

# Veterinary Surgeons Act 1958 (Ch 277)

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## CHAPTER 277

### THE VETERINARY SURGEONS ACT.

*Commencement:* 3 April, 1958.

**An Act to make provision for the registration of practitioners of veterinary surgery and for other matters connected with and incidental to the practice of veterinary surgery.**

#### **1. Interpretation.**

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

“board” means the Uganda Veterinary Board established under section 2;

“licence” means a licence to practise veterinary surgery issued under section 11;

“licensed veterinary practitioner” means any person to whom a licence under section 11 has been issued;

“partner States” means the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya;

“register” means the register kept by the registrar in accordance with this Act;

“registered veterinary surgeon” means a person whose name appears in the register;

“registrar” means the veterinary registrar appointed under section 4;

(h) “veterinary officer” means a registered veterinary surgeon holding an office in the public service designated as such.

For the purposes of this Act, the practice of veterinary surgery shall be deemed to mean the performance of any operation and the giving of any treatment, advice, diagnosis or attendance in respect of an animal for gain or reward.

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, or to a member of the veterinary profession, the reference shall be construed to mean a reference to a person registered or licensed under this Act.

## **2. Establishment and constitution of veterinary board.**

For the purposes of this Act there is established a board, to be known as the Uganda Veterinary Board, which shall consist of a chairperson and not more than six other members, each of whom shall be a registered veterinary surgeon and who shall be appointed by the Minister by notice in the Gazette.

Each member of the board shall hold office for the period specified in the notice of his or her appointment and shall be eligible for reappointment.

Any member of the board may at any time by writing under his or her hand addressed to the secretary to the board resign his or her office.

The board may sue and be sued under the name of the Uganda Veterinary Board, and service on the board of all legal processes and notices shall be effected by delivering them to the secretary to the board.

## **3. Meetings and procedure of board.**

The board shall meet at such times as may be necessary or expedient for the transaction of its business, and any such meeting shall be convened by the chairperson of the board.

The chairperson of the board shall preside at all meetings of the board at which he or she is present, and in the absence of the chairperson from any meeting of the board, the members of the board present at the meeting and constituting a quorum shall elect from among their number a temporary chairperson for the purposes of the meeting.

At any meeting of the board four members shall constitute a quorum for the transaction of business.

A decision of the majority of members present and voting at any meeting of the board shall be deemed to be the decision of the board; and in the event of an equality of votes, the chairperson of the board, or, as the case may be, the temporary chairperson of the meeting, shall have a casting vote in addition to his or her deliberative vote.

There shall be a secretary to the board who shall be appointed by the board and who shall be responsible for recording the proceedings of the board and for communicating the decisions of the board to such persons and in such manner as the board may direct.

(6) Subject to this Act, the board may regulate its own procedure.

## **4. Appointment of veterinary registrar.**

For the purposes of this Act, the secretary to the board is appointed to be the veterinary registrar.

The registrar shall keep a veterinary register in the prescribed form and shall perform such other duties in connection with the register as may be prescribed.

## **5. Persons who may be registered.**

Subject to this section, every person who holds a degree or diploma in veterinary science awarded by any university recognised by the board and completes an internship of such description and for such period as may be prescribed by byelaws made by the board shall be qualified to be registered under section 6 as a veterinary surgeon.

Where a person holding a degree or diploma in veterinary science awarded by a university which, for the purposes of this Act, is not recognised by the board, applies for registration under this Act, the board shall require the applicant to pass an examination conducted by Makerere University and to undergo a period of internship prescribed by byelaws made by the board so as to qualify for registration under this Act.

The board may make byelaws respecting internship for the purposes of this section, and the byelaws may contain such special provisions as the board thinks fit to include declaring that a person—

who, prior to the commencement of this Act, had commenced and completed or completes, whether prior to or after that date, an internship of such description and duration as may be specified in the byelaws; or

who has service in an employment approved by the board and who completes an internship of such description and duration as may be specified in the byelaws, shall be deemed to have completed an internship prescribed for the purposes of paragraph (a) of this subsection.

