

**VETERINARY COUNCIL ACT**

Act 14 of 1991 – 20 January 1992

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**VETERINARY COUNCIL ACT**

**1. Short title**

This Act may be cited as the Veterinary Council Act.

**2. Interpretation**

In this Act—

“Chairperson” means the Chairperson of the Council;

“Council” means the Veterinary Council of Mauritius established under section 3;

“diploma in veterinary surgery” means a degree which is granted by a University authorising the recipient to practise veterinary surgery and medicine and is acceptable to the Council;

“Minister” means the Minister to whom responsibility for the subject of agriculture is assigned;

“ordinary meeting” means a meeting specified in section 7;

“Permanent Secretary” means the Permanent Secretary of the Ministry;

“Register” means the register of veterinary surgeons specified in section 13;

“registered” means fully or temporarily registered, as the case may be;

“Registrar” means the Registrar of the Council appointed under section 12;

“veterinary surgeon” means a person registered under this Act to practise veterinary surgery;

“veterinary surgery” means that branch of medicine that deals with health, management feeding and breeding of animals and other allied disciplines.

### **3. Establishment of Veterinary Council**

There is established for the purposes of this Act the Veterinary Council of Mauritius.

### **4. Constitution of Council**

(1) Subject to subsection (2), the Council shall consist of—

- (a) 7 registered veterinary surgeons of not less than 10 years' experience in Mauritius, elected in accordance with the Schedule;
- (b) 2 registered veterinary surgeons of not less than 10 years' experience in Mauritius, appointed by the Minister, one of whom shall be the Principal Veterinary Officer;
- (c) the Solicitor-General or his representative; and
- (d) a representative of the Prime Minister's Office.

(2) For the purpose of a hearing under section 20 or 21, the Council shall consist only of members specified in subsection (1) (a), (b) and (c).

(3) The Council shall elect a veterinary surgeon from among its members as Chairperson of the Council.

(4) The composition of the Council shall be published in the *Gazette*.

### **5. Tenure of office of members**

(1) The members of the Council shall hold office for a period of 3 years and shall be eligible for reappointment or re-election, as the case may be.

(2) The Council may require a member to vacate his office if he—

- (a) has committed a misconduct, default or breach of trust in the discharge of his duties as a member or otherwise, which in the opinion of the Council renders him unfit to be a member;

- (b) is incapacitated by prolonged physical or mental illness;
- (c) has been convicted of an offence of such a nature as, in the opinion of the Council, renders him unfit to be a member;
- (d) had been absent, without leave of the Council, from 2 consecutive ordinary meetings of the Council of which he has had notice;
- (e) has been disqualified under this Act from practising his profession; or
- (f) has resigned by notice in writing given to the Chairperson of the Council.

(3) The Council may suspend from office a member of the Council against whom—

- (a) criminal proceedings have been instituted for an offence punishable by imprisonment and involving fraud or dishonesty or infamous conduct; or
- (b) disciplinary proceedings are instituted by the Council or, in the case of a public officer, by the Public Service Commission on a ground involving fraud or other dishonesty, gross negligence or infamous conduct.

#### **6. Filling of vacancies on Council**

Where any member of the Council dies, resigns or is removed from office, the vacancy shall be filled—

- (a) in the case of a member appointed by the Minister, by a fresh appointment;
- (b) in the case of an elected member, by appointing the next person who obtained the largest number of votes after the elected members at the previous election held in accordance with the Schedule;
- (c) where no person is qualified for appointment under paragraph (b), by the holding of a fresh election.

#### **7. Meetings of Council**

(1) Five members shall constitute a quorum at an ordinary meeting.

(2) The Chairperson shall preside at every meeting of the Council and shall have a right to vote upon any question and, in the event of an equality of votes, shall have a casting vote.

(3) In case the Chairperson is absent from a meeting, the members present shall elect one of the veterinary surgeons present to chair the meeting.

(4) The validity of any decision, proceeding or act of the Council or act done on the authority of the Council shall not be affected by a vacancy among the members, or by any defect in the appointment of a member, or by reason that some person who was not entitled to do so took part in the decision or proceeding.

(5) The Council shall meet at least 3 times in each year.

(6) A special meeting of the Council—

- (a) may be convened by the Chairperson at any time;
- (b) shall be convened by the Chairperson within 21 days of the receipt by him of a request in writing signed by not less than 5 members of the Council and specifying the purpose for which the meeting is to be convened.

(7) The Council may set up such committee of 2 or more members for such purpose as it may determine.

[S. 7 amended by Act 23 of 1994.]

