

(c) In ruminants - until sternal recumbency can be maintained without assistance.

(19) Adequate facilities shall be provided for the safe induction and recovery from anaesthesia. In the case of equines, the area to be used during the administration of general anaesthesia and for the recovery from such shall be padded with a material that is impervious and can be easily cleansed and disinfected, and which covers the whole floor area as well as the wall to a height of at least two metres.

(20) The said animal hospital shall be provided with a transportation system to be used in the transportation of animals to and from the area used during induction of general anaesthesia and for the recovery from such, and also the operating room.

PART VI: MINIMUM STANDARDS FOR MOBILE ANIMAL SERVICES

29.(1) The primary purpose of mobile animal services is to deliver a range of primary and secondary health care services and these facilities shall -

- (a) be operated by personnel registered with the Council;
- (b) maintain professional standards at all times; and
- (c) be attached or affiliated to a fully equipped back-up veterinary facility able to provide advanced secondary and tertiary health service as well as emergency care.

(2) A mobile facility shall comply with the following structural and procedural requirements:

- (a) it shall have an acceptable standard of construction and appearance;
- (b) be constructed of materials that are impervious and that can be cleansed and disinfected;
- (c) carry a supply of water and have adequate lighting and ventilation;
- (d) maintain secure storage of scheduled drugs in accordance with relevant legislation;
- (e) have facilities for storing biologicals and pharmaceuticals at recommended temperatures;
- (f) have equipment for the disposal or collection of all waste including carcasses, if required;
- (g) carry an appropriate range of drugs, instruments and protective clothing according to the species serviced; and
- (h) have access to communication facilities to contact the back-up veterinary facility.

(3) Mobile operating rooms shall comply with the relevant regulations for animal operating rooms.

(4) The Council may, on written application, consider the approval of mobile animal services other than those described above.

PART VII: MINIMUM STANDARDS FOR HOUSE/FARM CALLS

30.(1) A vehicle used for house and or farm shall be maintained in a clean and sanitary condition.

(2) The vehicle shall contain those items of equipment that are necessary for the veterinary professional to perform physical examinations and emergency treatment consistent with the standards of the profession and the type of veterinary services required.

(3) Standard equipment of the vehicle shall include the following:

- (a) sterile surgical instruments, suturing materials, syringes and needles if surgery is to be performed;
- (b) protective clothing, boots and the means to change or sanitise them between visits;
- (c) current and properly stored pharmaceuticals and biologicals, specially protected against overheating; and
- (d) communication facilities, or access thereto, for contacting the base veterinary facility.

(4) When in contact with known infectious diseases special precautions must be taken to prevent transmission of infectious agents.

PART VIII: MINIMUM REQUIREMENTS FOR HOSPITALS

Structural and procedural requirements for small animal hospitals

31.(1) A small animal hospital shall, in addition to the requirements of rule 23 consist of-

(a) one or more rooms for the treatment and pre-operative preparation of patients, which shall be convenient to the operating room;

(b) a separate room which is equipped as an operating room and has:

(i) an adequate light source;

(ii) a surgical table with an impervious operating surface that can be easily cleansed and disinfected;

(iii) a gas anaesthetic apparatus;

(iv) an adequate supply of oxygen;

(v) a radiographic viewer; and

(vi) adequate ventilation.

(2) The operating room must be of adequate size and there must be an adequate supply of equipment and instruments at all times.

(3) There shall be no thoroughfare through an operating room and it shall not be used as a storage room.

(4) Only final preparation of the patient shall be done in the operating room.

(5) Aseptic conditions shall be maintained in the operating room, which include the use of sterilised gowns, gloves, masks, caps and drapes, and the sterilisation and re-sterilisation of all surgical instruments at least every three weeks. In case of routine surgery, that is not complicated abdominal, orthopaedic or cardio-vascular surgery, sterilised gowns may be dispensed with.

(6) Suitable scrubbing facilities shall be available.

(7) A ward in which patients can be kept shall-

(a) have a separate cage of adequate size for each patient; and

(b) be adequately ventilated and, if necessary, heated or cooled.

(8) An animal shall not be hospitalised overnight at a hospital except if full-time supervision is available at the hospital concerned.

(9) An area in which patients can be exercised indoors or outdoors shall be designed and constructed in a manner that will prevent escape and promote the maintenance of hygiene.

Structural and procedural requirements regarding animal hospitals for equines

32.(1) An animal hospital for equines shall, in addition to the requirements of rule 23 consist of -

(a) one or more examination rooms or undercover areas equipped with hand washing facilities and diagnostic equipment for the physical, endoscopic, ophthalmic and cardiac examination of the patient;

(b) a transportation system to be used in the transportation of equines to and from the area used during induction of general anaesthesia and for the recovery from such, and the operating room;

(c) a separate room that is equipped as an operating room and has the following:

(i) an adequate light source;

(ii) a surgical table with an impervious operating surface that can be easily cleansed and disinfected;

(iii) a gas anaesthetic apparatus;

(iv) an adequate supply of oxygen;

(v) a radiographic viewer; and

(vi) adequate ventilation.