## **6. Registration.**

Any person entitled to be registered as a registered veterinary surgeon under this Act may apply to the registrar for registration.

Upon being satisfied that an applicant for registration under this Act is qualified to be registered, the registrar shall enter or cause to be entered the name of the applicant in the register on payment of a fee of sixty shillings.

## **7. Certificate of registration.**

The registrar shall issue or cause to be issued to every registered veterinary surgeon a certificate of registration in the prescribed form.

## **8. Correction of register.**

The registrar shall, from time to time, make any necessary alteration or correction in the register in relation to any entry in it.

The registrar shall remove from the register the name of any registered veterinary surgeon who has died or who has left Uganda with no intention of returning to practise in Uganda.

The registrar may, on the application, or with the consent, of the person concerned, remove from the register the name of any registered veterinary surgeon who has ceased to practise veterinary surgery.

The registrar may, by registered letter addressed to any registered veterinary surgeon at his or her address recorded in the register, inquire whether such person has ceased to practise, or has changed his or her residence, or has left Uganda with no intention of returning to practise in Uganda, and, if no reply is received to the letter within six months of its date of posting, the registrar may remove from the register the name of that registered veterinary surgeon.

The name of any registered veterinary surgeon removed from the register under subsection (3) or (4) may, without payment of any fee, be restored to the register by the registrar on application made for that purpose by that registered veterinary surgeon.

#### **9. Publications to be prima facie evidence.**

(1) The registrar shall publish—

in the Gazette next following the date of registration of any person under this Act, the name, address and qualifications of that person; and

annually in a Gazette a list containing the names, addresses and qualifications of all registered veterinary surgeons appearing on the register as at the 31st day of December in the previous year.

(2) The production at any time of the Gazette containing the list mentioned in subsection (1)(b) or, as the case may be, of a subsequent Gazette containing an entry mentioned in subsection (1)(a) shall be prima facie evidence that any person named in the list, or in the entry, is duly registered under this Act, and the absence of the name of any person from such list, and the absence of an entry in any subsequent Gazette, shall be prima facie evidence that the person is not so registered.

#### **10. Certified copies or extracts of register receivable in evidence.**

The register, or any copy of it or any extract from it purporting to be certified under the hand of the registrar, shall be receivable in evidence in all courts.

#### **11. Licensed veterinary practitioners.**

(1) Whenever the board is satisfied that it is in the public interest—

that any veterinary officer or assistant veterinary officer in the service of the Government, of the East African Community or other university college in the partner States; or

that any person who has retired from an appointment as a veterinary officer or assistant veterinary officer in the service of the Government, of the East African Community or other university college in the partner States after having performed satisfactory service therein for a minimum period of two years, who is not entitled to be registered in accordance with this Act, should be entitled to the rights and privileges and subject to the obligations of a registered veterinary surgeon under this Act, it may, upon payment of such fee, if any, as may be prescribed, issue to any such person a licence to practise veterinary surgery.

Whenever the board is satisfied that in any place, district or area of Uganda there is not available a sufficient number of registered veterinary surgeons or licensed veterinary practitioners and that it is in the public interest that there should be in such place, district or area a sufficient number of persons lawfully entitled to practise veterinary surgery, it may, in its discretion, upon payment of such fee, if any, as may be prescribed, issue to any suitable person a licence to practise veterinary surgery in any place, district or area specified in the licence.

A licence issued under this section shall be in the prescribed form and shall be subject to such conditions and valid for such period as the board may determine.

Section 9 shall apply to the publication of the names of licensed veterinary practitioners except that any reference to a registered veterinary surgeon, or to registration, shall be construed as a reference to a licensed veterinary practitioner, or to licensing.

## **12. Use of titles.**

A registered veterinary surgeon or a licensed veterinary practitioner shall, by virtue of being so registered or licensed, be entitled respectively to take and use the title and description of veterinary surgeon or veterinary practitioner.

