

Cross References.

The Evidence Act, Cap. 6.
The Penal Code Act, Cap. 120.
The Public Finance and Accountability Act, 2003.
The Veterinary Surgeons Act, Cap. 277.

**BILLS
SUPPLEMENT No. 1**

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Bill No. 1

*Veterinary and Para-Veterinary
Practitioners Bill*

2007

THE VETERINARY AND PARA-VETERINARY PRACTITIONERS BILL, 2007.

MEMORANDUM.

The object of this Bill is to repeal and replace the Veterinary Surgeons Act, Cap. 277, which is obsolete, with a new legislation that consolidates, with amendments, the law relating to the practice of veterinary and para-veterinary medicine, and takes into account the Government's national policy for the delivery of veterinary services.

Part I of the Bill (incorporating clauses 1 and 2) deals with preliminary matters such as the commencement of the proposed Act and the interpretation of words and expressions used in the Bill.

Part II of the Bill (incorporating clauses 3 to 5) provides for the establishment, composition and functions of a Veterinary Council for Uganda, whose functions shall be to regulate and control the practice of veterinary and para-veterinary medicine in Uganda.

Part III of the Bill (incorporating clauses 6 to 9) provides for the management and staff of the Veterinary Council. Clause 6 establishes the Secretariat of the Council and provides for the Secretariat's functions, while clause 7 establishes the office of Registrar of the Council and provides for his or her functions.

Part IV of the Bill (incorporating clauses 10 to 15), deals with the Council's finances. Clause 10 provides for the sources of the Council's funds, while clauses 13 and 14 provide for the accounting for, and auditing by the Auditor General of, the Council's finances.

Part V of the Bill (incorporating clauses 16 to 21) provides, among other things, for the establishment of registers containing the names and particulars of veterinary clinics, the names and particulars of members of the veterinary profession and practitioners of para-veterinary medicine in Uganda; eligibility for registration and the removal of names from the registers.

Part VI of the Bill (incorporating clauses 22 to 28) provides for, among other things, the licensing of members of the veterinary profession and para-veterinary practitioners who wish to engage in private practice. Clause 23 makes it an offence to engage in the private practice of veterinary and para-veterinary medicine without obtaining an appropriate licence from the Council. The clause also prescribes sanctions for operating a private veterinary clinic without being appropriately registered and licensed by the Council.

Part VII of the Bill (incorporating clauses 29 to 33) prescribes a machinery for holding an inquiry into allegations of professional misconduct made against a member of the veterinary profession or a para-veterinary practitioner.

Part VIII of the Bill (incorporating clauses 34 to 44) deals with miscellaneous matters such as the legal effect of publications of the registers containing particulars of members of the veterinary profession and para-veterinary practitioners in the *Gazette*; the right of members of the veterinary profession and para-veterinary practitioners to sue for and recover reasonable fees for their services in a court of law; minimum continuing education in veterinary medicine and offences and penalties under the proposed Act. Clause 41 in particular, empowers the Minister, on the recommendation of the Council to, among other things, make regulations generally for carrying the provisions of the proposed Act into effect and for its due administration.

HILLARY ONEK, (MP)

Minister of Agriculture, Animal Industry and Fisheries.

THE VETERINARY AND PARA-VETERINARY PRACTITIONERS
BILL, 2007.

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ENTITLED

**THE VETERINARY AND PARA-VETERINARY
PRACTITIONERS ACT, 2007.**

An Act to repeal and replace the Veterinary Surgeons Act, Cap. 277, with a new Act that consolidates, with amendments, the law regulating the practice of veterinary and para-veterinary medicine, and takes into account the Government's new national policy for the delivery of veterinary services; and to provide for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Commencement.

This Act shall come into force on a date appointed by the Minister by statutory instrument.

2. Interpretation.

(1) In this Act, unless the context otherwise requires—

“animal” includes bees and poultry species;

- “Council” means the Uganda Veterinary Council established by section 3;
- “currency point” means the value of a currency point specified in the First Schedule;
- “licence” means a licence to engage in private practice as a practitioner of veterinary medicine or a para-veterinarian and issued under section 22;
- “locum tenens” mean a veterinary doctor employed to operate a veterinary clinic owned or operated by another veterinary doctor during the absence of the last mentioned veterinary doctor;
- “member of the veterinary profession” means a person qualified to practise veterinary medicine whose name appears in the register;
- “minimum continuing education” means the attendance by a practitioner of veterinary medicine or a para-veterinary practitioner of at least one veterinary seminar, workshop, or other training event specified by the Council in a year;
- “Minister” means the Minister responsible for animal industry;
- “Ministry” means the Ministry responsible for animal industry;
- “para-veterinary practitioner” or “paraveterinarian” means a person who is not eligible to be registered under this Act to practise veterinary medicine, but has been licensed to practise in such areas or aspects of veterinary medicine as prescribed by regulations made under this Act;
- “person” includes any individual, firm, company, association, partnership or body of persons, whether incorporated or not;