(2) Aseptic conditions shall be maintained in the operating room, which include the use of sterilised gowns, gloves, masks, caps and drapes, and the sterilisation and re-sterilisation of all surgical instruments at least every three weeks. In case of routine surgery, that is not complicated abdominal, orthopaedic or cardio-vascular surgery, sterilised gowns may be dispensed with.

(3) Suitable scrubbing facilities shall be available.

(4) Only final preparation of the patient shall be done in the operating room.

(5) There shall be no thoroughfare through an operating room and it shall not be used as a storage room.

(6) The operating room must be of adequate size and there must be an adequate supply of equipment and instruments at all times.

(7) An area for the safe loading and off-loading of patients, as well as a crush pen with a waterproof and washable floor surface, shall also be provided at the examination area.

(8) The stable in which patients can be kept shall be arranged in such a manner that each patient is kept separately and adequately ventilated.

(9) An area in which patients can be exercised, and is designed and constructed in a manner which will prevent escape and promote the maintenance of hygiene.

(10) Any material, which poses a fire hazard for the patients at an equine hospital, shall be stored away from stables, and if it is kept in an adjoining room, such room shall be separated from the stables concerned by means of a fire partition wall.

Structural and procedural requirements regarding animal hospitals for production animals

33. (1) An animal hospital for production animals shall, in addition to the requirements of rule 23 consist of -

(a) one or more examination rooms or undercover areas with hand washing facilities and adequately equipped to perform diagnostic and standing surgical procedures;

(b) separate room which is equipped as an operating room and has the following -

(i) an adequate light source;

(ii) a surgical table with an impervious operating surface that can be easily cleansed and disinfected;

(iii) a gas anaesthetic apparatus;

(iv) an adequate supply of oxygen;

(v) a radiographic viewer; and

(vi) adequate ventilation.

(2) Aseptic conditions shall be maintained in the operating room, which include the use of sterilised gowns, gloves, masks, caps and drapes, and the sterilisation and re-sterilisation of all surgical instruments at least every three weeks. In case of routine surgery, that is not complicated abdominal, orthopaedic or cardio-vascular surgery, sterilised gowns may be dispensed with.

(3) Suitable scrubbing facilities shall be available.

(4) A loading ramp for the safe loading and off-loading of patients, as well as a crush pen with a waterproof and washable floor surface shall be available at such animal hospitals for production animals.

(5) The stalls in which patients can be kept shall be constructed in such a manner that each patient is kept separately and adequately ventilated.

(6) An area in which patients can be exercised, and is designed and constructed in a manner which will prevent escape and promote the maintenance of hygiene.

(7) Any material which poses a fire hazard for the patients at a production animal hospital shall be stored away from any stalls, and if it is kept in an adjoining room, such room shall be separated from the concerned by means of a fire partition wall.

PART IX: PROCEDURE AT INQUIRIES INTO PROFESSIONAL CONDUCT

Lodging of complaints

34. A complaint shall be in writing in the form of an affidavit and be addressed to the Registrar.

Preliminary investigation

35.(1) On receipt of a complaint, the Registrar shall advise the respondent of the complaint and forward a copy thereof to the respondent per pre-paid registered mail.

(a) The Registrar shall inform the respondent that he/she may furnish a typewritten explanation, in the form of an affidavit, before a date, not earlier than sixty days from the date of the request, determined by the Registrar, to the Council.

(b) The respondent shall be warned that such an explanation may be used in evidence against him/her.

(c) The respondent shall be informed of his/her right to refuse to answer any allegations, which might incriminate him/her; and

(d) The respondent shall be informed that he/she is entitled to seek legal representation prior to filing such an affidavit.

(2) On receipt by the Registrar of an explanation, it shall be submitted to an investigation committee, and if no explanation is received, the Registrar shall report this to the investigation committee.

(3) The Registrar or the investigation committee may at any stage cause further investigation to be made.

(4) If further information is sought from the respondent he/she shall be advised of -

(a) his/her right to refuse to answer any questions and furnish any information which might incriminate him/her; and

(b) that he/she is entitled to legal representation during such consultation or discussion.

(5) If an investigation committee resolves that a complaint, even if substantiated, does not constitute unprofessional, improper or disgraceful conducts it shall take such action as it may think fit and report such action to the Council.

(6) If the complainant is not satisfied with the outcome of the investigation committee's preliminary finding, the evidence at hand shall be referred to Council for a decision whether or not an inquiry into professional conduct shall be held.

(7) If it appears to an investigation committee that an inquiry should be held into the conduct of a respondent, it shall direct the Registrar to arrange for the holding of an inquiry into professional conduct.

Inquiry into professional conduct

36.(1) On receipt of a directive to hold an inquiry the Registrar shall summons the respondent by means of a notice addressed to the respondent stating where and when the inquiry into the professional conduct will be held and enclosing a charge as formulated by the investigation committee.

(2) The notice shall be served on the respondent or mailed to him/her at his/her registered address by prepaid registered post.

(3) If witnesses are summoned at the instance of the respondent the Registrar may require the respondent to deposit a sum of money sufficient to cover the costs thereby entailed, and the Registrar may pay such costs from the amount deposited.