## **8. Seal of Council**

The Council shall have a seal which shall bear such design as may be approved by the Council.

## **9. Validity of documents**

All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Council if signed by the Chairperson or a member authorised by the Council in that behalf.

## **10. Functions of Council**

(1) The functions of the Council shall be to—

- (a) exercise and maintain discipline in the practice of veterinary surgery;
- (b) advise the Minister on any matter governed by this Act;
- (c) establish a code of practice for the veterinary profession on standards of professional conduct and veterinary ethics; and
- (d) publish an annual list of veterinary surgeons.

(2) Pursuant to subsection (1) (a), the Council may investigate a complaint against a veterinary surgeon other than a visitor specified in section 17.

(3) Where the Council investigates a complaint—

- (a) it shall notify the veterinary surgeon, whose conduct, act or omission is under investigation, of the nature of the complaint and give him an opportunity to be heard and to be assisted by a legal representative of his choice;
- (b) it may summon and hear witnesses; and
- (c) it may call for relevant documents and make such extracts or copies as it thinks fit.

(4) The Council shall keep a proper record of all its proceedings under subsection (3).

[S. 10 amended by Act 23 of 1994.]

### 11. Remuneration and immunity

(1) The members of the Council shall be paid such remuneration or allowance as the Minister may determine.

(2) No civil or criminal proceedings shall lie against a member in respect of an act or omission done by him in good faith in the performance of his duties under this Act.

### 12. Registrar

(1) There shall be a Registrar to the Council who shall be a veterinary officer of the Ministry designated for that purpose by the Permanent Secretary.

(2) The Registrar shall be the Secretary to the Council.

(3) Where the Registrar is unable or unwilling to carry out his functions, the Permanent Secretary shall, at the request of the Chairperson, appoint another person to act as Registrar.

(4) Service of process by, on behalf of or on the Council shall be sufficient if made by, on behalf of or on the Registrar.

### 13. Register of veterinary surgeons

The Registrar shall—

- (a) keep such register as the Council may determine;
- (b) enter in the appropriate register—
  - (i) the name, address, qualifications and other particulars of every person who is already registered or is eligible for registration under this Act;
  - (ii) any alterations in the name, address, qualifications and other particulars of such person; and
  - (iii) whether any such person has died, has been struck off as a veterinary surgeon or has been suspended from practising as a veterinary surgeon or has left Mauritius with the intention of settling abroad.

### 14. Application for registration

(1) Every person who wishes to be registered as a veterinary surgeon may apply in writing to the Registrar and submit with his application—

- (a) his diploma in veterinary surgery;
- (b) his act of birth or other acceptable evidence of his identity; and
- (c) such other particulars as the Council may reasonably require.

(2) Every application shall be in such form as the Council may determine.

(3) Where the Chairperson is satisfied that an applicant is qualified for registration as a veterinary surgeon, he shall register the applicant and inform the Council accordingly.

(4) In every other case, the Chairperson shall refer the application to the Council for consideration.

(5) Where the Council decides to register an applicant, the applicant shall be so registered.

(6) Where the Council refuses an application, it shall notify the applicant accordingly, stating the reasons for the refusal.

#### **15. Full registration of citizens of Mauritius**

Every person who is a citizen of Mauritius shall be entitled to full registration as a veterinary surgeon if he—

- (a) holds a degree in veterinary surgery, acceptable to the Council;
- (b) is of good character and has not been convicted of a crime involving fraud or dishonesty or infamous conduct;
- (c) is not under suspension under the law of any country for or on account of any infamous conduct or any professional incompetence or malpractice;
- (d) has not been struck off the list of persons entitled to practise veterinary surgery in any country;
- (e) is not incapacitated by reason of any physical or mental health.

#### **16. Temporary registration of non-citizens**

Subject to section 17, every person who is not a citizen of Mauritius shall be entitled to be temporarily registered as a veterinary surgeon if—

- (a) he is holder of a work permit or is otherwise entitled to engage in gainful occupation in Mauritius; and
- (b) he satisfies the requirements of section 15.

#### **17. Temporary registration of visitors**

A person shall be entitled to be temporarily registered under this Act if he is a veterinary surgeon who is—

- (a) engaged in Mauritius in the implementation of a Government scheme agreed upon by Government, the Food and Agricultural Organisation or any other international agency approved by the Council;
- (b) visiting Mauritius and has been invited to offer his services in a hospital or other institution approved by the Council; or
- (c) visiting Mauritius for the purpose of teaching, research or study in a field related to veterinary surgery under such training scheme as may be approved by Government.

#### **18. Certificate of registration**

(1) The Registrar shall issue to every person registered under this Act a certificate of registration in such form as the Council may determine.

