Laws.Africa Legislation Commons

Namibia

Veterinary and Veterinary Para-Professions Act, 2013

Legislation as at 2013-02-22.

FRBR URI: /akn/na/act/2013/1/eng@2013-02-22
PDF created on 2021-04-16 at 11:36.

There may have been updates since this file was created.

Check for updates

About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0).
Share widely and freely.

Table of Contents

Veterinary and Veterinary Para-Professions Act, 2013 4
Act 1 of 2013 4
Part 1 – DEFINITIONS AND APPLICATION OF ACT 4
1. Definitions 4
2. Application of Act 6

Part 2 – NAMIBIAN VETERINARY COUNCIL 6
3. Establishment of Namibian Veterinary Council 6
4. Succession from former Council to Council 6
5. Constitution of Council 7
6. Functions and duties of Council 8
7. Powers of Council 9
8. Disqualification to be member of Council 10
9. Term of office of members of Council 10
10. Vacation of office and filling of vacancies 11
11. Chairperson and vice-chairperson of Council 11
12. Meetings of Council 12
13. Procedures at meetings and decisions of Council 13
14. Executive committee 13
15. Other committees 14
16. Allowances of members of Council and committees 15
17. Registrar and other staff of Council 15
18. Funds of Council 16
19. Bookkeeping, auditing and financial year 17
20. Reports to Minister 17
21. Keeping of registers 18
22. Registrar to comply with Council directives 19
23. Register as proof 19

Part 3 – VETERINARY AND PARA-VETERINARY PROFESSIONS: QUALIFICATIONS AND REGISTRATION 19
24. Qualifications for registration 20
25. Application of Act to veterinary para-professions 20
26. Students to be registered 20
27. Requirements for registration 20
28. Registration of persons 21
29. Conditional registration 22
30. Registration of persons registered conditionally 23
31. Maintenance of registration 24
32. Registration of additional qualifications, professional categories and additional professional categories 24
33. Continuing professional development 25
34. Alteration of registration 26
35. Termination of registration 26
36. Allocation of designations 27

Part 4 – CLOSE CORPORATIONS, PRIVATE COMPANIES AND OTHER PERSONS THAT MAY CONDUCT BUSINESS AS VETERINARIAN OR PARA-VETERINARY PROFESSIONAL 27
37. Close corporation may conduct business as veterinarian or veterinary para-professional 28
38. Application to conduct business as close corporation 28
39. Membership of close corporation conducting business as veterinarian or veterinary para-professional 29
40. Management of business conducted by close corporation 31
41. Cancellation of registration as close corporation 31
42. Private company may conduct business as veterinarian or veterinary para-professional 32
43. Application to conduct business as private company 33
44. Membership of close private company conducting business as veterinarian or veterinary para-professional 34
45. Management of business conducted by private company 35
46. Cancellation of registration as private company 35
47. Ownership of business of veterinarian or veterinary para-professional by person other than veterinarian, veterinary para-professional, close corporation or private company 36

48. Further conditions pertaining to business of veterinarian or veterinary para-professional owned by person other than a veterinarian or a veterinary para-professional 37

Part 5 – CONDUCT OF VETERINARIAN OR VETERINARY PARA-PROFESSIONAL PRACTICE 37
49. Business of veterinarian or veterinary para-professional to be conducted under continuous supervision of veterinarian or veterinary para-professional 37
50. Restriction in respect of business names 38
51. Continuation of business of veterinarian and veterinary para-professional by executor, trustee, liquidator or curator 38
52. Inspection of veterinary or veterinary para-professional practices 39

Part 6 – OFFENCES BY UNREGISTERED PERSONS 40
53. Penalties for practising as veterinarian or veterinary para-professional, or for performing certain other acts, while unregistered 40

Part 7 – DISCIPLINARY POWERS OF COUNCIL 41
54. Professional conduct rules by Council 41
55. Unprofessional conduct 42
56. Inquiry by Council 42
57. Institution of unprofessional conduct proceedings 42
58. Procedure at inquiry 43
59. Inquiry in respect of registered person not to prejudice civil or criminal liability 45
60. Penalties for false evidence 45
61. Penalties by Council for unprofessional conduct 45
62. Cognisance by Council of conduct of registered persons under certain circumstances 47
63. Pro forma complainants 47
64. Investigation, assessment and powers of Council in respect of impaired registered persons 47

Part 8 – GENERAL AND SUPPLEMENTARY PROVISIONS 49
65. Dispensing of medicine or scheduled substance 49
66. Limitations in respect of unregistered persons and proof of registration for issue of licences 49
67. Obligation of employers 50
68. Correction of errors 50
69. Defect in form not to invalidate documents 50
70. Limitation of liability 50
71. Delegation of powers and assignment of functions and duties 51
72. General offences, penalties and extended jurisdiction 51
73. Regulations 51
74. Transitional provisions 54
75. Repeal of law and savings 54
76. Short title and commencement 55

Republic of Namibia
Annotated Statutes

Veterinary and Veterinary Para-Professions Act, 2013

Act 1 of 2013

Published in Government Gazette no. 5139 on 22 February 2013
Assented to on 1 February 2013

Commenced on 27 February 2014 by Government Notice 16 of 2014

[Up to date as at 9 April 2021]

ACT

To provide for the establishment, constitution, powers and functions of the Namibian Veterinary Council; to regulate the registration of persons practising veterinary professions and veterinary para-professions; to specify the education and training and qualifications of persons practising such professions; to provide for control over the practising of veterinary professions and veterinary para-professions; to prohibit the practising of any such profession without being registered; to repeal the Veterinary and Para-Veterinary Professions Proclamation, 1984; and to provide for matters incidental thereto.

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

Part 1 – DEFINITIONS AND APPLICATION OF ACT

1. Definitions

In this Act, unless the context otherwise indicates -

"**animal**" means all mammals with the exception of human beings, all birds including poultry, all bees, all amphibians, all reptiles, all fishes, all molluscs and all crustaceans;

"**close corporation**" means a close corporation incorporated as such in terms of the Close Corporations Act, 1988 (Act No. 26 of 1988);

"**commencement date**" means the date of commencement of this Act;

"**committee**" means a committee established in terms of section 15;

"**continuing professional development**" means the continuing professional development contemplated in

section 33;

"**Council**" means the Namibian Veterinary Council established by section 3;

"**educational institution**" means any university, college, technical college, technicon, training facility or other similar or related institution where a qualification can be obtained which complies with the requirements of a prescribed qualification contemplated in section 24;

"**executive committee**" means the executive committee established by section 14(1);

"**former Council**" means the South West African Veterinary Council established by section 2 of the Veterinary and Para-Veterinary Professions Proclamation, 1984;

"**legal practitioner**" means a legal practitioner as defined in section 1 of the Legal Practitioners Act, 1995 (Act No. 15 of 1995);

"**medicine**" means a medicine as defined in section 1 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003);

"**member of the Council**" means a member of the Council referred to or appointed in terms of section 5;

"**Minister**" means the Minister responsible for veterinary services;

"**Ministry**" means the Ministry responsible for veterinary services;