Procedure at Inquiry into professional conduct

37.(1) In an inquiry into professional conduct held in terms of Section 31 of the Act the procedure shall be as follows -

(a) the respondent or, if he/she is not present, his/her legal representative shall be asked by the chairperson of the inquiry body to plead guilty or not guilty to the charge and that plea shall be so recorded;

(b) if the respondent, or his/her legal representative, refuses or fails to plea directly to the charge, this shall be recorded and a plea of not guilty shall be entered, and a plea so entered shall have the same result as if it had in fact been so pleaded;

(c) the pro forma complainant shall be given the opportunity of stating his/her case and of leading evidence in support thereof;

(d) the respondent shall thereafter be given the opportunity of stating his/her case and of leading evidence in support thereof;

(e) the inquiry body may, in its discretion, allow further evidence to be led or a witness to be recalled by either the pro forma complainant or the respondent or by both after their cases have been closed;

(f) after the parties have closed their cases, the inquiry body may in its discretion call further witnesses or recall a witness to be questioned by the members of the inquiry body and thereafter by the pro forma complainant and then by the respondent or his/her legal representative;

(g) after all evidence has been given, the pro forma complainant shall be allowed to address the inquiry body on the evidence and the legal position;

(h) thereafter the respondent shall likewise be allowed to address the inquiry body, whereafter the pro forma complainant shall be allowed to address the inquiry body in reply;

(i) after the evidence of a witness has been given, the opposing party shall be entitled to cross-examine the witness, whereafter the chairperson of the inquiry body may put questions to the witness and allow other members of the inquiry body to put questions to the witness;

(j) before re-examination, further cross-examination shall be allowed arising from questions put by the chairperson and other members;

(k) the person who led the evidence shall thereafter be entitled to re-examine the witness, but shall confine his/her re-examination to matters on which the witness was cross-examined or on which the chairperson or other members put questions to the witness;

(l) if the respondent and his/her legal representative are not present at the inquiry into professional conduct, it shall proceed in the respondents' absence and a plea of not guilty shall be entered, unless the respondent has in writing pleaded guilty to the charge against him/her, in which event it shall be entered as his/her plea;

(m) all oral evidence shall be taken on oath or affirmation by the chairperson of the inquiry body;

(n) evidence on affidavit shall be admissible: Provided that the opposing party may object to such evidence if he/she is not given the opportunity of cross-examining the witness.

(2) Upon the conclusion of a case the inquiry body shall deliberate thereon *in camera*.

(3) If the respondent is found not guilty of the charge against him/her, he/she shall be advised accordingly.

(4) The inquiry body may make a finding of not guilty even if the respondent has pleaded guilty.

(5) If the inquiry body has, regarding any charge, determined that sufficient facts have been proved to its satisfaction to support the charge, it shall decide whether the charge so supported constitutes unprofessional, improper or disgraceful conduct and it shall announce its finding.

(6) If the respondent is found guilty the pro forma complainant shall furnish details to the inquiry body of previous convictions of the respondent under the Act, if any and may address the inquiry body and lead evidence regarding a suitable penalty to be imposed.

(7) The witnesses concerned may be questioned by the respondent and members of the inquiry body.

(8) The respondent may thereafter address the inquiry body and adduce evidence in mitigation of the penalty to be imposed and the witnesses concerned may be questioned by the pro forma complainant and members of the inquiry body.

(9) Thereupon the inquiry body shall deliberate *in camera* upon the penalty to be imposed, and the chairperson shall then inform the respondent of the inquiry body's decision regarding the penalty.

Consideration by the Council

38.(1) In the event of a penalty being imposed by an inquiry body, the respondent shall be entitled to make representations to the Council regarding the exercise of its discretion.

(2) Such representations shall be made by the respondent himself or by his/her legal representative only in the form of a written memorandum addressed to the Registrar for submission to the Council.

(3) The Registrar shall receive all representations before a date which the chairperson of the inquiry body shall announce at the time of the communication referred to in paragraph 37(9).

(4) After receipt of a representation in terms of paragraph 38 (2), the Council may vary, confirm or refuse to confirm the finding of an inquiry body or may refer the case to the inquiry body for further consideration and report.

(5) The finding and the penalty (if any) imposed by the Council on the respondent shall be communicated to the parties concerned, immediately thereafter either by the Registrar or at a later date in a letter as the Council may direct.

Accessibility to Inquiry into professional conduct

39.(1) The proceedings at an inquiry into professional conduct shall be open to the public. Provided that-

(a) any decision of the inquiry body in respect of any point arising in connection with or in the course of an inquiry may be arrived at *in camera*;

(b) any evidence adduced during an inquiry into professional conduct may, on good cause shown, in the discretion of the inquiry body, be heard *in camera*; and

(c) the inquiry body may, on good cause shown, in its discretion, order that no person shall at any time in any way publish any information, which would probably reveal the identity of any particular person other than the respondent.

PART X: GENERAL

40. The Council may, on written application, and at its own discretion, grant exemption from the provision of specific rules.