- “register” means a register of veterinary and para-veterinary practitioners maintained or kept by the Registrar in accordance with section 18;
- “registered member of the veterinary profession” means a member of the veterinary profession whose name appears in the register;
- “Registrar” means the public officer appointed under section 7 and designated as such;
- “veterinary clinic” means a centre or other specialised establishment for the practice of veterinary and para-veterinary medicine;
- “veterinary doctor” or “member of the veterinary profession” means a person registered to practise veterinary medicine in accordance with the provisions of this Act;
- “veterinary officer” means a member of the veterinary profession holding an office in the public service and designated as such;
- “veterinary service” means the rendering of services for the promotion of animal health, animal production and animal welfare;
- “veterinary specialist” means a veterinary doctor with post graduate training.

(2) For the purposes of this Act, the practice of veterinary medicine means the performance of any surgical operation on an animal for gain or reward or the giving of any medical treatment, medical advice, diagnosis or attendance to or in respect of an animal for gain or reward; and “practitioner of veterinary medicine” shall be construed accordingly.

(3) Whenever in any written law there is any reference to a legally qualified veterinary surgeon, or to a duly qualified veterinary surgeon, or to any person recognised by law as a veterinary surgeon, that reference shall be construed to mean a reference to a member of the veterinary profession as defined in this Act.

PART II—ESTABLISHMENT, FUNCTION AND COMPOSITION
OF THE VETERINARY COUNCIL.

3. Establishment and composition of the Council.

(1) There shall be a Veterinary Council for Uganda, which shall be a body corporate with perpetual succession and a common seal and may—

- (a) acquire, hold and dispose of moveable and immoveable property;
- (b) sue and be sued in its corporate name; and
- (c) do all other things that a body corporate may lawfully do.

(2) The seal of the Council shall be authenticated in the manner described in the Second Schedule.

(3) The Council shall consist of eleven members as follows—

- (a) a Chairperson, who shall be a member of the veterinary profession appointed by the Minister with the approval of Cabinet;
- (b) the Commissioner in charge of animal health in the Ministry;
- (c) the Dean, Faculty of Veterinary Medicine of a university established in Uganda by law;
- (d) the following persons representing their respective bodies or organisations, all of whom shall be appointed by the Minister on the recommendation of the respective bodies or organisations represented by them—

- (i) one representative of para-veterinary institutions in Uganda;
- (ii) one representative of animal research institutions in Uganda;
- (iii) one representative of members of the veterinary profession in private practice;
- (iv) one representative of the Uganda Veterinary Association;
- (v) one representative of the Uganda Para-Veterinary Association;
- (vi) one representative of the Farmers' Associations; and
- (vii) one representative of the pharmaceutical industry who is a member of the veterinary profession.

(4) The members of the Council shall elect one of the members to be the Vice-Chairperson of the Council.

(5) A member of the Council shall hold office for a term of three years and is eligible for reappointment for one further term of three years only.

(6) A member of the Council may resign his or her appointment by giving the Minister sixty days written notice of his or her intention to do so.

(7) Where the office of a member of the Council becomes vacant other than by passage of time, the Minister may, with the approval of Cabinet, appoint another person to hold the office, and the person appointed shall cease to hold office on the date on which the person in whose place he or she holds office would have ceased to hold office.

(8) Where a member of the Council is for any reasonable cause temporarily unable to perform the functions of his or her office, the Minister may appoint a suitable person to act as a member of the Council in the place of the substantive member during the period of the substantive person's absence.

(9) The Minister may, with the approval of Cabinet, remove from office a member of the Council who—

- (a) is adjudged bankrupt under any law in force in Uganda and has not been discharged;
- (b) is convicted of an offence under this Act or an offence involving fraud or dishonesty or sentenced to a term of imprisonment without the option of a fine by a court of competent jurisdiction in Uganda or elsewhere;
- (c) has been absent, without leave of the Council signified by the Chairperson, for more than three consecutive meetings of the Council;
- (d) has become incapable of performing his or her functions as a member of the Council as a result of any mental or physical disability; or
- (e) has neglected to perform his or her functions as a member of the Council or behaves in a manner unbecoming of a member of the Council.

(10) The Minister shall, before to exercising his or her powers of removal under subsection (9), notify the member concerned in writing and give the member an opportunity to show cause why he or she should not be removed from office.

(11) A member of the Council shall be paid such emoluments or allowances as the Minister may, with the approval of Cabinet, specify in the member's instrument of appointment.

4. Functions of the Council.

(1) The functions of the Council shall be to regulate and control the practice of veterinary medicine and para-veterinary practitioners in Uganda.