"**practise**", in relation to a veterinary and veterinary para-profession, includes doing any of the acts or things specified in section 53(4);

"**prescribe**" means prescribe by regulation;

"**private company**" means a company incorporated and registered as a private company in terms of the Companies Act, 2004 (Act No. 28 of 2004);

"**qualification**" means any degree, diploma or certificate conferred upon a person after having been examined in respect of that person's proficiency in a particular field of study;

"**register**" -

(a) if used as a verb, means to register in terms of any of the applicable sections of this Act, and "registration" has a corresponding meaning; and

(b) if used as a noun, means a register referred to in section 21;

"**registered person**", in relation to a veterinary and veterinary para-profession, means a person who is registered in terms of section 28 in respect of such profession, or who is regarded to be so registered in terms of section 74;

"**Registrar**" means the Registrar appointed in terms of section 17 as the Registrar of the Council, and includes -

(a) the person designated by the Minister or appointed by the Council under subsection (2) thereof;

(b) the acting Registrar contemplated in subsection (4) thereof; or

(c) the staff member referred to in section 74(8);

"**regulation**" means any regulation made or in force under this Act;

"**rule**" means any rule made by the Council;

"**staff member**" means a staff member as defined in section 1(1) of the Public Service Act, 1995 (Act No. 13 of 1995);

"**student**" means a person who is enrolled at an educational institution as a student for a degree, diploma or certificate prescribed under section 24 and undergoes practical training in Namibia under the supervision of a person who is registered or deemed to be registered in terms of this Act to practise the profession concerned;

"**this Act**" includes any regulation and any rule;

"**unprofessional conduct**" means improper or dishonourable or unworthy conduct, or conduct which, if regard is had to the profession of the person who is registered in terms of this Act, is improper or disgraceful or dishonourable or unworthy, and includes acts and omissions specified in terms of section 54 or 55;

"**unregistered person**", in relation to a veterinary and veterinary para-profession, means a person who -

(a) is not registered in terms of section 28 in respect of the profession concerned;

(b) is not conditionally registered in terms of section 29 in respect of the profession concerned; or

(c) who is not regarded to be registered in terms of section 74;

"**veterinarian**" means any person who is registered or deemed to be registered in terms of this Act to practise the veterinary profession of veterinarian;

"**Veterinary and Para-Veterinary Professions Proclamation, 1984**" means the Veterinary and Para-Veterinary Professions Proclamation, 1984 (Proclamation No. AG. 14 of 1984);

"**veterinary medicine**" means veterinary medicine as defined in section 1 of the Medicines and Related Substances Control Act, 2003;

"**veterinary para-profession**" means the profession of veterinary para-professional;

"**veterinary para-professional**" means any person who is registered or deemed to be registered in terms of this Act to practise a veterinary para-profession which has as its object the rendering of services supplementing the services deemed in terms of the rules to pertain specially to a veterinary profession, working under direction of a veterinarian;

"**veterinary profession**" means the profession of veterinarian or veterinary specialist; and

"**veterinary specialist**" means any person in possession of a particular veterinary speciality who is registered or deemed to be registered in terms of this Act to practice the veterinary profession of veterinary specialist.

2. Application of Act

This Act applies to the veterinary professions and the veterinary para-professions.

Part 2 – NAMIBIAN VETERINARY COUNCIL

3. Establishment of Namibian Veterinary Council

(1) There is established a Council to be known as the Namibian Veterinary Council.

(2) The Council is a juristic person which is capable, in its own name, of suing and of being sued and, subject to this Act, of performing all such acts as a juristic person may perform lawfully.

4. Succession from former Council to Council

(1) The Council is for all purposes the successor to the former Council.

(2) All assets, rights, obligations and liabilities which immediately before the commencement date vested in, or had been incurred by, the former Council referred to in subsection (1), pass to the Council on that date.

(3) A certificate issued by the Registrar under his or her signature in which it is stated that any immovable property or mortgage bond or servitude or other real right or lease, or any other asset or right or liability, described or referred to in such certificate, has passed from the former Council concerned to the Council in terms of subsection (2), is sufficient proof that the asset, right or liability so described or referred to in such certificate vests in the Council.

(4) Upon the submission of a certificate referred to in subsection (3) and of the relevant title deeds, certificates or other documents to -

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(a) the Registrar of Deeds appointed in terms of section 2 of the Deeds Registry Act, 1937 (Act No. 47 of 1937); or

(b) any other person in charge of any other office where a register or record relating to the ownership of, or entitlement to, an asset or right or liability described in such certificate is being kept,

that Registrar or that other person, as the case may be, must make such entries or endorsements into or onto, or in or on, any relevant register, title deed, certificate or other document in his or her office, or submitted to him or her, as may be necessary to effect the transfer contemplated in that subsection into the name of the Council.

(5) Despite any other law, no stamp duties, transfer duty, value added tax, or any other duty, tax or levy, or any registration fees, payable in terms of any law relating to the acquisition or transfer of assets or rights or liabilities, is payable in respect of any entry or endorsement made in terms of subsection (4), or the transfer of any asset, right or liability in terms of or pursuant to subsection (2).

(6) On the submission of a certificate referred to in subsection (3) to the banking institution or other institution or establishment at which the former Council conducted or operated any banking account or savings account, or held any investment or other asset, such banking institution or other institution or establishment must transfer such banking account or savings account or investment or asset, as the case may be, into the name of the Council.

5. Constitution of Council

(1) The Council consists of -

(a) the head of the Directorate of Veterinary Services in the Ministry, who must be a veterinarian or a veterinary specialist;

(b) the following members appointed by the Minister subject to the provisions of this section as follows -

(i) one staff member in the Ministry who is a veterinarian or a veterinary specialist who is unconditionally registered as contemplated in this Act;

(ii) one legal practitioner, having not less than five years experience in the practice of law;

(iii) two members of the Veterinary Association of Namibia, designated by that Association;

(iv) three persons registered or deemed to be registered in terms of this Act as veterinarians or veterinary specialists, elected in the prescribed manner and in accordance with the prescribed procedures, by persons registered or deemed to be registered in terms of this Act to practice the veterinary profession; and

(v) two veterinary para-professionals registered or deemed to be registered in terms of this Act as veterinary para-professionals, elected in the prescribed manner and in accordance with the prescribed procedures, by persons registered or deemed to be registered in terms of this Act to practice the veterinary para-profession concerned.

(2) If any -

(a) designation in terms of subsection (1)(b)(iii) becomes necessary; or

(b) election in terms of subsection (1)(b)(iv) or (v) becomes necessary,

the Registrar must request the Veterinary Association of Namibia or the registered persons concerned in writing to designate or elect, as the case may be, within a specified period the person required to be designated or elected in terms of that subsection.

(3) If the Veterinary Association of Namibia or the registered persons concerned fails or fail to comply with a request contemplated in subsection (2) within the specified period, the Minister may appoint any person holding the qualifications necessary for appointment and whom the Minister deems fit, to be a member of

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

the Council in the place of the person required to be designated or elected in terms of subsection (1)(b)(iii), (iv) or (v).

