

CHAPTER 118

VETERINARY SURGEONS AND PRACTITIONERS

Acts  
Nos. 46 of 1956,  
19 of 1964,  
Law  
No. 11 of 1975.

**AN ACT TO PROVIDE FOR THE REGISTRATION OF VETERINARY SURGEONS AND VETERINARY PRACTITIONERS, FOR THE ESTABLISHMENT OF A VETERINARY COUNCIL AND FOR MATTERS CONNECTED THEREWITH.**

[7th November, 1956.]

- Short title.** 1. This Act may be cited as the Veterinary Surgeons and Practitioners Act.
- Qualifications for registration.** 2. (1) A person shall be qualified for registration as a veterinary surgeon if he—
- (a) has attained the age of twenty-o& years,
  - (b) is of good character, and
- [§ 2, Law 11 of 1975.] (c) is the holder of the degree of Bachelor of Veterinary Science of the University of Ceylon\* or such other qualification approved by the Council.
- (2) A person shall be qualified for registration as a veterinary practitioner if he -
- (a) has attained the age of twenty-one years,
  - (b) is of good character, and
  - (c) produces satisfactory proof that he has been engaged in diagnosing diseases of animals and giving medical or surgical treatment to animals as his principal means of livelihood for a period of ten years immediately preceding the date of his application for registration as a veterinary practitioner.
- Applications for registration.** 3. Applications for registration as veterinary surgeons or veterinary practitioners shall—
- (a) before the Council is constituted, be made to the registering officer on or before such date as shall be appointed by the Minister by Notification published in the Gazette and in one Sinhala newspaper, one Tamil newspaper and one English newspaper circulating in Sri Lanka, and
  - (b) after the Council is constituted, be made to the registrar.
4. (1) The fee for the registration of a person as a veterinary surgeon or a veterinary practitioner shall be ten rupees and shall be paid when the application for registration is made. **Registration fee.**
- (2) Where an applicant for registration is not registered, the fee paid by him for registration shall be returned to him.
5. The registration of a person as a veterinary surgeon or a veterinary practitioner shall, notwithstanding anything to the contrary stated in the registration, be valid, till the thirty-first day of December of the year in which such registration is made. **Period of validity of registration.**
6. (1) Where a Registered Veterinary Surgeon or a Registered Veterinary Practitioner pays the renewal fee referred to in section 7 before the expiry of the period of validity of his registration, the registration shall be renewed. **Renewal of registration**
- (2) A renewed registration shall—

\* This is a reference to the University of Ceylon established by the repealed University of Ceylon Act, No. 1 of 1972.

- (a) if it is the first renewal, be valid for twelve months commencing on the day immediately following the date of expiry of the period of validity of the original registration, and
- (6) if it is the second or any subsequent renewal, be valid for twelve months commencing on the day immediately following the date of expiry of the period of validity of the immediately preceding renewal.

(3) Where a person's name is expunged from the register and thereafter his name is inserted in the register by a fresh registration, such fresh registration shall not be deemed to be a renewal of the earlier registration.

Renewal fee.

7. The fee for each renewal of registration shall be such sum not exceeding the fee specified in section 4 as shall, until it is prescribed, be determined by the Minister.

Consequence of failure to pay renewal fee.

8. (1) Where a Registered Veterinary Surgeon or a Registered Veterinary Practitioner fails to pay the renewal fee before the expiry of the period of validity of his registration, his name shall be expunged from the register.

(2) Where the registration of a person as a veterinary surgeon or a veterinary practitioner is not renewed by reason of his failure to pay the renewal fee within the time allowed therefor by section 6 (1), the Council or, if the Council is not in existence, the Minister may, if satisfied that the failure of that person to pay the renewal fee was due to inadvertence or a cause beyond his control, order him to be registered as a veterinary surgeon or a veterinary practitioner according to his qualifications under section 2 upon payment of the fee specified in section 4.

Register.

9. (1) There shall be a register (hereinafter referred to as the register) consisting of two parts, one for the registration of the names, addresses and qualifications of veterinary surgeons and the other for the registration of the names and addresses of veterinary practitioners.