Every person who holds a degree or its equivalent in veterinary science awarded by any university recognised by the board and has been registered under section 6 as a veterinary surgeon shall, by virtue of being so registered, take and use the title and description of veterinary doctor.

No registered veterinary surgeon or a licensed veterinary practitioner shall take or use or affix to or use in connection with any premises occupied by him or her, any title or descriptions other than that of veterinary surgeon, veterinary doctor or veterinary practitioner unless he or she possesses a professional qualification particulars of which have, in the case of a registered veterinary surgeon, been entered in the register or have, in the case of a licensed veterinary practitioner, been approved by the board and have been endorsed upon the licence issued to the licensed veterinary practitioner under this Act.

(4) Any person who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding five thousand shillings.

## **13. Prohibition of practice by unregistered or unlicensed persons.**

(1) No person, unless he or she is registered or licensed under this Act, shall—

take or use the title or description of veterinary surgeon or veterinary practitioner; or

practise or directly or indirectly hold himself or herself out as practising as a veterinary surgeon or as a practitioner of veterinary surgery or of any branch thereof.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding three thousand shillings.

## **14. Practice and recovery of fees.**

Every registered veterinary surgeon and licensed veterinary practitioner shall be entitled to practise veterinary surgery and to demand, sue for and recover in any court of competent jurisdiction reasonable fees and charges in respect of such practice.

No person shall be entitled to recover any such fee or charge as is mentioned in subsection (1) unless he or she is a registered veterinary surgeon or a licensed veterinary practitioner.

## **15. Offences and penalties.**

Any person who—

fraudulently makes, or causes or permits to be made, any false or incorrect entry in the register or any copy thereof;

fraudulently procures or attempts to procure either for himself or herself or for any other person registration or the issue of a licence under this Act; or

being a registered veterinary surgeon or a licensed veterinary practitioner, allows an unregistered or unlicensed person to practise veterinary surgery on or from premises used by such registered veterinary surgeon or licensed veterinary practitioner for the practice of veterinary surgery, commits an offence and is liable on conviction to imprisonment for a period not exceeding six months or to a fine not exceeding six thousand shillings or to both such imprisonment and fine.

#### **16. Power to strike off register or cancel the licence.**

(1) If—

any registered veterinary surgeon or licensed veterinary practitioner is convicted on any criminal charge and the offence is such as, in the opinion of the board, to warrant disciplinary action being instituted against that person;

any registered veterinary surgeon or licensed veterinary practitioner is alleged to have been guilty of any infamous or disgraceful conduct in the practice of veterinary surgery; or

any licensed veterinary practitioner fails to observe any condition contained in his or her licence, the board, reconstituted in the manner provided by subsection (2), may inquire into the matter.

(2) For the purpose of holding any inquiry under this section, the board shall consist of—

a chief magistrate or a magistrate grade I, who shall be appointed by the Chief Justice, and who shall preside over the board;

the commissioner of livestock and entomology; and

two members of the board appointed by the board for such purpose.

A meeting of the board for the purpose of holding an inquiry under this section shall be convened by the secretary to the board.

At least twenty-one days prior to the date fixed for an inquiry under this section, notice in writing, signed by the secretary to the board, shall be served personally on the registered veterinary surgeon or on the licensed veterinary practitioner the subject of the inquiry, or sent to him or her by registered post at his or her last known address, informing him or her of the time and place fixed for the inquiry and of the substance of the allegation made against him or her, accompanied, where practicable, by a copy of any document to be produced at the inquiry.

Any document to be produced at the inquiry shall be available at all reasonable times before the inquiry for inspection by the registered veterinary surgeon or licensed veterinary practitioner who is the subject of the inquiry or by his or her advocate.

A registered veterinary surgeon or a licensed veterinary practitioner subject to an inquiry under this section shall be entitled to be present at the inquiry and, if he or she so wishes, to be represented by an advocate.

If at the time and place fixed for the inquiry the registered veterinary surgeon or the licensed veterinary practitioner the subject of the inquiry fails without reasonable excuse to appear, and the board is satisfied that subsections (4) and (5) have been complied with, the board may proceed with the inquiry as if the registered veterinary surgeon or licensed veterinary practitioner were present.