(4) No person is entitled to vote in an election referred to in subsection (1)(b)(iv) or (v), unless that person -

(a) is unconditionally registered as a veterinarian, a veterinary specialist or a veterinary para-professional as contemplated in this Act;

(b) is a Namibian citizen or has been lawfully admitted to Namibia for permanent residence therein; and

(c) is ordinarily resident in Namibia.

(5) Despite subsection (1)(b)(iii) or (iv), the first election of the members of the Council after the commencement date must be conducted by the Registrar or by a person designated in writing by him or her for such purpose.

(6) The expenses relating to the first election of members of the Council after the commencement date referred to in subsection (5) must be defrayed from moneys made available from the funds of the former Council or if no such money is available from money appropriated by Parliament for such purpose.

(7) When making any appointment in terms of subsection (1), the Minister must ensure gender balance and proper representation of previously disadvantaged Namibian veterinarians, veterinary specialists or veterinary para-professionals on the Council.

(8) The Minister must make known by notice in the Gazette the names of the members of the first Council constituted in terms of this Act after the commencement date, including the date of commencement and period of their respective terms of office.

(9) The Registrar must make known by notice in the Gazette the names of the members of the Council subsequent to the first Council referred to in subsection (8), including any member contemplated in section 10(3), and the date of commencement and period of their respective terms of office.

(10) Despite any other provision to the contrary in any law contained, the former Council continues to act as the Council for a period of six months from the commencement date.

(11) The Council must within the period referred to in subsection (10) conduct and finalise the election of the members of the first Council as contemplated in this section.

(12) A person who is conditionally registered as contemplated in this Act may not be nominated or elected as member of the Council.

6. Functions and duties of Council

(1) In addition to any other functions or duties conferred on the Council by this Act or by any other law, the Council has the following functions and duties -

(a) to regulate the practising of the veterinary professions and veterinary para-professions, and to register any person required to be registered in terms of this Act;

(b) to determine the conditions or requirements with which a registered person must comply with in order to retain such registration;

(c) to determine -

(i) the manner in which an applicant must apply for registration in terms of section 28;

(ii) the registration fees which are payable to the Council in respect of registration under this Act and the annual fees which are payable to the Council by any person registered in terms of this Act;

(iii) what portion of such annual fees which are payable in respect of any part of a year and the date on which such annual fees or portion thereof becomes due and payable,

(d) to grant exemptions from payment of any registration or annual fees or any portion thereof payable in terms of paragraph (c);

(e) to keep and maintain a register as contemplated in section 21 and to decide upon the form of register and certificates to be kept, maintained or issued under this Act, the reviewing thereof and the manner in which alterations thereto may be effected;

(f) to determine the minimum standards of tuition and training required for degrees, diplomas and certificates entitling the holders thereof to be registered to practise the veterinary professions and veterinary para-professions;

(g) to exercise effective control over the professional conduct of persons practising the veterinary professions and veterinary para-professions;

(h) to determine the standards of professional conduct of persons practising the veterinary professions and veterinary para-professions;

(i) to take any steps which it may consider expedient for the protection of the public in dealings with any veterinarian, veterinary specialist or veterinary para-professional, for the improvement of the standard of professional services rendered by any veterinarian, veterinary specialist or veterinary para-professional, and for the improvement of the professional qualifications of veterinarians, veterinary specialists or veterinary para-professionals;

(j) to encourage and promote efficiency in and responsibility with regard to the practice of the veterinary professions and veterinary para-professions;

(k) to protect the interests of the veterinary professions and veterinary para-professions and to deal with any matter relating to such interests;

(l) to maintain and enhance the prestige, status and dignity of the veterinary professions and veterinary para-professions and the integrity of persons practising such professions;

(m) subject to this Act, to determine the method of inquiry into allegations of unprofessional conduct;

(n) to advise the Minister in relation to any matter affecting a veterinary profession or a veterinary para-profession;

(o) to advise the Minister on all matters relating to animal health in Namibia upon the Council's own initiative or any question referred to it by the Minister;

(p) to make recommendations to the Minister in relation to the application of this Act, any amendment to this Act and the making of regulations; and

(q) to carry out research into matters referred to the Council by the Minister.

7. Powers of Council

(1) To enable it to perform the functions and duties referred to in section 6 or in this Act, the Council is empowered to -

(a) buy, lease or otherwise acquire, or sell, let or otherwise dispose of, or hypothecate or pledge or otherwise deal with, any movable or immovable property of the Council or any right in or over or relating to such immovable property;

(b) take up, borrow, lend or invest money;

(c) open and operate banking or savings accounts;

(d) accept, draw, endorse, issue, make, pay or perform any other act in respect of negotiable instruments;

(e) spend or invest funds of the Council;

(f) make or accept donations;

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(g) enter into agreements with any person, body, institution or organisation on such terms and conditions as the Council and that person or such body, institution or organisation may agree upon;

(h) obtain information necessary to achieve its objects and perform its functions, including to require any registered person in writing to submit to the Council such information as the Council may consider necessary;

(i) consider any matter affecting the veterinary professions and veterinary para-professions, or take such action in connection therewith as it may consider advisable;

(j) on application by any person, recognise any qualification held by that person in respect of the veterinary professions and veterinary para-professions (whether such qualification has been obtained in Namibia or elsewhere) as being equal to, either wholly or in part, to any qualification prescribed in terms of this Act;

(k) co-opt any person onto any of its committees;

(l) authorise a person to inspect, subject to section 52, the professional practice of a registered person and to report to the Council on his or her findings in respect of such inspection;

(m) charge the fees prescribed in respect of any inspection it may regard necessary to enable it to consider an application for the approval of an educational institution, or for any amendment of a condition imposed on such institution;

(n) appoint and dismiss personnel and determine the remuneration and other conditions of service which it deems fit for the carrying out of the Council functions;

(o) exercise or perform any power or function conferred or imposed upon it by or under this Act, any other law or by the Minister; and

(p) generally take such other steps and perform such other acts as may be necessary for or conducive to the achievement of the objects of the Council.

(2) Unless otherwise provided in this Act, the powers, duties and functions exercised or performed by the Council in terms of any provision of this Act, must be so exercised or performed by means of a decision made by the Council in accordance with section 13.

8. Disqualification to be member of Council

A person does not qualify to be a member of the Council in terms of section 5, if that person -

(a) is not a Namibian citizen or has not been lawfully admitted to Namibia for permanent residence therein and is not ordinarily resident in Namibia;

(b) is disqualified in terms of this Act or of any other law from practising his or her profession;

(c) is an unrehabilitated insolvent;

(d) has been declared mentally ill by a competent court in terms of the Mental Health Act, 1973 (Act No. 18 of 1973);

(e) has been convicted of an offence in respect of which he or she was sentenced to imprisonment without the option of a fine, and in respect of which an appeal, if any, was not upheld;

(f) has been removed from an office of trust as a result of unprofessional conduct; or

(g) has, except in the case of a person referred to in section 5(1)(b)(ii), been found guilty, in terms of this Act, of unprofessional conduct.