(2) Without prejudice to the generality of subsection (1), the Council shall—

- (a) set standards of professional conduct for persons practising veterinary medicine and para-veterinary practitioners in Uganda;
- (b) determine the minimum standards of training required for the degrees, diplomas and certificates, including continuing education, which shall entitle the holder of any such degree, diploma or certificate to become a member of the veterinary profession or a para-veterinary practitioner;
- (c) exercise disciplinary control over members of the veterinary profession and over para-veterinary practitioners in Uganda;
- (d) promote the maintenance and enforcement of professional ethical standards relating to the practice of veterinary medicine;
- (e) protect the interests of the veterinary profession and deal with any matter relating to those interests;
- (f) maintain and enhance the prestige and integrity, status and dignity of the veterinary profession;
- (g) advise and make recommendations to the Government on matters relating to the practice of veterinary medicine and para-veterinary practitioners in Uganda; and
- (h) perform any other function under this Act or relating to the practice of veterinary medicine and para-veterinary practitioners in Uganda as the Minister may direct in writing.

5. Meetings of the Council.

The Second Schedule shall have effect in relation to the meetings of the Council.

PART III—MANAGEMENT AND STAFF OF THE VETERINARY COUNCIL.

6. Secretariat of the Council.

(1) There shall be a Secretariat of the Council to facilitate the discharge by the Council of its functions under this Act.

(2) The functions of the Secretariat shall be—

- (a) to implement the decisions of the Council;
- (b) to recommend proposals for the formulation of policies of the Council and to implement those policies adopted by the Council;
- (c) to establish and maintain relationships with national, regional and international organisations, institutions and agencies as may be appropriate for facilitating the implementation of the policies and the carrying out of the functions of the Council; and
- (d) to discharge such other functions as the Council may determine.

7. Registrar of the Council.

(1) There shall be a Registrar of the Council who shall be a veterinary officer at the rank of Assistant Commissioner in the public service.

(2) The Registrar shall be—

- (a) the Chief Executive Officer and head of the Secretariat of the Council; and
- (b) Secretary to the Council.

(3) The office of the Registrar shall become vacant if—

- (a) the Registrar resigns his or her office by writing under his or her hand addressed to the Commission;
- (b) in the opinion of the Council, the Registrar becomes incapable of performing the duties of his or her office, and is as a result removed by the Public Service Commission on the recommendation of the Council; or
- (c) the Registrar is found guilty by the Council of misconduct or misbehaviour in relation to his or her office as Registrar or as a member of veterinary profession.

8. Functions of Registrar.

(1) The functions of the Registrar are—

- (a) to keep and maintain a register of members of the veterinary profession in Uganda;
- (b) to keep and maintain a register of practitioners of veterinary medicine licensed under this Act to engage in private practice;
- (c) to keep and maintain a register of para-veterinary practitioners and veterinary clinics in such form as shall be prescribed;
- (d) to make necessary alterations and corrections in the register in relation to any entry as may be directed by the Council;
- (e) to remove from the register—
 - (i) the name of any person ordered to be removed in accordance with this Act;
 - (ii) the name of a deceased practitioner;
 - (iii) any entry which might have been incorrectly or fraudulently made in the register; and

(iv) with the consent of the person concerned, the name of a person who has ceased to practise veterinary medicine;

(d) subject to the provisions of this Act, to reinstate any name removed from the register at the request of the person concerned and on payment of the prescribed fee;

(e) on behalf of the Council, to have access to and inspect all veterinary clinics and veterinary outlets and shops dealing in the sale of veterinary drugs;

(f) to record or cause to be recorded all minutes of the Council's meetings and to keep all records of the Council;

(g) to have custody of the seal of the Council;

(h) to receive and file complaints made against any practitioner of veterinary medicine or any practitioner of para-veterinary medicine;

(i) to perform the functions of accounting officer of the Council; and

(j) to discharge any other function that may be conferred on him or her by the Council.

(2) In addition to the functions specified in subsection (1), the Registrar shall, subject to the general control of the Council, be responsible for—

(a) the funds and property of the Council;

(b) the day-to-day administration of the affairs of the Council; and

(c) the control of the staff of the Council.

(3) The Chairperson may, from time to time in writing, require the Registrar to submit to the Council, a general report on the affairs of the Council.

(4) The Registrar shall, within three months after the end of each financial year, submit to the Council, a general report on the affairs and activities of the Council.

9. Other staff of the Council.

(1) The Council may, in consultation with the Public Service Commission, employ such other officers and employees as may be necessary for the proper and efficient discharge of its functions and the functions of the Secretariat.

(2) The Council shall, in consultation with the Public Service Commission, regulate the manner of appointment and the terms and conditions of service and discipline of its employees.

(3) Without limiting the generality of subsection (1), public officers may be seconded to the service of the Council or may otherwise give assistance to the Council.

PART IV—FINANCIAL PROVISIONS.