(2) The register shall be maintained by the registering officer until a registrar is appointed.

(3) When a registrar is appointed, the register shall be maintained by him for and on behalf of the Council.

10. (1) There shall be appointed a registering officer who shall deal with the applications for registration made on or before the date appointed by the Minister under section 3.

Appointment of registering officer.

(2) The registering officer shall-

(a) register in that part of the register which is for the registration of veterinary surgeons the names, addresses and qualifications of such of the persons who have made the applications referred to in subsection (1) as are qualified under section 2 to be registered as veterinary surgeons, and

(6) register in that part of the register which is for the registration of veterinary practitioners the names and addresses of such of the applicants as are qualified under section 2 to be registered as veterinary practitioners.

11. After the completion of the registrations which the registering officer is required by section 10 to make, he shall cause a copy of the registrations as appearing in the register to be published in the Gazette and a notice specifying the number and date of the Gazette in which such copy appears to be published in one Sinhala newspaper, one Tamil newspaper and one English newspaper circulating in Sri Lanka.

Publication of copy of registrations made by registering officer.

12. (1) Where the name of a person who has applied for registration as a veterinary surgeon or a veterinary practitioner on or before the date appointed by the Minister under section 3 is omitted from the copy of the registrations published in the Gazette under section 11, that person may, within thirty days after the date of the Gazette in which such copy is published, appeal by petition to the Minister against the exclusion of his name from the register.

Appeal to Minister against omission of name from the register.

(2) Every petition of appeal under subsection (1) shall bear a stamp of the value of five rupees.

(3) Where an appeal is made under subsection (1), the Minister shall, if satisfied that the appellant is qualified under section 2, order him to be registered as a veterinary surgeon or a veterinary practitioner according to his qualifications under that section.

Minister's power to order amendment or cancellation of a registration.

13. (1) The Minister may, of his own motion or upon application made to him by any person, order-

- (a) for the purpose of rectifying an error, the amendment of any entry made in the register by the registering officer, and
- (b) the cancellation of any registration made by the registering officer if that registration has been fraudulently made or effected.

(2) Before making an order under subsection (1), the Minister shall give the person who will be affected by the order an opportunity to show cause why the order should not be made.

Registering officer to carry out Minister's order under section 12 or section 13.

14. The registering officer shall carry out the orders of the Minister under section 12 or section 13.

Constitution of the Veterinary Council of Sri Lanka.

15. (1) After the publication of the copy of the registrations under section 11 and the disposal of the appeals, if any, made to the Minister under section 12, there shall be constituted a council (hereinafter referred to as the Council) which shall be called the Veterinary Council of Sri Lanka and which shall consist of the following members :-

- (a) the Director, Animal Production and Health ;
- (b) five Registered Veterinary Surgeons elected by the Registered Veterinary Surgeons ;
- (c) two members of the academic staff of the University of Sri Lanka,\* who shall be Registered Veterinary Surgeons-

[§ 2, 19 of 1964.]

[§ 4, law I I of 1975.1

[§ 4, Law 11 of 1975.1

(i) one of whom shall be the person who has overall responsibility for education in veterinary science in the University of Ceylon† and who shall be elected by the Board of Governors of the University of Ceylon? ; and

(ii) the other who shall be elected by the teachers of veterinary science who are Registered Veterinary Surgeons from among themselves.

(d) two Members of Parliament nominated by the Minister.

(2) The first elections under paragraphs (b) and (c) of subsection (1) shall be conducted in accordance with such directions as may be given by the Minister, and subsequent elections under those paragraphs shall be conducted in accordance with such regulations as may be made in that behalf under this Act.

16. (1) The members of the Council shall elect one of them who is a Registered Veterinary Surgeon to be the president of the Council. President of the Council.

(2) The president shall, unless he vacates office earlier, hold the office of president for one year :

Provided that where the president vacates office before the expiry of his term of office, his successor shall, unless such successor vacates office earlier, hold the office of president for the unexpired part of such term.