(2) The Registrar may issue to an applicant a duplicate certificate if he is satisfied that the applicant has lost his certificate of registration.

### **19. Additional qualifications**

Where a veterinary surgeon registered under this Act obtains subsequently to such registration other qualifications, he shall be entitled, on application to the Council, to have such other qualifications entered in the register in addition to the qualifications previously entered.

#### **19A. Annual list of veterinary surgeons**

(1) The Council shall, not later than 31 January in every year, publish an annual list of veterinary surgeons.

(2) Notwithstanding section 26 and subject to subsection (5), no veterinary surgeon shall practise veterinary surgery unless his name is on the list of veterinary surgeons.

(3) Every veterinary surgeon who wishes to have his name on the annual list of veterinary surgeons shall—

- (a) in the case of a newly registered veterinary surgeon, on registration; and
- (b) in any other case, at the beginning of every year and in any case not later than 15 January in every year, pay to the Council such fee as may be prescribed.

(4) The Registrar shall, on receipt of the fee under subsection (3), enter the name of the veterinary surgeon in the annual list of veterinary surgeons.

(5) Where it is established to the satisfaction of the Council that a veterinary surgeon did not wilfully fail to cause his name to be entered in the annual list, the Council may, subject to such terms and conditions as it thinks fit, including the prohibition to practise veterinary surgery for a specified period, authorise the veterinary surgeon to practise veterinary surgery.

[S. 19A added by Act 23 of 1994.]

### **20. Disciplinary measures**

(1) Where, on the investigation of a complaint, the Council is satisfied of the veracity of the complaint and finds that the professional conduct, act or omission of a veterinary surgeon needs to be censured, it may—

- (a) administer a warning or a severe warning;
- (b) administer a reprimand or a severe reprimand;
- (c) suspend the practitioner from the practice of veterinary surgery for a period not exceeding 3 months; or
- (d) remove the name of the practitioner from the register.

(2) The decision of the Council under subsection (1) or section 21 shall be communicated to the veterinary surgeon in question as soon as practicable and, at any rate, not later than 15 days from the date of the decision.

## **21. Disciplinary measures following conviction**

(1) Where a person is convicted of an offence involving infamous conduct in the exercise of his calling as a veterinary surgeon, the Council may censure him in any manner specified in section 20.

(2) Where a veterinary surgeon is convicted of an offence involving fraud, dishonesty or infamous conduct in the exercise of his calling, the Council may, after giving him an opportunity to show cause why disciplinary measures should not be taken against him, censure him in any manner specified in section 20.

## **22. Duty of disclosure**

Every member of the Council who is closely related to a veterinary surgeon whose conduct, act or omission is under investigation, and every member who has any pecuniary or other personal interest in the subject-matter of the investigation, shall disclose his relationship or interest, as the case may be, and refrain from participating in the investigation.

## **23. Lack of quorum**

(1) Where, pursuant to section 22 or for any other reason, a quorum cannot be obtained by the Council, the quorum shall be constituted in accordance with section 6 (a) and (b).

(2) Where a quorum cannot be obtained without a fresh election, and the Council is of the opinion that it is urgent to hold an investigation, the Chairperson may request the Attorney-General to appoint one or more persons as appropriate to make up any deficiency in quorum for the purpose of the investigation.

(3) An appointment made by the Attorney-General under subsection (2) shall not, until the investigation in respect of which he is appointed is completed, lapse on account only that no other member may be available to replace him after such appointment.

## **24. Appeals**

(1) A veterinary surgeon who is aggrieved by a decision of the Council under section 20 or 21 may, within 21 days of being notified of such decision, appeal to the Supreme Court.

(2) An appeal under subsection (1) shall be made in such manner as may be provided by rules made by the Supreme Court.

[S. 24 amended by Act 29 of 1992.]

## **25. Restoration of name to register**

(1) Subject to any order which may be made by the Supreme Court on an appeal, where the name of a person has been removed from the Register in accordance with this Act, the name of that person shall not be restored.



(2) Where the name of a person has been removed from the Register, the Council may, after the expiry of 6 months from the date of the removal, of its own motion or on the application of the person concerned, and after holding such inquiry as it thinks fit, cause the name of the person to be restored to the Register.

#### **26. Illegal practice of veterinary surgery**

(1) No person shall be entitled to practise as a veterinary surgeon in Mauritius and to demand, sue for and recover in any Court any charge by way of claim, counter-claim, set-off or otherwise for any veterinary advice or attention unless he is registered as a veterinary surgeon under this Act.