9. Term of office of members of Council

(1) Subject to subsection (2), a member of the Council, other than a member referred to in section 5(1)(a),

holds office for a period of three years from the date of his or her appointment, but must, at the end of such period, continue to hold office for a further period, not exceeding three months, until his or her successor has been appointed.

(2) Any member whose period of office has expired is eligible for re-appointment.

10. Vacation of office and filling of vacancies

(1) A member of the Council vacates office if the member -

(a) becomes subject to any disqualification contemplated in section 8;

(b) except the member referred to in section 5(1)(a), is absent from two consecutive meetings of the Council without the permission of the Council or of the chairperson, if the Council has authorised the chairperson to grant such leave;

(c) in the case of a member appointed in terms of section 5(1)(b)(i) -

(i) tenders his or her resignation in writing to the Minister; or

(ii) ceases to be a staff member;

(d) in the case of a member appointed in terms of section 5(1)(b)(ii) -

(i) tenders his or her resignation in writing to the Minister; or

(ii) ceases to be a legal practitioner;

(e) in the case of a member designated in terms of section 5(1)(b)(iii) -

(i) tenders his resignation in writing to the Minister; or

(ii) ceases to be a member of the Veterinary Association of Namibia;

(f) in the case of a member elected by virtue of section 5(1)(b)(iv) or (v), tenders his or her resignation in writing to the Minister;

(g) ceases to be ordinarily resident in Namibia;

(h) has, except in the case of a member referred to in section 5(1)(b)(ii), been found guilty, in terms of this Act, of unprofessional conduct; or

(i) except the member referred to in section 5(1)(a), is removed in terms of subsection (2) from office at the request of or after consultation with the Council.

(2) The Minister may remove a member of the Council, except the member referred to in section 5(1)(a), from office if the Minister, after having given that member an opportunity to be heard, has reasonable cause to believe that the member is no longer fit or able to discharge the functions of that member's office or for any good cause.

(3) Any vacancy on the Council arising from a circumstance referred to in subsection (1) or any vacancy caused by the death of a member must be filled by appointment in the manner in which the member who vacated office or died, was required to be appointed and any member so appointed holds office for the unexpired portion of the period for which the member who vacated office or died, was appointed.

11. Chairperson and vice-chairperson of Council

(1) At the first meeting of the Council and thereafter as the occasion arises the members of the Council must elect from among their number a chairperson and a vice-chairperson to hold office for such period as may be determined by the Council at the time of their election.

(2) If the chairperson or the vice-chairperson of the Council dies or vacates his or her office before the expiration of the period contemplated in subsection (1), the members of the Council must elect from

among their number a chairperson or vice-chairperson, as the case may be, to act as chairperson or vice-chairperson for the unexpired portion of the period of office for which his or her predecessor was elected.

(3) A member of the Council may not hold the office of chairperson or vice-chairperson for longer than two consecutive terms of office.

(4) A term of office referred to in subsection (3) does not include a term of office referred to in subsection (2).

(5) If for any reason the chairperson is not able to act as chairperson, the vice-chairperson must perform all the duties and exercise all the powers of the chairperson.

(6) If both the chairperson and vice-chairperson of the Council are absent from any meeting of the Council, the members present at such meeting may elect one member from their number to preside at such meeting.

(7) The person elected in terms of subsection (6) to preside at the meeting concerned may at such meeting perform all the functions and exercise all the powers of the chairperson.

(8) The chairperson or vice-chairperson of the Council may vacate his or her office as chairperson or vice-chairperson, as the case may be, without terminating his or her membership of the Council.

(9) If the offices of chairperson and of vice-chairperson are both vacant at the same time, the Registrar must convene a meeting of the Council in accordance with section 12(1), with the necessary changes, for the purpose of electing a new chairperson and vice-chairperson in accordance with subsection (1).

(10) A member of the Council who is not a veterinarian or a veterinary specialist may not be elected chairperson or vice-chairperson of the Council or preside at any meeting thereof.

12. Meetings of Council

(1) The Registrar, or if the Registrar is not available for any reason, a person appointed by the Registrar in writing for such purpose, must convene the first meeting of every newly constituted Council.

(2) The Registrar or the person appointed by the Registrar in terms of subsection (1), as the case may be, must -

(a) determine the date, time and venue for, and the agenda to be discussed at;

(b) inform the members of the Council in such manner as he or she may consider appropriate, of the date, time and venue of;

(c) act as chairperson at;

(d) determine in writing the proceedings, including the proceedings relating to the election of the chairperson and vice-chairperson in terms of section 12(1), to be followed at,

the meeting referred to in that subsection, and must furnish, before the commencement of such meeting, every member of the Council with a copy of the agenda referred to in paragraph (a).

(3) The chairperson must -

(a) convene; and

(b) determine the date, time and venue for, and the agenda to be discussed at,

all the meetings of the Council to be held subsequent to the first meeting referred to in subsection (1).

(4) The chairperson must convene a special meeting of the Council, to be held within a period of 30 days after the date of receipt of a written request by -

(a) the Minister;

(b) not less than three members of the Council; or

(c) not less than one-third of the persons registered in terms of this Act in respect of the profession

requesting such a meeting.

(5) A request made in terms of subsection (4) must clearly state the purpose for which the meeting is to be convened.

(6) The Council must hold not less than two meetings in each year, and may hold, in addition thereto, such other meetings as the Council may determine from time to time.

13. Procedures at meetings and decisions of Council

(1) The majority of the members constituting the Council form a quorum for a meeting thereof.

(2) The Council may make rules relating to the holding of, and procedures at, meetings of the Council.

(3) If the Council has not made rules referred to in subsection (2), the chairperson or any other person who presides at a meeting thereof must determine the procedures to be followed at the meeting concerned.

(4) A decision of the majority of the members of the Council present at any meeting of the Council constitutes a decision of the Council.

(5) If all the members of the Council in writing under their signatures approve a written motion submitted by the Registrar to all those members, then such motion so approved, despite subsection (4), but subject to the other provisions of this section, is regarded as a decision of the Council in terms of that subsection.

(6) The Registrar must submit a written decision of the Council made in accordance with subsection (5) to the Council at its first meeting following the making of such decision.

(7) A written decision made in accordance with subsection (6) -

(a) may be made at any time in between the meetings of the Council; and

(b) must form a part of the written record of the proceedings of the meeting of the Council at which such written decision was submitted to the Council in terms of that subsection.

(8) The person presiding at a meeting of the Council -

(a) has a casting vote, if there is an equality of votes, in addition to his or her deliberative vote; and

(b) must cause a written record to be kept of the proceedings,

at such meeting.

(9) A decision of the Council or an act performed on the authority of the Council is not invalid merely -

(a) by reason of a vacancy on the Council; or

(b) of the fact that a person who is not entitled to attend a meeting of the Council was in attendance when the decision was made or the act was authorised,

if the decision was made or the act was authorised by the required majority of the members of the Council then present and entitled to sit as members.

(10) Any member of the Council or of a committee thereof, or any member of the former Council, must preserve secrecy in relation to all matters that has come to his or her knowledge as a result of being such a member, except in so far as the making known of any such matter is required by, or may be made in terms of, this Act or any other law, or is required by an order of a competent court.