(3) A person who vacates the office of president by effluxion of time shall be eligible for re-election as the president.

17. (1) Any elected or nominated member of the Council shall, unless he vacates office earlier, hold office for four years from the date of his election or nomination, or until such date as his successor is elected or nominated. Term of office of members of the Council.

\* This is a reference to the University of Sri Lanka which ceased to exist under the Universities Act, No. 16 of 1978.

† This is a reference to the University of Ceylon established by the repealed University of Ceylon Act, No. 1 of 1972.

(2) Any elected or nominated member of the Council who vacates office by effluxion of time shall be eligible for re-election or renomination as a member.

(3) A member of the Council shall vacate office-

(u) if he, being a member elected by the Senate of the University of Sri Lanka,\* ceases to be a member of that Senate, or

(b) if he, being a Member of Parliament nominated to the Council by the Minister, ceases to be a Member of Parliament, or

(c) if he, being a member other than the president or the Director, Animal Production and Health resigns office in writing addressed to the president, or

(d) if he, being the president, resigns office by writing addressed to the Minister, or

(e) if he, being a member other than the Director, Animal Production and Health absents himself, without leave of absence granted by the Council, from three consecutive meetings of the Council.

(4) In the event of the death of, or vacation of office by, any elected or nominated member of the Council, another person shall, in accordance with the provisions of section 15 (1), be elected or nominated, as the case may be, in place of such member, and shall hold office during the remaining part of the term of office of such member.

Meetings of the Council.

18. (1) The Council shall meet at such time and place as may be fixed by regulations made under this Act, and every meeting of the Council shall be summoned in the manner provided **therefor** by regulations made under this Act :

Provided, however, that until such regulations are made-

(a) the first meeting of the Council shall be **summoned** by the Permanent Secretary to the Ministry<sup>7</sup> by letter addressed to each member, and

(b) every subsequent meeting shall be summoned by the president by letter addressed to each member.

(2) The president shall preside at every meeting of the Council, and, in his absence at any meeting, a member of the Council who is a Registered Veterinary Surgeon shall be chosen by the members present at the meeting to be the chairman of the meeting.

(3) No business shall be transacted at any meeting of the Council unless at least six members of the Council are present. [§ 5, Law 11 of 1975.1

(4) Every question arising at any meeting of the Council shall be decided by a majority of votes of the members present, and, in the case of an equality of votes, the president, or in his absence **the** chairman, shall have a casting vote.

(5) No act or proceeding of the Council shall be deemed to be invalid merely by reason of any vacancy in the Council or any defect in the election or nomination of any member thereof or the absence of any member thereof on account of leave or otherwise.

19. The Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in, the name assigned to it by section 15 (1) and shall be capable of acquiring, holding and alienating property whether movable or immovable.

The Council to be a body corporate.

20. (1) The Council shall appoint a registrar and may appoint such other officers and servants as the Council may deem necessary, and shall have power to exercise disciplinary control over and dismiss any officer or servant of the Council.

Appointment of officers and servants.

(2) The registrar shall also be the secretary and, until another person is appointed treasurer, the treasurer of the Council.

\* This is a reference to the University of Sri Lanka established by the repealed University of Ceylon Act, No. 1 of 1972.

† Later designated Secretary to the Ministry.

(3) The officers and servants of the Council shall be paid out of the funds of the Council such remuneration as may be determined by the Council with the approval of the Minister.

Funds of the Council.

21. Such part of the fees paid for the registrations and the renewals of registrations made by the registering officer as the Minister with the concurrence of the Minister in charge of the subject of Finance shall determine, and all fees paid for the registrations and the renewals of registrations made by the registrar shall be credited to the funds of the Council, and there shall be paid out of such funds the remuneration of the staff of the Council, all expenses incurred by the Council in the exercise of its powers and the discharge of its duties under this Act, and expenses incurred for any prescribed purpose.

Transfer of the register to the Council.

22. After the Council is constituted, the register shall be transferred to the Council, and it shall be the responsibility of the Council to maintain the register.

Registrar to be subject to directions of the Council in maintaining the register.