An inquiry under this section shall be deemed to be a judicial proceeding for the purposes of sections 94 and 99 of the Penal Code Act.

#### **17. Powers of board when holding inquiry.**

In any inquiry held under section 16, the board shall have the powers of the High Court to summon witnesses and to call for the production of books, plans and documents and to examine witnesses and parties on oath.

Summonses for the attendance of witnesses or other persons at an inquiry held under section 16 shall be signed by the secretary to the board, and oaths and affirmations shall be administered at any such inquiry by the person presiding over the board.

#### **18. Offences by witnesses summoned to give evidence at inquiry.**

(1) Every person who, having been served with a summons to attend and give evidence or to produce any book, plan or document at any inquiry held under section 16—

fails without sufficient cause to obey the summons;

refuses without sufficient cause to answer fully and to the best of his or her knowledge and belief all questions put to him or her by or with the concurrence of the board; or

wilfully interrupts the proceedings of the board or insults any member of the board, commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

(2) An inquiry under section 16 shall be deemed to be a suit or proceeding for the purposes of section 131 of the Evidence Act.

#### **19. Disciplinary powers of board.**

The board, after due inquiry made in accordance with this Act, may—

in the case of a registered veterinary surgeon, direct the registrar to remove his or her name from the register;

in the case of a licensed veterinary practitioner, order the cancellation of his or her licence;

order the suspension from practice of the registered veterinary surgeon or licensed veterinary practitioner the subject of the inquiry for such period as it may think fit; or

reprimand the registered veterinary surgeon or licensed veterinary practitioner the subject of the inquiry.

**20. Proceedings before board to be recorded and copy of order of board to be served.**

The findings and decision of the board at any inquiry under this Act shall be recorded in writing and signed by the person presiding over the board and when so recorded and signed shall be conclusive evidence of the findings and decision.

A copy of any direction or order and the notification of any reprimand under section 19 shall be served upon the registered veterinary surgeon or licensed veterinary practitioner the subject of the inquiry either personally or by registered post addressed to his or her last known address.

A licensed veterinary practitioner whose licence has been suspended or cancelled shall surrender the licence to the board within such time as the board shall direct.

**21. Appeal from decision of board.**

(1) Any person aggrieved by a direction or order of, or a reprimand by, the board under section 19 may, within thirty days of the service of the direction or order or the notification of such reprimand upon him or her, appeal to the High Court, and the decision of the High Court on the appeal shall be final.

On any appeal under this section, the High Court may vary or reverse the decision of the board.

The Chief Justice may make rules governing appeals under this section.

**22. Power to apply to board for restoration of licence, etc.**

Any person whose name has been removed from the register or whose licence has been cancelled or who has been suspended from the practice of veterinary surgery under section 19 may apply to the board for—

the restoration of his or her name to the register;

the restoration of the licence; or

the revocation of the suspension, and in any such case the board may, in its absolute discretion and after such inquiry as it may think fit, grant or refuse the application, and the decision of the board on any such application shall be final.

**23. Power to commissioner to exempt certain treatments, etc. from operation of Act.**

The commissioner of livestock and entomology may, by statutory order, declare that the practice of veterinary surgery shall not be deemed 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, the provisions of this Act shall not apply to any person performing, carrying out or giving any such treatment, test or operation.

#### **24. Exemptions.**

Nothing in this Act shall be deemed to prohibit or prevent the practice of veterinary surgery—

by any person in the service of the Government or that in the ordinary course of his or her duties in such service;

by a duly qualified medical practitioner in any case of emergency; or

for the purposes of research by any person authorised in writing in that behalf by the Minister.

#### **25. Rules.**

The Minister may make rules generally for better carrying out the provisions of this Act.

**History:** Cap. 265; Act 12/1970; Decree 32/1970, s. 36; Decree 10/1975, s. 1; Decree 14/1978.

#### **Cross References**

Evidence Act, Cap. 6 Penal Code Act, Cap.