(11) A person who contravenes or fails to comply with the provisions of subsection (10) commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

14. Executive committee

(1) There is established an executive committee of the Council to exercise the powers and perform the functions or duties of the Council, subject to the directions of the Council and subsection (3), during the periods between the meetings of the Council.

(2) The executive committee consists of the chairperson, the vice-chairperson and three other members of the Council elected by the Council from their number one of whom must be the legal practitioner appointed in terms of section 5(1) (b)(ii).

(3) The executive committee -

(a) does not have, except in so far as the Council otherwise directs in writing, the power to set aside or amend any decision of the Council; and

(b) must report to the Council in writing, at the first meeting of the Council after a power, duty or function had been exercised or performed by the executive committee, that it had so exercised or performed such power, duty or function, including such other particulars relating thereto as the Council may require.

(4) Any decision taken or act performed by or on the authority of the executive committee is of full force and effect, unless it is set aside or amended by the Council -

(a) either of its own accord within one year after such decision or act; or

(b) at the request, within that year, of a person affected thereby, at any time after such decision or act.

(5) The chairperson is the chairperson of the executive committee.

(6) Section 13 applies with the necessary changes to the executive committee.

(7) If the executive committee is unable, for any reason, to reach a decision on any matter, it must refer such matter to the Council for a decision.

(8) A decision of the Council on any matter referred to it in terms of subsection (7) is regarded as a decision of the executive committee.

(9) A member of the executive committee may vote on any matter before it.

(10) The Council may remove from office any member of the executive committee if the Council, after having given that member an opportunity to be heard, has reasonable cause to believe that the member is no longer fit or able to discharge the functions of that member's office or for any good cause.

(11) Unless otherwise provided for in this Act, the executive committee must meet at such times and places as the Council may determine and inform it in writing.

15. Other committees

(1) The Council may establish from time to time such other committees as it may deem necessary to exercise such powers and perform such functions as the Council may delegate or assign.

(2) Each such committee consists of such number of persons, appointed by the Council, as may be determined by the Council.

(3) The Council must designate a member of a committee, who is also a member of the Council, as the chairperson of the committee.

(4) A delegation or assignment by the Council in terms of subsection (1) -

(a) must be made in writing; and

(b) may be made subject to such conditions and restrictions as the Council may determine.

(5) The Council may dissolve or reconstitute at any time a committee established under subsection (1).

(6) Sections 13 and 14(4) apply with the necessary changes to a committee established under subsection (1).

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(7) If a committee established under subsection (1) is unable, for any reason, to reach a decision on any matter, it must refer such matter to the Council for a decision.

(8) A decision of the Council on any matter referred to it in terms of subsection (7) is regarded as a decision of the committee concerned.

(9) A member of a committee established under subsection (1) may vote on any matter before it.

(10) The Council may remove from office any member of a committee established under subsection (1) if the Council is reasonably satisfied, after having given that member an opportunity to be heard, that that member -

(a) is physically or mentally unfit or unable to effectively perform his or her duties as a member;

(b) has neglected his or her duties as a member; or

(c) has divulged, contrary to section 13(10), a matter which has been entrusted to that member.

(11) Unless otherwise provided for in this Act a committee established under subsection (1) must meet at such times and places as the Council may determine and inform it in writing.

16. Allowances of members of Council and committees

(1) Members of the Council, the executive committee or of any committee established under section 15(1) may be paid out of the funds of the Council in respect of their services as such members such professional, travelling and subsistence allowances as the Council may determine.

(2) Any allowance payable under subsection (1) to any member who is in the full-time employment of the State may only be paid to such member if he or she is not already entitled in accordance with the laws governing his or her employment in the public service, to a travelling and subsistence allowance.

17. Registrar and other staff of Council

(1) The Council -

(a) must appoint a Registrar who must perform the duties and functions, and exercise the powers conferred on him or her by this Act, including such additional duties, functions and powers as determined by the Council or as may be prescribed;

(b) may appoint other persons as the Council may consider necessary to assist the Registrar in exercising any of the powers or performing any of the duties or functions conferred on the Registrar by this Act; and

(c) must determine the remuneration or allowances payable to the Registrar and other persons employed by the Council, who are not in the full-time employment of the public service.

(2) A person may not be appointed as Registrar in terms of subsection (1), unless that person is -

(a) a veterinarian or a veterinary specialist; and

(b) a Namibian citizen or person who has been lawfully admitted to Namibia for permanent residence therein and is ordinarily resident in Namibia.

(3) Any power conferred upon, function assigned to or duty imposed upon the Registrar by or under this Act or any other law, may be exercised, performed or carried out by the Registrar personally, or by -

(a) a staff member designated by the Minister; or

(b) any other person appointed by the Council, in consultation with the Minister,

who acts under the delegation, control or direction of the Registrar.

(4) The Registrar -

(a) must exercise the powers and perform the duties and functions assigned to or imposed upon the Registrar by or in terms of this Act;

(b) is the secretary of every meeting of the Council and of its committees, unless provided otherwise in this Act;

(c) is responsible for the administrative work pertaining to the functions of the Council, including the keeping, on behalf of the Council, of the registers referred to in section 21;

(d) is responsible for the administrative work pertaining to the functions of every committee of the Council;

(e) is the accounting officer relating to the funds of the Council;

(f) is responsible for exercising effective control over, disciplinary powers over and supervision of other staff or employees of the Council;

(g) must collect and recover, for the benefit of the Council, all moneys due or accruing to the Council;

(h) has the administrative control, for and on behalf of the Council, over payments made from the funds of the Council;

(i) must keep books of account, or cause such books of account to be kept, as are necessary to fairly represent the state of affairs and business of the Council and to explain the transactions and financial position relating to the business of the Council; and

(j) must exercise such powers and perform such duties and functions as may from time to time be delegated or assigned to or imposed upon the Registrar by the Council in terms of section 71, but the Council is not divested of any power exercised by the Registrar under any power so delegated, and may amend or set aside any decision of the Registrar in the exercise of such power.

(4) If the Registrar is absent or unable to exercise or perform any of his or her powers, duties or functions in terms of this Act or of any other law -

(a) the person designated by the Minister or appointed by the Council as contemplated in subsection (2), may exercise or perform, during the period of time that the Registrar is so absent or unable to act, the powers, duties or functions of the Registrar; or

(b) if the person referred to in paragraph (a) is absent or unable to exercise or perform the powers, duties and functions concerned, the Council may appoint in writing a person as acting Registrar for the period of time of the Registrar's absence or inability to act.

(5) A person appointed as acting Registrar in terms of subsection (4)(b) may exercise and perform such of the powers, duties or functions of the Registrar, subject to such conditions and restrictions, as the Council may specify in writing at that person's appointment in terms of that subsection.

18. Funds of Council

(1) The funds of the Council consist of -

(a) annual fees, application fees, examination fees, registration fees, fees relating to investigations and any other fees payable to the Council in terms of this Act;

(b) donations or grants made for the benefit of the Council;

(c) the assistance contemplated in subsection (2);

(d) loans referred to in subsection (3);

(e) moneys obtained by way of loans raised by the Council;

(f) interest derived from investments made in terms of subsection (5);

(g) any fine paid to the Council in terms of section 61(1)(e); and

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(h) all other moneys received or made available for the benefit of the Council.