10. Funds of the Council.

(1) The funds of the Council shall consist of—

(a) annual grants or subventions received from the Government;

(b) grants, gifts and donations received from non-governmental organisations or other bodies;

(c) fees and other monies payable to the Council for services rendered by the Council, such as registration fees and licence fees;

(d) monies that may become payable to, or received, by the Council in any manner, or in relation to or incidental to the carrying out of its functions.

(2) The Council shall operate a bank account in a bank it may select and the account shall be operated in a manner determined by the Council in consultation with the Minister responsible for finance and in accordance with the Public Finance and Accountability Act, 2003.

11. Financial year of the Council.

The financial year of the Council shall be determined by the Council in consultation with the Minister and the Minister responsible for finance.

12. Estimates.

(1) The Council shall, within a period of three months before the end of each financial year, cause to be prepared and submitted to the Minister for approval, estimates of income and expenditure of the Council for the next ensuing financial year.

(2) No expenditure shall be made out of the funds of the Council unless the expenditure has been approved by the Minister in accordance with the requirements of subsection (1).

13. Accounts.

(1) The Council shall keep proper books of account of all its income and expenditure and proper records in relation to such income and expenditure.

(2) The Council shall cause to be prepared in respect of each financial year, and not later than three months after the close of the financial year, a statement of accounts which shall include a report on the performance of the Council during the financial year comprising—

(a) a balance sheet and a statement of income and expenditure; and

(b) any other information with respect to the financial affairs of the Council as the Minister responsible for finance may require.

14. Audit.

(1) The accounts of the Council shall, in respect of each financial year, be audited by the Auditor General or an auditor appointed by him or her.

(2) The Council shall ensure that within four months after the expiry of each financial year, a statement of accounts prepared in accordance with section 13 is submitted to the Auditor General.

(3) The Auditor General, or an auditor appointed by him or her, shall have access to all books of account, vouchers and other financial records of the Council; and is entitled to have any information or explanation required by him or her in relation to those books of accounts, vouchers and other financial records.

(4) The Auditor General shall, within two months after receipt of the statement of accounts referred to in subsection (2), audit the accounts and deliver to the Council and the Minister a copy of the audited accounts together with his or her report on those accounts, stating any matter which in the opinion of the Auditor General should be brought to the attention of the Council or the Minister.

15. Report to Parliament.

The Minister shall, within three months after receiving the audited accounts referred to in section 14, submit the accounts to the Speaker of Parliament together with a report of the activities of the Council in respect of the financial year concerned.

PART V—REGISTERS AND REGISTRATION OF PRACTITIONERS OF VETERINARY MEDICINE, ETC.

16. Eligibility for registration.

(1) A person who holds a degree in Veterinary Medicine or an equivalent qualification awarded by a university recognised by the Council is eligible to be registered as a veterinary doctor.

(2) A person other than a veterinary doctor trained in an animal related discipline at a minimum of diploma level in a recognised Veterinary training institution shall be registered as a paraveterinarian.

(3) A person who holds a degree in Veterinary Medicine or an equivalent qualification awarded by a university not recognised by the Council may be registered to practice the veterinary profession if he or she passes an examination set by a university approved by the Council.

(4) A person other than a veterinary doctor trained in an institution not recognised by the Council is eligible to be registered as a Paraveterinarian if he or she passes an examination set by an institution approved by the Council.

(5) A veterinary doctor with post graduate qualifications related to the speciality in respect of which registration is desired, and who satisfies the Council that he or she has sufficient knowledge and experience to enable him or her practice the profession concerned, may be registered as a veterinary specialist.

(6) A veterinary specialist with adequate working experience satisfactory to the Council may be registered as a veterinary consultant in that speciality.

(7) Qualifications recognised under subsections (1) and (2) of this section shall be published in the *Gazette* as soon as the Council recognises them; and the Registrar shall, after the 1st day of January and not later than the 31st day of March in each year, cause to be published all those qualifications in the *Gazette*.

(8) A person trained in a university outside the East African Community and who holds a degree in veterinary medicine or its equivalent is eligible for registration after an examination relevant to the disease situation in Uganda.

17. Registers and publication in the *Gazette*.

(1) The Registrar shall, as soon as convenient after the 1st day of January in each year, and in any case not later than the 31st day of March in each year, cause to be published in the *Gazette* in an updated form, the registers referred to in section 8(1).

(2) The Registrar shall, as often as convenient, publish in the *Gazette* lists of persons and veterinary clinics that have been registered in between the annual publication of the updated registers.

18. Registration.

(1) Any person who is eligible to become a member of the veterinary profession or a paraveterinarian under section 16 may apply to the Council for registration; and where the Council is satisfied that the applicant is eligible for registration, the Council shall authorise the Registrar to enter his or her name in the register as appropriate.

(2) An application for registration shall be in the prescribed form and shall be accompanied by documentary proof of the applicant's qualifications and the prescribed fees.