23. In accordance with the directions of the Council, the registrar shall make or amend any entry in, or expunge any entry from, the register.

Power of the Council to order amendment or cancellation of a registration.

24. (1) The Council may, of its own motion or upon application made to it by any person, order-

(a) for the purpose of rectifying an error, the amendment of any entry in the register, and

(b) the cancellation of any registration which has been fraudulently made or effected.

(2) Before making an order under subsection (1), the Council shall give the person who will be affected by the order an opportunity to show cause why the order should not be made.

Power of the Council to order a name in the register to be expunged.

25. The Council may order the name of any veterinary surgeon or veterinary practitioner to be expunged from the register if he-

(a) is convicted in any court of law of an offence involving moral turpitude, or

(6) being subject to military law, is convicted of an offence under the Army Act, or

(c) after an inquiry by the Council, is found guilty of infamous conduct.

26. Where the name of a veterinary surgeon or a veterinary practitioner has been expunged from the register, the Council may, of its own motion or upon the application of that veterinary surgeon or veterinary practitioner, order him to be registered again as a veterinary surgeon or a veterinary practitioner.

Restoration of expunged name to the register.

27. (1) The registrar shall in each year, on or before such date as may be determined by the Council, cause to be published in the Gazette a list in alphabetical order of the names of all persons who are on that date registered in the register, together with their addresses and qualifications and the dates on which such qualifications were obtained.

Publication of annual list of Registered Veterinary Surgeons and Registered Veterinary Practitioners.

(2) A list published under subsection (1) shall be admissible in evidence in all proceedings whether civil or criminal, and shall be evidence, until the contrary is proved, that the persons whose names appear in such list are registered as indicated therein and that any person whose name does not appear in such list is not registered as a veterinary surgeon or a veterinary practitioner :

Provided, however, that in the case of any person whose name does not appear in such list, a certificate by the registrar that such person is registered as a veterinary surgeon or a veterinary practitioner shall be admissible in evidence and shall be evidence that such person is so registered.

28. (1) Whenever any Registered Veterinary Surgeon or Registered Veterinary Practitioner changes his residence, he shall notify his new address to the registering officer or the registrar who shall enter such address in the register.

Change of residence by Registered Veterinary Surgeon or Registered Veterinary Practitioner.

(2) The registering officer or the registrar may, by letter sent by registered post to any Registered Veterinary Surgeon or Registered Veterinary Practitioner at his address as specified in the register, inquire whether or not he has changed his residence, and if within three months after sending such letter a reply thereto is not received by the registering officer or the registrar, the name of that veterinary surgeon or veterinary practitioner may be expunged from the register.

(3) A name expunged from the register under subsection (2) shall be restored to the register if the Council so directs.

29. A Registered Veterinary Surgeon who obtains any qualification in addition to his qualifications specified in the register shall, upon payment to the registering officer or the registrar of such fee as may be determined by the Minister until it is prescribed, be entitled to have such qualification added to his qualifications in the register, where such additional qualification is approved by the Council.

30. No certificate required by any written law to be signed by a veterinary surgeon shall be valid unless the person signing such certificate is a Registered Veterinary Surgeon or Registered Veterinary Practitioner.

31. No person other than a Registered Veterinary Surgeon or Registered Veterinary Practitioner shall be entitled to recover in any court of law any fee or charge for any veterinary service or for any advice or attendance as a veterinary surgeon or veterinary practitioner.

32. (1) Except as provided in subsection (2), no person shall practise or hold himself out as **practising** or as being prepared to practise veterinary surgery unless he is a Registered Veterinary Surgeon or a Registered Veterinary Practitioner.

(2) The provisions of subsection (1) shall not apply to any person who performs any of the following acts :—

(a) the rendering to any animal in an emergency of first aid for the purpose of saving life or relieving pain ;

(b) the destruction of any animal by painless methods ;

(c) the castration of any animal or the **caponizing** of any bird ;

(d) the spaying of a pig not over the age of three months ;

(e) the docking of the tail of a dog before its eyes are open ;

(f) the amputation of the dew-claws of a dog before its eyes are open ;

(g) the inoculation of any animal or bird.