(2) The Minister may, subject to such conditions as he or she may determine and in consultation with the Minister responsible for finance, grant to the Council from moneys appropriated by Parliament for such purpose, financial assistance to exercise its powers and perform its duties and functions.

(3) The Minister may out of moneys appropriated by law for such purpose, grant loans to the Council on such conditions as he or she may determine and such loans are repayable at such times as the Minister may determine.

(4) The Council must use its funds for the purpose of defraying expenses incurred in connection with the exercise of its powers and the performance of its duties and functions.

(5) The Council may -

(a) invest any unexpended portion of its moneys; and

(b) establish such reserve funds and pay into such funds such moneys as it may consider necessary.

19. Bookkeeping, auditing and financial year

(1) The Council must cause -

(a) full and correct accounts to be kept of all moneys received or expended by it;

(b) full and correct accounts to be kept of all its assets and liabilities;

(c) an annual statement of its income and expenditure to be prepared in respect of every financial year, including a balance sheet reflecting its financial position as at the end of the financial year concerned;

(d) the annual statement and balance sheet referred to in paragraph (c) to be audited annually by a person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951); and

(e) a copy of the audited statement and balance sheet referred to in paragraph (d) -

(i) to be submitted to every member of the Council; and

(ii) to lie open at the Registrar's office for inspection by any registered person as arranged with the Registrar.

(2) The financial year of the Council ends on the last day of March in each year unless the Council, with the approval of the Minister, determines otherwise.

20. Reports to Minister

(1) The Council must in each year, within a period of six months after the closing of the Council's financial year, submit to the Minister a report on its activities during such financial year, together with a copy of the audited statement and the balance sheet referred to in section 19(1)(d), in respect of the financial year concerned.

(2) The chairperson of the Council must from time to time submit to the Minister reports in regard to matters relating to the activities of the Council which in the opinion of the Council should be brought to the Minister's notice.

(3) The Council must at the request of the Minister or the Permanent Secretary of the Ministry furnish him or her with advice on matters in connection with the veterinary or para-veterinary professions or cognate matters, and must communicate to the Minister information acquired by it in the course of its duties, on matters regarded by it as being of public interest.

(4) Copies of a report -

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(a) must from the date of submission to the Minister be open for inspection by the public at the office of the Council as arranged with the Registrar; and

(b) are from the date referred to in paragraph (a), obtainable at the office of the Council on payment of such amount as may be prescribed.

21. Keeping of registers

(1) Subject to section 74, the Council must continue to keep, for the purposes of this Act, the registers which were kept before the commencement date in terms of any law repealed by section 75 and which registers relate to the persons required to be registered to practise the veterinary professions and veterinary para-professions in terms of this Act.

(2) The registers referred to in subsection (1) are for all purposes regarded to be registers established in terms of this Act.

(3) The Council must establish and keep in respect of the persons registered or conditionally registered in terms of this Act to practise the veterinary and para veterinary professions, separate registers in respect of -

(a) such different professions or registered persons as the Council may determine from time to time;

(b) the registration of persons;

(c) students who are undergoing practical training in Namibia relating to a qualification required for registration to practise any such profession;

(d) veterinary practices owned by private companies, close corporations, veterinarians, veterinary para-professionals or veterinary specialists and registered in terms of this Act.

(4) The Registrar must enter or cause to be entered into the appropriate register referred to in subsection (3) the particulars relating to every person whose application for registration had been granted in terms of this Act, including -

(a) the person's full names, identity number, physical address, postal address and details of any other means by which that person may be contacted;

(b) the qualification in terms of which the person is so registered;

(c) the date of such registration and the registration number concerned;

(d) the registration category in which the person holds such registration and particulars of his or her speciality or professional category, if any; and

(e) such other particulars as the Council may determine from time to time or as may be prescribed.

(5) The Council may amend, with the written approval of the Minister, the name of a register kept in terms of subsection (3).

(6) If the Council amends the name of a register in accordance with subsection (5), any person who immediately before such amendment was registered in such register will be regarded for all purposes to be registered in the register bearing the amended name.

(7) If the Council intends to amend the name of a register in terms of subsection (5), the Council must publish in the Gazette and in such newspapers as the Council considers appropriate, a notice of such intention and the date with effect from which the name of such register will be amended.

(8) A notice in terms of subsection (7) must be published not less than 30 days before the date of the intended amendment of the name of the register concerned.

(9) Every registered person who changes his or her address, must notify the Registrar in writing and within a period of 30 days after such change of address of his or her new address.

(10) The registers must lie open for inspection at the offices of the Council as arranged with the Registrar.

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(11) Any person who -

(a) contravenes or fails to comply with subsection (9);

(b) makes any unauthorised entry or addition or alteration in or removal from a register which is kept in terms of this Act or an extract there from, or any certificate, receipt, approval or other document issued under this Act; or

(c) wilfully destroys or damages or renders illegible any entry in a register kept in terms of this Act or, without the permission of the holder thereof, a certificate, receipt, approval or other document issued under this Act,

commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

22. Registrar to comply with Council directives

(1) The Council may direct the Registrar in writing to perform the functions of the Council in terms of this section for and on behalf of the Council in the manner and to the extent, and subject to the conditions, as the Council may determine and specify in such directive.

(2) The Registrar must from time to time, by order of the Council, publish in the Gazette and in such newspapers or electronic media as the Council considers appropriate -

(a) a list showing the particulars determined by the Council, of the entries in every register kept in terms of section 21(1) or to be kept in terms of section 21(3); and

(b) a supplementary list showing the particulars determined by the Council, of the additions, alterations and deletions entered in each such register since the publication of the preceding list in terms of paragraph (a), or the preceding supplementary list in terms of this paragraph.

(3) Copies of any list or supplementary list published in terms of subsection (1) are obtainable from the Registrar on payment of such amount as may be determined by the Council.

(4) Any certificate in respect of particulars entered in a register in respect of any person in terms of section 21 and this section may only be issued by the Registrar on payment of such amount as may be prescribed.

23. Register as proof

(1) A copy of, or any document purporting to be an extract from, any register of the Council, signed by the Registrar, is proof until the contrary is proven in all legal proceedings of the facts recorded therein.

(2) The absence of the name of any person from a copy of a register referred to in subsection (1) is proof until the contrary is proven that the person concerned is not registered in terms of this Act.

(3) If the name of a person -

(a) does not appear in a copy of a register referred to in subsection (1), or has been added to such register after the date of such copy, a certified copy under the hand of the Registrar of the entry of the name of that person in such register is proof until the contrary is proven that the person is registered in terms of this Act;

(b) has been removed from the register referred to in paragraph (a) and has not been restored thereto, a certificate under the hand of the Registrar that the name of that person has been removed from such register is proof until the contrary is proven that the person is not registered in terms of this Act.