(3) The Registrar shall not enter in the register the name of any person whose name has been removed from a similar register of any country on the ground of misconduct on the part of that person, without the Council making further inquiries and satisfying itself that that person should be registered.

19. Certificate of registration.

Upon the registration of a person under section 18, the Registrar shall issue to the person registered a certificate of registration in the prescribed form sealed with the seal of the Council.

20. Removal of name from the register.

(1) The Council may, after inquiry, cause to be removed from the register the name of any person registered under section 18 where—

- (a) that person is convicted by a court of competent jurisdiction of a criminal offence involving dishonesty or moral turpitude;
- (b) that person is adjudged by the Council to have engaged in professional misconduct;
- (c) the name of that person has been removed from the register of any other country or that person has been suspended from practice in any other country; or
- (d) that person is found to have presented inappropriate academic qualifications at registration.

(2) Where the name of a person is removed from the register under this section, the registration of any premises or establishment under his or her name shall also, by virtue of the removal from the register, lapse unless it is registered in partnership with another practitioner, or until such time that another practitioner is registered in respect of those premises or that establishment.

21. Restoration of name to the Register.

(1) The Council may, of its own motion or on the application of a person whose name has been removed from the register, and after holding such inquiry as the Council may consider appropriate, cause the name of that person to be reinstated on the register on payment of the prescribed fee.

(2) Where the name of a person is reinstated under subsection (1), the Council may restore the registration of any premises or establishment that may have lapsed and may impose a period of supervision or any other condition it deems fit.

PART VI—LICENSING FOR PRIVATE VETERINARY PRACTICE.

22. Licensing for private veterinary practice.

(1) A member of the veterinary profession or a practitioner of para-veterinary medicine may apply to the Council for a licence to engage in private veterinary practice.

(2) An application for a licence under subsection (1) shall be accompanied by a copy of the applicant's certificate of registration.

(3) Where the Council is satisfied that an applicant possesses the necessary qualifications, the Council shall authorise the Registrar to grant to the applicant a licence to engage in private veterinary practice.

(4) No licence for private veterinary practice shall be granted under this section to any person to practise independently as a practitioner of veterinary medicine or as a para-veterinary practitioner unless the Council is satisfied that the person has acquired the necessary experience for the purpose.

(5) A licence for private veterinary practice granted under subsection (3) shall be valid for the calendar year in which it is granted, and shall be subject to renewal for a period of one calendar year at a time.

(6) A licence renewed under subsection (5) shall not be subject to a condition which is less advantageous than that already attached to the licence, unless the holder of the licence has been given an opportunity to be heard by the Council.

(7) A person aggrieved by a decision of the Council under this section may—

- (a) within thirty days from the date of notification of the Council's decision, appeal to the Minister who may confirm, reverse or vary the decision; and

(b) if aggrieved by the Minister's decision under paragraph (a), apply to the High Court for judicial review of the Minister's decision within thirty days from the date of notification of the Minister's decision.

23. Prohibition of private veterinary practice without licence.

(1) A member of the veterinary profession or a practitioner of para-veterinary medicine shall not engage in private veterinary practice without a relevant practising licence issued under this Part.

(2) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not less than twenty five currency points and not more than one hundred and fifty currency points, or to imprisonment for a term of not less than six months and not more than three years, or both.

24. Registration of veterinary clinics.

(1) From the date of commencement of this Act, any person who intends to open or operate a private veterinary clinic shall apply to the Council for the registration of the clinic.

(2) The Council may, after making such inquiry as it considers necessary and upon payment by the applicant of the prescribed fee, authorise the registration by the Registrar of the specific veterinary clinic; and upon registration the clinic shall—

- (a) be taken to have been licensed under this Act; and
- (b) be issued with a licence in the prescribed form.

(3) A licence for a private veterinary clinic issued under subsection (2) shall be valid for one year and shall be subject to renewal for a period of one year at a time.

(4) The Minister shall, by statutory instrument, prescribe the period within which all existing veterinary clinics shall be registered.

(5) Any veterinary clinic which is not registered within the period prescribed under subsection (5) shall be closed down and the owner or operator of that clinic shall be deemed to have contravened a provision of this Act.

25. Particulars of veterinary clinics, etc. to be published in the Gazette.

The Council shall cause to be published in the *Gazette* soon after registration is authorised and a licence issued under section 24 in respect of a veterinary clinic—

- (a) the name and address of the veterinary clinic;
- (b) the conditions, if any, attached to the licence;
- (c) the name, address, qualifications and date of registration of the member of the veterinary profession supervising the veterinary clinic; and
- (d) the member of the veterinary profession in whose name the veterinary clinic is registered.

26. Dispensing of medicine.

(1) A person registered under this Act to practice veterinary medicine, may personally compound or dispense any medicine which is prescribed by—

- (a) himself or herself;
- (b) any other person with whom he or she is in partnership;
- (c) any person with whom he or she is associated as a principal or as an assistant;

(d) any person with whom he or she is associated as a principal or an assistant or a locum tenens,

for use in the treatment of an animal which is under that registered person's professional care.