33. No person shall use or assume the title or designation of veterinary surgeon or veterinary practitioner or any name, title, addition or description calculated to lead to the belief, that he is a veterinary surgeon or veterinary practitioner unless he is a Registered Veterinary Surgeon or a Registered Veterinary Practitioner.

34. No person shall add to his name any title, description or abbreviation which implies that he is the holder of a degree, diploma, **licence** or certificate which entitles him to practise any veterinary science unless he is the holder of the degree of Bachelor of Veterinary Science of the University of Ceylon\* or other qualification approved by the Council.

35. The registering officer or the registrar shall by letter sent by registered post notify a veterinary surgeon or veterinary practitioner of his registration, the renewal of his registration, any amendment of his registration, the cancellation of his registration, the expunction of his name from the register, or the restoration of his name to the register after its expunction.

Insertion of additional qualifications. [§ 6, Law 11 of 1975.1

Certificates by veterinary surgeons and veterinary practitioners.

Right to recover fees or charges for services as a veterinary surgeon or veterinary practitioner.

Restriction of practice of veterinary surgery by unqualified persons.

Assumption of title of veterinary surgeon or veterinary practitioner.

Degrees, diplomas, &c., of veterinary surgeons. [§ 7, Law 11 of 1975.1

Notification of registration, &c.

\* This is a reference to the University of Ceylon established by the repealed University of Ceylon Act, No. 1 of 1972.

Construction of "veterinary surgeon" and "veterinary practitioner" in written law.

36. In any written law, whether enacted before or after the commencement of this Act, the expressions "veterinary surgeon" and "veterinary practitioner" shall be construed respectively as Registered Veterinary Surgeon and Registered Veterinary Practitioner.

Offences and penalties.

37. Any person who contravenes any provision of this Act shall be guilty of an offence and shall be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding two hundred and fifty rupees and on a second or subsequent conviction to a fine not exceeding five hundred rupees.

Protection of officers for action taken under this Act.

38. No suit, prosecution or legal proceeding shall be instituted against any person in the employment of the Council for any act which in good faith is done, or purported to be done, under this Act or any regulation made thereunder.

Decisions of Council to prevail in matters not expressly provided for. [§ 8, Law 11 of 1975.]

39. The decision of the Council on any matter not expressly provided for in this Act shall prevail.

Regulations.

40. (1) The Minister may, upon the recommendation of the Council, make regulations for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), regulations may be made in respect of all or any of the following matters :-

- (u) the fee for the renewal of a registration under this Act ;
- (6) all matters stated or required by this Act to be prescribed ;
- (c) all matters for which regulations are authorized by this Act to be made.

(3) Every regulation made under this section shall be published in the Gazette and

shall come into operation on a date specified in that behalf in the regulation or, if no date is specified, upon such publication, and shall, as soon as practicable after its publication in the Gazette, be brought before Parliament for approval. Where any regulation is not approved by Parliament it shall be deemed to be rescinded and the rescission shall take effect on the date on which the regulation is not approved.

(4) The validity of anything done under a regulation shall not be affected by a subsequent rescission of the regulation under subsection (3).

(5) Notification of the date on which the rescission of a regulation under subsection (3) takes effect shall be published in the Gazette.

41. In this Act, unless the context otherwise requires- Interpretation.

" Director, Animal Production and Health " means the person appointed to be or to act as the Director of Agriculture (Animal Production and Health) ; [§ 9, Law 11 of 1975.]

" prescribed " means prescribed by regulation made under this Act ;

" president " means the president of the Council ;

" registering officer " means the registering officer appointed under this Act ;

" registrar " means the registrar appointed by the Council ;

" Registered Veterinary Surgeon " means a person registered as a veterinary surgeon under this Act ;

" Registered Veterinary Practitioner " means a person registered as a veterinary practitioner under this Act ; and

" the Council " means the Veterinary Council of Sri Lanka constituted of [§ 11, Law 11 of 1975.] under this Act.