Part 3 – VETERINARY AND PARA-VETERINARY PROFESSIONS: QUALIFICATIONS

AND REGISTRATION

24. Qualifications for registration

(1) Subject to subsection (3), the Minister may prescribe from time to time, in consultation with the Council, and in respect of the professions to which this Act applies, the qualifications obtained by virtue of examinations conducted by any educational institution or other examining authority which, when held singly or conjointly with any other qualification, entitles the holder thereof to registration in terms of this Act, if that holder has complied, before or in connection with or after the acquisition of the qualification concerned, with such other requirements and conditions as may be prescribed in terms of or required by this Act in respect of such registration.

(2) Different degrees, diplomas or certificates may be so prescribed in respect of different veterinary professions or veterinary para-professions.

(3) A qualification obtained by virtue of examinations conducted by an educational institution or other examining authority situated outside Namibia may not be prescribed under this section unless -

(a) such qualification entitles the holder thereof to practise such profession in the country or state in which such educational institution or other examining authority is situated; and

(b) the Council is satisfied that such qualification is of a standard of professional education not lower than that prescribed in terms of subsection (1) in respect of the profession concerned.

25. Application of Act to veterinary para-professions

(1) The Minister may, in consultation with the Council, by notice in the Gazette, declare this Act or any provision thereof, applicable to any profession which has as its object the rendering of services supplementing the services which in terms of the rules are deemed to pertain specially to a veterinary profession.

(2) Different notices referred to in subsection (1) may be so published in the Gazette in respect of different professions or different categories of professions.

26. Students to be registered

(1) Every student, other than a student who is a veterinarian or a veterinary specialist, must be registered in terms of this Act.

(2) Any person who, while not being registered under subsection (1), performs any act or does anything which a student registered under subsection (1) is permitted to perform or do commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

27. Requirements for registration

(1) Subject to subsection (2), a person may be registered in terms of this Act to practise a veterinary profession or a veterinary para-profession if -

(a) in the case of a natural person, that person is the holder of an appropriate degree, diploma or certificate prescribed or accepted under section 24 or the person concerned has passed an examination determined by the Council; or

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

(2) If a period of more than three years has elapsed -

(a) from the date on which the degree, diploma or certificate contemplated in subsection (1) was

granted to a person, up to the date on which such person applies for registration in terms of section 28 for the first time; or

(b) from the date on which the registration of a person is terminated in terms of section 35(1), up to the date on which such person applied for the reinstatement of his or her registration in terms of section 35(5),

the Council may determine that such person will be registered as contemplated in subsection (1) only if he or she has passed an examination determined by the Council.

(3) An examination referred to in subsection (1) may be conducted only after payment of such amount as may be prescribed.

(4) Despite anything to the contrary contained in this Act, a person who is not a holder of a degree, diploma or certificate prescribed under section 24, may be registered to practise any veterinary para-profession if -

(a) the person concerned submits his or her application for such registration to the Registrar in the prescribed manner within six months from the date on which a notice relating to the veterinary para-profession concerned was published under section 25;

(b) the application is accompanied by documentary proof which satisfies the Council that the person concerned has practised the veterinary para-profession concerned for a continuous period of at least five years prior to the date of publication of the notice concerned, and is wholly or mainly dependent on the practise thereof for his or her livelihood; and

(c) the person concerned has passed an examination determined by the Council.

28. Registration of persons

(1) A person desiring registration in terms of this Act -

(a) on account of his enrolment as a student; or

(b) in order to practise for gain, directly or indirectly, in any way whatsoever, a veterinary profession or a para veterinary profession,

must apply through the Registrar to the Council therefore in the prescribed manner and at the prescribed time, and such application must be accompanied by the application fee prescribed for the kind of registration required, as well as such documents as may be prescribed.

(2) The Council may direct an applicant to submit such further documentary evidence regarding identity, good character, education and experience as it may require in order to consider such application.

(3) If the Council, after consideration of an application in terms of subsection (1) and after such investigation and inquiry as it may deem necessary, is satisfied that the applicant concerned may be registered in terms of this Act, it must approve such application, and the Registrar must thereupon register the applicant by -

(a) issuing an appropriate certificate of registration to the applicant; and

(b) entering the prescribed particulars in respect of the applicant in the appropriate register.

(4) The registration of any person is subject to this Act and such further conditions as the Council may in each case determine.

(5) Conditions referred to in subsection (4) may -

(a) relate to the kind of work which a person who is registered in terms of this Act may perform;

(b) include requirements which have to be complied with in the practice of the profession concerned; or

(c) relate to the proficiency of an applicant in the official language of Namibia.

(6) The Council may refuse to approve an application for registration by a person if that person -

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(a) has at any time been removed from an office of trust on account of unprofessional conduct;

(b) is convicted of an offence involving dishonesty and is sentenced therefor to a term of imprisonment without the option of a fine;

(c) has been declared mentally ill by a competent court in terms of the Mental Health Act, 1973 (Act 18 of 1973);

(d) is disqualified from registration in terms of a penalty imposed under this Act; or

(e) is an unrehabilitated insolvent or has entered into an agreement with his or her creditors.

(7) If the Council refuses to approve an application as contemplated in subsection (6), the applicant concerned must be notified in writing thereof and of the grounds on which the refusal is based.

(8) Except if the Council directs otherwise in a particular case, a person may not be registered in terms of this Act to practise more than one veterinary profession or veterinary para-profession simultaneously or, in the case of a veterinary specialist, with more than one speciality.

(9) Any person registered as a veterinarian or a veterinary nurse in terms of the Veterinary and Para-Veterinary Professions Proclamation, 1984, on the date of commencement of this section and who is ordinarily resident in Namibia is deemed to be registered in terms of this Act to practise the veterinary profession of veterinarian or the veterinary para-profession of veterinary nurse, respectively.

(10) A person who is registered or deemed to be registered in terms of this Act to practise a veterinary profession or a veterinary para-profession may only state, in the practice of his or her profession, particulars of those degrees, diplomas or certificates entered opposite his or her name in the appropriate register.

(11) A person who refuses or fails to comply with any condition determined by the Council under subsection (4) or contravenes or fails to comply with subsection (10), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

29. Conditional registration

(1) The Council may register any person, subject to the other provisions of this section, who is not in possession of a degree, diploma or certificate prescribed in terms of section 24(1) and who lodges through the Registrar an application for registration with the Council, if the person who has lodged the application -

(a) is in possession of a qualification which the Council is satisfied as being of a standard of professional education not lower than the standard prescribed in terms of that section; and

(b) has -

(i) received such additional prescribed education, tuition or training, whether in or outside Namibia; and

(ii) passed the prescribed additional examinations, whether in or outside Namibia,

as the Council may determine.

(2) For the purposes of subsection (1)(b), the Council may register conditionally an applicant referred to in, and who complies with paragraph (a) of that subsection -

(a) for the period or periods of time; and

(b) on the conditions subject to which the applicant may practise his or her profession,

as the Council may determine.

(3) If the Council conditionally registers a person in terms of subsection (2), the Council must issue to the person a certificate of conditional registration in the form as the Council may determine.

(4) The certificate issued in accordance with subsection (3) must specify the period or the periods of time referred to in subsection (2)(a), and particulars relating to the conditions referred to in subsection (2)(b).