(2) A person registered under this Act to practice veterinary medicine may not keep an open shop or a pharmacy.

27. Restriction on private veterinary clinics

(1) No person shall operate a private veterinary clinic unless there is in attendance at that clinic a member of the veterinary profession to exercise personal supervision over its operation.

(2) Notwithstanding subsection (1), a private veterinary clinic may operate in the absence of a member of the veterinary profession for the purpose of making appointments for dressing or administering follow-up treatments.

28. Inspection of veterinary clinics.

(1) The Registrar or any member of the veterinary profession authorised by the Council may, for the purpose of certifying that the provisions of this Act are being complied with, enter and inspect any veterinary clinic with the assistance of a law enforcement officer if necessary.

(2) Where, in the opinion of the person making the inspection under subsection (1), it is necessary to take any action or measures against the clinic concerned, he or she shall submit a report to that effect to the Council as soon as practicable.

(3) On receipt of a report made under subsection (2), the Council may, after making or causing to be made such inquiry as it considers necessary and after affording the owner or operator of the veterinary clinic concerned an opportunity to be heard, take such action or measures as it may consider appropriate.

PART VII—INQUIRY BY THE VETERINARY COUNCIL.

29. Inquiry into professional misconduct, etc.

Where—

(a) the Council is informed of an allegation of professional misconduct against a member of the veterinary profession or a para-veterinary practitioner which, if proved, would constitute professional misconduct on the part of that member or para-veterinary practitioner; or

(b) without prejudice to paragraph (a), a member of the veterinary profession or a para-veterinary practitioner is convicted of any criminal offence and the offence is such as, in the opinion of the Council, warrants disciplinary action or disciplinary measures being instituted against that member or para-veterinary practitioner,

the Council shall hold an inquiry into the allegation of misconduct or the criminal offence, as the case may be.

30. Procedure relating to an inquiry.

(1) For the purpose of holding an inquiry under section 29, the Registrar shall, in consultation with the Chairperson, convene a meeting of the Council.

(2) A notice in writing signed by the Registrar indicating the date, place and time of the inquiry shall be served personally on, or sent by registered post or courier to, the person whose conduct is the subject of the inquiry at least twenty one days prior to the date of the inquiry.

(3) The notice referred to in subsection (2) shall—

(a) specify particulars of the alleged misconduct or offence; and

(b) be accompanied by a copy of any document to be tendered in evidence at the inquiry, which document shall be available for public inspection at all reasonable times at the office of the Registrar.

(4) A person whose conduct is the subject of the inquiry is entitled to be present at the inquiry and to be represented by a lawyer of his or her choice.

(5) Where a person whose conduct is the subject of an inquiry fails without reasonable cause to appear or be present at that inquiry, and the Council is satisfied that the provisions of subsection (2) have been complied with, the Council may proceed with the inquiry in the absence of that person.

(6) Chapter X of the Penal Code, which provides for offences relating to the administration of justice, and sections 130 and 131 of the Evidence Act, shall apply in relation to an inquiry held by the Council as they apply in relation to causes or matters in a court of law.

(7) The Council may order and enforce the attendance of any person as a witness at any inquiry under this Act and may require the production of books and documents as it may consider fit.

(8) The Council shall conduct its proceedings without procedural formality, but shall observe the rules of natural justice.

(9) Summons for the attendance of a witness at the proceedings of an inquiry shall be signed and issued by the Registrar.

(10) The proceedings and decision of the Council at an inquiry shall be recorded under the direction of the Chairperson of the Council and when signed, shall be conclusive evidence of the proceedings and the decision.

(11) Except as otherwise provided for in this Act, the Council may regulate its own procedure in all inquiries under this Act.

31. Legal advice to the Council at an inquiry.

(1) The Council may procure the services of an experienced lawyer to guide and otherwise assist the Council in the conduct of an inquiry and to advise it on any question of law arising or likely to arise at the inquiry.

(2) Where a lawyer appointed under subsection (1) advises the Council on any question of law, then—

(a) the advice shall be given in the presence of the person whose conduct is the subject of the inquiry and his or her lawyer, if any, or when either of them is present;

(b) where the Council commences or conducts any of its proceedings in the absence of the person whose conduct is the subject of the inquiry, or in the absence of his or her lawyer, if any, that person or his or her lawyer shall be informed of the advice; and

(c) the person whose conduct is the subject of the inquiry or his or her lawyer shall be informed during the inquiry whether or not the Council accepts the advice of the lawyer referred to in subsection (2).

32. Notification and publication of decision of inquiry.

(1) Within thirty days after the conclusion of an inquiry, the Registrar shall notify the person whose conduct was the subject of the inquiry in writing of the decision of the Council.

