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GENERAL NOTICE

Notice 2371 of 1999

DEPARTMENT OF AGRICULTURE

DRAFT VETERINARY AND PARA-VETERINARY PROFESSIONS AMENDMENT BILL

The Draft Veterinary and Para-Veterinary Professions Amendment Bill, 1999, is hereby published for comment. Interested persons are hereby invited to submit written comments concerning the draft Bill to Directorate: Legal Services, Department of Agriculture, at any of the following addresses:

Street Address: 30 Hamilton Street
Dirk Uys Building
Pretoria

Postal Address: Private Bag X250
Pretoria
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For attention: Adv. M Naidoo
Tel. No.: (012) 319 6034
Fax. No.: (012) 325 7391

Such comments shall be submitted within four weeks of the date of publication hereof in the Gazette.

NOTE:

[.....] Words in bold type in square brackets indicate omissions from existing enactment.

_____ Words underlined with a solid line indicate insertions in existing enactment.

DRAFT VETERINARY AND PARA-VETERINARY PROFESSIONS AMENDMENT BILL

To amend the Veterinary and Para-Veterinary Professions Act, 1982 so as to provide for the restructuring of the council; to provide for the examination of candidates with a veterinary degree not recognised by council; to further provide for the registration of a private company to practice in terms of the Act; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:

Amendment of section 1 of Act No. 19 of 1982, as amended by section (1) of Act No. 19 of 1989

1. Section 1 of the Veterinary and Para-Veterinary Professions Act, 1982 (hereinafter referred to as the principal Act), is hereby amended -

a. by the substitution for the definition "officer" of the following definition:

"officer" means an officer as defined in section 1 of the Public Service Act, [1984 (Act No. 111 of 1984)] 1994 (Proclamation No. 103 of 1 994);";

b. by the insertion after the definition "prescribe" of the following definition:

"private company" means a company incorporated and registered as a private company in terms of the Companies Act 1973 (Act No. 61 of 1973):".

Amendment of section 5 of Act No. 19 of 1982, as amended by section 2 of Act No. 19 of 1989

2. Section 5 of the principal Act is hereby amended -

a. by the substitution for subsection (1) of the following subsections:

"5. Constitution of council

(1) The council shall consist of

- a. two [**officers**] persons designated by the Minister, of whom -
 - i. one shall be an officer of the Department of Agriculture [**of Agricultural Economics and Marketing**] who is a veterinarian or a veterinary specialist; and
 - ii. one is [**after consultation with the Minister of Justice, designated on account of his**] appointed from the persons referred to in subsection (2)(a). on account of the said person's knowledge of law;
- b. one representative from each university in the Republic [**which**] that has a faculty of veterinary science, which representative shall be a veterinarian or veterinary specialist who is a professor or lecturer in veterinary science at such university and shall be designated by the rector or principal of such university;
- c. one representative of the South African Veterinary Association, which representative shall be a member of that Association and shall be designated by the said Association;
- d. 6 veterinarians or veterinary specialists from the persons referred to in subsection (2)(b) of whom -
 - i. 3 veterinarians or veterinary specialists at the top of the voting pole shall be elected automatically; and
 - ii. 3 veterinarians or veterinary specialists shall be appointed by the Minister;
- e. 1 para-veterinary professional who is the chairperson of the standing committee referred to in subsection (3): and
- f. 5 persons appointed by the Minister from the persons referred to in subsection (2)(c). of whom at least 3 are veterinarians or veterinary specialists.

(2) The preliminary selection of the council shall constitute -

- a. 2 Persons selected by the selection Panel. referred to in subsection (4) on account of their knowledge of law;
- b. 10 veterinarians or veterinary specialists elected in the prescribed manner by persons registered or deemed to be registered in terms of this Act to practice veterinary Professions;
- c. 8 veterinarians or veterinary specialists and 2 non-veterinarians selected by the selection Panel.