(2) No person who is not registered under this Act shall cause or induce any other person to believe that he is a veterinary surgeon registered under this Act.

(3) For the purpose of this section, the performance of a single act relating to the practice of veterinary surgery may be held to be sufficient evidence of such practice.

(4) No person who has been suspended from the practice of veterinary surgery shall practise veterinary surgery during the period of the suspension.

(5) No person whose name has been removed from the Register under section 20 or 21 shall practise veterinary surgery unless his name has been restored to the Register pursuant to section 25.

(6) Where a person is convicted of an offence under this section, any drug, poison, medicine or any veterinary or diagnostic instrument or appliance used by him or belonging to him or found in his possession may be forfeited, destroyed or otherwise disposed of as the Court may think fit.

#### **27. Exemption from application of Act**

Nothing contained in this Act shall be deemed to prohibit or prevent a veterinary surgeon from carrying out his duties in accordance with the provisions of any law regulating his profession or calling in Mauritius.

#### **28. Exemption from registration**

All veterinary surgeons of any visiting force and ship lawfully present in Mauritius shall be exempted from registration for the discharge of their duties.

#### **29. Funds of Council**

All fees payable under any regulations made under this Act shall form part of the revenue of the Council and any expense incurred in carrying out the provisions of this Act shall be paid out of such revenue.

#### **30. Powers of Minister**

The Minister may give to the Council such directions of a general nature, not inconsistent with this Act, as he thinks fit, and the Council shall comply with such directions.

### 31. Offences

(1) Every person who fraudulently procures or attempts to procure his registration under this Act shall commit an offence.

(2) Every person who, being required in writing by the Council to attend as a witness or to produce any document for the purpose of section 20 or 21, fails to do so without any reasonable excuse shall commit an offence.

(3) Every person who obstructs the proceedings of the Council during any investigation or other proceedings by the Council under section 20 or 21 shall commit an offence.

(4) Every person who molests any member of the Council in the course or on account of any investigation or proceedings under section 20 or 21 shall commit an offence.

(5) Every person who fails to comply with any other provision of this Act or any regulation made under this Act shall commit an offence.

### 32. Penalty

Every person who commits an offence under this Act shall, on conviction, be liable to a fine not exceeding 5,000 rupees or to imprisonment for a term not exceeding 3 months.

### 33. Regulations

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

- (a) prescribe anything which is permitted or required by this Act to be prescribed;
- (b) provide for any matter in respect of which regulations may be made under this Act;
- (c) provide that no association shall use the words "Veterinary Council" as part of its appellation;
- (d) provide for the procedure to be followed by the Council at an inquiry under this Act; and
- (e) provide for the levy of fees.

34. – 36. —

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## SCHEDULE

[Sections 4 and 6]

### RULES OF ELECTION OF MEMBERS OF THE COUNCIL

#### 1. Calling for nominations and appointment of nomination day

(a) On a date not less than one month before the beginning of the 3-year period, the Registrar shall publish in the *Gazette* and such newspaper as the

Council may direct, a notice inviting the submission of nominations and appointing a day on which and the time at which nominations must be submitted.

(b) Whenever the office of an elected member of the Council becomes vacant, the vacancy shall be filled as soon as practicable and in the manner specified in subparagraph (a).

## **2. Nomination of candidates**

No person shall be eligible for election as a member of the Council unless—

- (a) on nomination day he is a fully registered veterinary surgeon and is not otherwise suspended and reckons at least 10 years' experience as veterinary surgeon in Mauritius;
- (b) he is a citizen of and resident in Mauritius; and
- (c) his nomination is supported by 3 fully registered veterinary surgeons.

## **3. Procedure after nomination**

(a) If the number of persons duly nominated exceeds the number of persons to be elected, the Registrar shall publish in the Gazette and such newspapers as the Council may direct, a notice—

- (i) specifying the names of the persons duly nominated;
- (ii) appointing a day, time and place, being not less than 15 days after the publication of the notice, for the holding of an election.

(b) A person who has been duly nominated shall not publish or distribute any manifesto which is calculated or likely to induce persons to vote for him to be a member of the Council.

## **4. Persons entitled to vote**

Every veterinary surgeon who on nomination day is fully registered as a veterinary surgeon under this Act shall be entitled to vote at an election of the members of the Council.

## **5. Election**

(1) The election of members of the Council shall be conducted by the Office of the Electoral Commissioner who shall communicate the results to the Registrar.

(2) The Registrar shall submit to the Minister the results of the election forthwith.

(3) The Minister shall, within 15 days of the receipt of the results of the election, publish in the *Gazette* the composition of the Council.