(2) The Council may direct, in any manner that it thinks fit, the publication of a report and the decision of any inquiry held by it.

33. Application for judicial review.

(1) A person aggrieved by the decision of the Council in any inquiry may, within thirty days from the date of notification of the decision of the Council, apply to the High Court for a judicial review of the decision.

(2) The Chief Justice may make rules regulating applications to the High Court under this Act.

PART VIII—MISCELLANEOUS PROVISIONS.

34. Additional qualifications.

A person registered under the provisions of this Act who has acquired an additional qualification approved by the Council may, on payment of the prescribed fee, have the additional qualification included in the register.

35. Gazette publication to be prima facie evidence.

(1) The publication in the *Gazette* of the registers and the particulars contained in the registers referred to in section 17 shall be *prima facie* evidence that—

- (a) a person whose name appears in any such register is registered as indicated in the *Gazette*;
- (b) the veterinary clinics mentioned in the registers at the time of publication, are duly registered under this Act; and
- (c) any person or veterinary clinic that is not included in the relevant particulars is not registered under this Act.

(2) A copy or extract from a register certified under the hand of the Registrar shall be received in evidence in a court of law.

36. Practice and recovery of fees or charges.

(1) A member of the veterinary profession, other than a veterinary officer, and a para-veterinary practitioner may practise veterinary medicine or, as the case may be, practise as a para-veterinary practitioner and demand, sue for and recover in any court of competent jurisdiction, reasonable fees and charges in respect of the practice.

(2) No person shall, after the commencement of this Act, be entitled to recover any fee or charge referred to in subsection (1) unless he or she is a member of the veterinary profession or is a para-veterinary practitioner.

37. Minimum continuing education in veterinary medicine.

(1) A member of the veterinary profession and a para-veterinary practitioner in active public or private practice may be required to undergo minimum continuing education prescribed by the Council.

(2) No practitioner who has been requested by the Council to undergo minimum training and fails to do so shall remain on the register and failure to comply shall constitute a ground for disciplinary action.

(3) The Council may—

- (a) delegate any of its powers under subsection (1) to the Uganda Veterinary Association and the Uganda Para-Veterinary Association; and
- (b) recognise any minimum continuing education undertaken by a veterinary or para-veterinary practitioner from outside Uganda.

38. Notification of death of practitioner.

The registrar for each births and deaths registration district shall, in the performance of his or her duties under the Births and Deaths Registration Act, Cap. 309, on receiving a report of the death of a member of the veterinary profession or any para-veterinary practitioner, notify the Registrar of the death in writing.

39. Offences.

A person who—

- (a) wilfully and falsely uses any name or title implying a qualification to be a member of the veterinary profession or a para-veterinary practitioner;
- (b) not being registered or authorised under this Act, holds himself or herself out, or practises whether openly or covertly, as a member of the veterinary profession or as a para-veterinary practitioner;
- (c) wilfully procures or attempts to procure himself or herself to be registered under this Act by false or fraudulent representation either verbally or in writing;

(d) having been summoned by the Council fails—

(i) to attend as a witness;

(ii) to produce any book or document which he or she is lawfully required to produce without reasonable cause or excuse;

(e) refuses, without lawful excuse, to answer any question put to him or her in the course of any proceedings of the Council; or

(f) contravenes any other provision of this Act;

commits an offence and is liable, on conviction, to a fine of not less than twenty five currency points and not exceeding one hundred and fifty currency points, or imprisonment for a term not exceeding two years or both.

40. Power to exempt certain treatments from operation of Act.

The Commissioner responsible for veterinary services in the Ministry may, by statutory order, declare that the practice of veterinary medicine or practice as a para-veterinary practitioner shall be deemed not to include any specified treatment, test or operation, either generally or in respect of any specified species of animal; and so long as any such order remains in force, this Act shall not apply to any person performing or carrying out or giving any such treatment, test or operation.

41. Exceptions.

Nothing in this Act shall be taken or construed as prohibiting or preventing the practice of veterinary medicine—

(a) by any person in the service of the Government of Uganda in the ordinary course of his or her duties;

(b) by a duly qualified medical practitioner; or

(c) for the purpose of research by any person authorised in writing by the Minister.

42. Regulations.

(1) The Minister may, on the recommendation of the Council, by statutory instrument, make regulations generally for the better carrying out of the provisions of this Act and for its due administration.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may—

(a) prescribe the fees, including fees payable for any registration or licence under this Act;

(b) prescribe the application forms and any other forms necessary or required to be prescribed under this Act; and

(c) prescribe any matter or thing required or permitted to be prescribed under this Act;

43. Amendment of Schedules.

The Minister may—

(a) by statutory instrument, and with the approval of the Cabinet, amend the First Schedule; and

(b) in consultation with the Council, by statutory instrument, amend the Second Schedule.

44. Repeal and savings.

(1) The Veterinary Surgeons Act, Cap. 277 is repealed.