(3) One representative of each para-veterinary profession shall be elected, in the

prescribed manner by persons registered or deemed to be registered in terms of this Act to practice the para-veterinary profession concerned, to serve on the standing committee of council.

(4) A selection panel shall -

- a. be selected by the Minister in consultation with the outgoing council; and
- b. consist of -

- i. 3 veterinarians or veterinary specialists;
- ii. 1 para-veterinary professional; and
- iii. 1 non-veterinary professional."

- a. by the deletion of subsection (2) and the existing subsections (3), (4) and (5) becoming subsections (5), (6) and (7) respectively.

Amendment of section 6 of Act No. 19 of 1982 as amended by section 3 of Act No.19 of 1989

3. Section 6 of the principle Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) No person shall qualify to be a member of the council if such person **[has been convicted of improper or disgraceful conduct after an inquiry under section 14 of the Veterinary Act, 1933 (Act No. 16 of 1933); or]** has been found guilty of unprofessional, improper or disgraceful conduct under section 31 of this Act and the council has exercised its disciplinary powers in terms of section 33(1)(b), (c) or (d) of this Act."

Amendment of section 9 of Act No. 19 of 1982

4. Section 9 of the principle Act is hereby amended by the deletion of subsection (1).

Amendment of section 14 of Act No. 19 of 1982

5. Section 14 of the principle Act is hereby amended by -

- a. the substitution for subsection (4) of the following subsection:

"(4) A person who is not proficient in **[both official languages]** at least two official languages, one of which shall be English, shall not be appointed in terms of this section."; and

- b. by the deletion of subsection (6).

Amendment of section 20 of Act No. 19 of 1982

6. Section 20 of the principle Act is hereby amended by -

- a. the substitution for subparagraph (ii) of paragraph (b) of subsection (5) of the following subparagraph:

"(ii) in the case of the contemplated registration as a veterinary specialist, it is a post-graduate qualification connected with the specialty in respect of which registration is desired and the council is satisfied that the person in question has sufficient knowledge and experience to enable such person to practice the profession concerned, for which purpose such person, except if the council expressly determines otherwise, shall pass an examination determined by the council."; and

- b. the deletion, of the expression "(i)" where it appears in paragraph (c) of subsection (5).

Amendment of section 24 of Act No. 19 of 1982, as amended by section 7(b) of Act No. 19 of 1989

7. Section 24 of the principal Act is hereby amended -

a. by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) in the case of a juristic person, that person is a corporation or a private company.";

b. by this insertion after subsection (4) of the following subsection:

"(5)(a) Notwithstanding the provisions of subsection (1), a Private company shall be registered in terms of this Act only if -

- i. the principal business of that Private company is the practicing of a veterinary profession or a para-veterinary profession, as the case may be;
- ii. all the shareholders of the company are registered in terms of this Act to practice a veterinary or a para-veterinary profession;
- iii. the name of the company has been approved by the council;
- iv. every shareholder of the company is a director and only a shareholder shall be a director thereof; and
- v. its memorandum of association provides that the directors and cast directors shall be liable jointly and severally, together with the company, for such debts and liabilities of the company as are or were contracted during their periods of office, in which case the said directors and cast directors shall be liable.

(b) If a company ceases to conform to any requirement of subsection (a), it shall forthwith cease to practice and shall, as from the date on which it ceases to conform, not be recognised to practice the veterinary or para-veterinary profession, as the case may be."; and

c. by the deletion of subparagraph (ii) of paragraph (b) of subsection (7).