(2) Notwithstanding the repeal referred to in subsection (1)—

- (a) the registration or licensing of a person as a member of the veterinary profession or para-veterinary practitioner under the repealed Act shall not, so long as such registration or licence is in force at the commencement of this Act, be affected by the repeal; and any such practitioner shall be deemed to be registered or licensed under this Act, so long as there is nothing in his or her registration or licence inconsistent with the provisions of this Act;
- (b) any statutory instrument made under the repealed Veterinary Surgeons Act, Cap. 277 which is in force immediately before the commencement of this Act, shall remain in force so long as it is not inconsistent with the provisions of this Act, until revoked under this Act.

SCHEDULES.

FIRST SCHEDULE

SECTION 2

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE

SECTIONS 3(2) AND 5

THE SEAL AND PROCEDURE OF MEETINGS OF THE COUNCIL

1. Seal of the Council.

(1) The Seal of the Council shall be kept under the custody of the Registrar.

(2) The affixing of the seal of the Council on any document shall be authenticated by the signature of the Chairperson and the Registrar, and their signatures shall not be required to be witnessed by any other person.

(3) A document purporting to be an instrument issued by the Council and authenticated in the manner described in subparagraph (2) shall be deemed to be a valid instrument and admissible in evidence without further proof unless the contrary is shown.

2. Vice-Chairperson.

The members of the Council shall elect one of the members to be the Vice-Chairperson.

3. Meetings of the Council.

(1) The first meeting of the Council shall be convened by the Chairperson as soon as practicable after the appointment of members of the Council, and thereafter the Council shall meet for the transaction of business at such places and at such times as may be determined by the Council, but in any case the Council shall meet at least once every three months.

(2) The Chairperson or, in his or her absence, the Vice-Chairperson, may at any time call a special meeting of the Council, and shall call a special meeting of the Council upon a written request by a majority of members of the Council.

(3) The Chairperson or, in his or her absence, the Vice-Chairperson, shall preside at every meeting of the Council and in the absence of both the Chairperson and the Vice-Chairperson the members present may elect a member from amongst themselves to preside at that meeting.

4. Quorum.

The quorum at a meeting of the Council shall be a third of the membership of the Council.

5. Decisions of the Council.

(1) All questions proposed at a meeting of the Council shall, subject to a quorum being present, be decided by a majority of the votes of the members present and in the event of an equality of votes the person presiding shall have a second or casting vote in addition to his or her deliberative vote.

(2) The Registrar, who is also the secretary to the Council, shall have no voting powers.

6. Validity of meetings not affected by vacancy, etc.

The validity of any proceedings of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

7. Disclosure of interest.

(1) If a member of the Council is present at a meeting of the Council at which a matter is the subject of consideration and that member or his or her spouse or nominee is interested in the matter in a private capacity, that member shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Council directs otherwise, take part in any consideration or discussion or vote on any question relating to the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

8. Minutes of meetings.

The Council shall cause the minutes of all proceedings of its meetings to be recorded and kept, and minutes of each meeting shall be confirmed by the Council at the next meeting and signed by the Chairperson of the meeting.

9. Council may regulate own proceedings.

Except as otherwise provided in this Act, the Council may regulate its own procedure.

Cross References.

- The Evidence Act, Cap. 6.
- The Penal Code Act, Cap. 120.
- The Public Finance and Accountability Act, 2003.
- The Veterinary Surgeons Act, Cap. 277.

**BILLS
SUPPLEMENT No. 1**

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Bill No. 1

*Veterinary and Para-Veterinary
Practitioners Bill*

2007

THE VETERINARY AND PARA-VETERINARY PRACTITIONERS BILL, 2007.

MEMORANDUM.

The object of this Bill is to repeal and replace the Veterinary Surgeons Act, Cap. 277, which is obsolete, with a new legislation that consolidates, with amendments, the law relating to the practice of veterinary and para-veterinary medicine, and takes into account the Government's national policy for the delivery of veterinary services.

Part I of the Bill (incorporating clauses 1 and 2) deals with preliminary matters such as the commencement of the proposed Act and the interpretation of words and expressions used in the Bill.

Part II of the Bill (incorporating clauses 3 to 5) provides for the establishment, composition and functions of a Veterinary Council for Uganda, whose functions shall be to regulate and control the practice of veterinary and para-veterinary medicine in Uganda.

Part III of the Bill (incorporating clauses 6 to 9) provides for the management and staff of the Veterinary Council. Clause 6 establishes the Secretariat of the Council and provides for the Secretariat's functions, while clause 7 establishes the office of Registrar of the Council and provides for his or her functions.

Part IV of the Bill (incorporating clauses 10 to 15), deals with the Council's finances. Clause 10 provides for the sources of the Council's funds, while clauses 13 and 14 provide for the accounting for, and auditing by the Auditor General of, the Council's finances.