Amendment of section 28 of Act 19 of 1982, as amended by section 9 of Act No. 19 of 1989

8. Section 28 of the principle Act is hereby amended by -

a. the substitution for paragraph (dA) of the following paragraph:

"(dA) in the case of a corporation or a private company -

- i. that corporation or private company ceases to exist; or
- ii. the provisions of section 24 (4) or 24 (5), as the case may be, are no longer complied with;" and

b. the substitution for paragraph (a) of subsection (1A) of the following paragraph:

"(a) For the purposes of this Act, the member's interest of a person in a corporation or a private company may, at such person's death or at the termination, withdrawal or suspension of such person's registration in terms of this Act, be held by the such person's estate or by the such person, as the case may be, for a period of 12 months in the case of a corporation or for a period of 6 months in the case of a private company, from the death or the termination, withdrawal or suspension of such person's registration, or for such longer period as the council may on application determine."

Amendment of section 31 of Act No. 19 of 1962, as amended by section 10 of Act No. 19 of 1989

9. Section 31 of the principle Act is hereby amended by the substitution for paragraph (a) of

subsection (6), of the following paragraph:

"(a) Any inquiry referred to in subsection (1) may be instituted simultaneously against a corporate or a private company, and a member or employee of that corporate or directors of that private company."

Amendment of section 33 of Act No. 19 of 1982, as amended by section 12 of Act 19 of 1989 and section 4 of Act No.13 of 1993

10. Section 33 of the principle Act is hereby amended by the insertion after paragraph (a) of subsection (1) of the following paragraph:

"(aA) impose a fine not exceeding the amount determined by the Minister from time to time by notice in the Gazette;".

Amendment of section 41 of Act No.19 of 1982

11. Section 41 of the principle Act is hereby amended by the substitution for subparagraphs (i), (ii), (iii) and (iv) of subsection (1), of the following subparagraphs respectively:

- "i. on a first conviction of a contravention referred to in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k), be liable to a fine **[not exceeding R2 000]** or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment;
- ii. on a second or subsequent conviction of any contravention referred to in subparagraph (i), whether the same or any other contravention referred to in that subparagraph, to a fine **[not exceeding R10 000]** or to imprisonment for a period not exceeding five years, or to both such fine or such imprisonment;
- iii. on a first conviction of an offence referred to in paragraph (l), (m), (n), (a), (p), (q) or (r), be liable to a fine **[not exceeding R500]** or to imprisonment for a period not exceeding three months, or to such fine and such imprisonment;
- iv. on a second or subsequent conviction of any contravention referred to in subparagraph (iii), whether the same or any other contravention referred to in that subparagraph, be liable to a fine **[not exceeding R2 000]** or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment."

Amendment of section 42 of Act No. 19 of 1982

12. Section 42 of the principle Act is hereby amended by the deletion of subsection (1).

Amendment of section 43 of Act No. 19 of 1982

13. Section 43 of the principle Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) A regulation may for any contravention thereof of failure to comply therewith, prescribe **[penalties not exceeding a fine of R500 or not exceeding imprisonment for a period of three months]** a fine or imprisonment for a period not exceeding three months, or to both such fine and such imprisonment **[for any contravention or failure to comply with its provisions]**."

Amendment of section 44 of Act No. 19 of 1982

14. The following section is hereby substituted for section 44 of the principle Act:

"44 Repeal of laws

Subject to the provisions of sections **[5 (2), 6 (2), 9 (1)' 14 (6),]** 18 (2) and (4), 20 (4) and 25 (7), the laws specified in the Schedule are hereby repealed."

Establishment of new council

15. (1) A new council shall be established in accordance with the procedure set out in section 2 of this Act, within six (6) months of the date of coming into operation of this Act.

(2) The Minister shall by notice in the Gazette determine the date upon which the new council shall come into operation which shall be the date upon which the members of the out-going council established in terms of section 5 of the principle Act, shall cease to hold office.

General amendment to Act 19 of 1982

16. The principle Act is hereby amended by the substitution for the words "he", "his" and "him", wherever they appear in the principle Act, of the words "he or she", "his or hers" and "him or her" respectively.

Short title and commencement

17. This Act shall be called the Veterinary and Para-Veterinary Professions Amendment Act, 1999, and shall come into operation on a date determined by the President by proclamation in the Gazette.