(5) In order to decide whether or not to register any person conditionally in terms of subsection (2), the Council may require the applicant concerned to pass to its satisfaction an evaluation, in order to determine whether or not that applicant -

(a) possesses adequate professional knowledge, skills and competence in or relating to the profession in respect of which registration has been applied for; and

(b) is proficient in the official language of Namibia.

(6) The Council may determine, for the purposes of subsection (5), from time to time -

(a) the nature and requirements of or relating to the evaluation to be conducted; and

(b) the constitution of the panel which has to conduct the evaluation,

referred to in that subsection.

(7) The applicant concerned must pay to the Council the fees determined by it in respect of an evaluation conducted in terms of this section before sitting for any such an evaluation.

(8) As soon as any person in possession of a conditional registration certificate has complied with subsection (1)(b) and on the expiry of any period or periods of time determined by the Council in terms of subsection (2), and specified in the conditional registration certificate, he or she may apply in writing to the Council to sit for the prescribed additional examinations referred to in subsection (1)(b)(ii).

(9) A person conditionally registered in terms of this section may not be appointed or elected as a member of the Council or of a committee of the Council, or vote or otherwise participate in the election of the members of the Council.

(10) The Council may, after having afforded the holder thereof an opportunity to be heard, at any time during the period of time for which a conditional registration certificate had been issued, in writing withdraw the certificate and remove the name of the person concerned from the relevant conditional registration register, if the Council is satisfied that the person to whom the certificate had been issued has refused or failed to comply with all the conditions or requirements specified on the certificate.

(11) No person who is in possession of a degree, diploma or certificate prescribed in terms of section 24(1), and which qualification entitles him or her to registration in terms of section 28, may be registered conditionally in terms of this section.

(12) Any person who while in possession of a conditional registration certificate, performs any act -

(a) which he or she may not perform in respect of the profession concerned; or

(b) in contravention of any condition or requirement of such conditional registration,

commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

30. Registration of persons registered conditionally

Any person registered conditionally in terms of section 29 may apply through the Registrar to the Council, as soon as he or she has complied with that section and the conditions specified in the conditional registration certificate concerned, for registration in terms of section 27.

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

31. Maintenance of registration

(1) Any person who is registered or deemed to be registered in terms of section 28 must, subject to the earlier termination or withdrawal thereof under this Act, maintain such registration by paying annually to the Council at the prescribed time the prescribed maintenance fee concerned, irrespective of whether that registration has been suspended under this Act for a particular period.

(2) Despite subsection (1), the Council may exempt, as it deems fit and subject to such conditions as it may in each case determine, any person or category of persons, from payment of the whole or a portion of the prescribed maintenance fee concerned.

32. Registration of additional qualifications, professional categories and additional professional categories

(1) The Minister may from time to time, in consultation with the Council, prescribe the qualifications that may be registered as -

(a) additional qualifications; or

(b) professional categories or additional professional categories,

in terms of this section, including the curricula concerned, the period of time required for and the nature of the education, tuition and training concerned, the examinations to be passed, and the educational institutions where such education, tuition and training may be completed.

(2) Any registered person who, in addition to the qualification by virtue of which that person had been registered in the first instance, desires to -

(a) have an additional qualification registered; or

(b) be registered in another professional category or in an additional professional category,

may apply through the Registrar to the Council, in the form and manner prescribed, to have such additional qualification or professional category or additional professional category, as the case may be, entered against his or her name in the register concerned.

(3) An application referred to in subsection (2) must be accompanied by -

(a) such documentary proof that the applicant holds the relevant qualification in respect of the application as the Council may require;

(b) such documents and information as may be prescribed in respect of such application;

(c) such additional documents or information as the registrar or Council may require; and

(d) the fees prescribed in respect of such applications, or proof of the payment thereof to the Council.

(4) If the Council is satisfied that the qualification relating to the application has been prescribed and that subsection (3) and any other prescribed requirement, if any, have been complied with, it must cause such additional qualification or professional category or additional professional category, as the case may be, to be entered in the register against the name of the applicant.

(5) The Council may enter into the appropriate register against the name of an applicant an additional qualification or professional category or additional professional category not prescribed in terms of this Act, if -

(a) the Council is satisfied that the qualification upon which the applicant relies for registration in terms of this section is of a standard of professional education not lower than the qualification prescribed in respect of such application; and

(b) the applicant passes to the satisfaction of the Council, whether in or outside Namibia, an examination prescribed by the Minister in consultation with the Council, or if no such examination has been prescribed, such examination as the Council may specify, in order to determine whether

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

or not the applicant -

(i) possesses a standard of professional knowledge, skill and competence relating to the additional qualification, speciality or professional category for which registration has been applied and that would enable him or her to practise the profession in respect of the additional qualification or professional or additional professional category concerned; and

(ii) is proficient in the official language of Namibia.

(6) The Council may identify, for the purposes of subsection (5) and from time to time, the person or persons who have to conduct the examination referred to in that subsection.

(7) An applicant referred to in subsection (2) must pay the prescribed fees in respect of an examination conducted in terms of this section before sitting for any such examination.

(8) The Registrar must -

(a) inform an applicant in writing of any decision made in terms of this section;

(b) if the application had been granted in terms of subsection (4) or (5), issue to the applicant a certificate relating to the registration concerned and enter his or her name into the relevant register; and

(c) if the application had been refused, inform the applicant of the reasons for such refusal.

(9) Any person may not assume, use or publish in any way whatsoever any name, title, description or symbol indicating, or calculated to lead any person to infer, that he or she holds any qualification or professional category or additional professional category registered in terms of this section, and if such qualification or professional category or additional professional category is not so registered.

(10) A person who contravenes or fails to comply with subsection (9), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

33. Continuing professional development

(1) The Council must determine and control from time to time -

(a) the continuing professional development that will apply to registeredveterinarians, veterinary specialists and veterinary para-professionals or to a class of registered veterinarians, veterinary specialists and veterinary para-professionals;

(b) the nature, extent and duration of the professional development determined in terms of paragraph (a); and

(c) the conditions pertaining to the continuing professional development by registered veterinarians, veterinary specialists and veterinary para-professionals determined in terms of paragraph (a), including, but not limited to, the attending or completion or presenting of study courses or refresher courses, or the passing of examinations relating to such professional development.

(2) Despite subsection (1), and in addition thereto, the Minister may, in consultation with the Council, prescribe -

(a) the continuing professional development that will apply to registered veterinarians, veterinary specialists and veterinary para-professionals or to a class of registered veterinarians, veterinary specialists and veterinary para-professionals so prescribed for the purposes of paragraph (b);

(b) that the registration of a registered veterinarian, veterinary specialist or veterinary para-professional may not be maintained in terms of section 31 unless that veterinarian, veterinary specialist or veterinary para-professional has attended or completed, or has otherwise complied

with, during the period of time so prescribed and to the satisfaction of the Council, the continuing professional development prescribed in terms of paragraph (a) and applicable to that registered veterinarian, veterinary specialist or veterinary para-professional; and

(c) the procedures to be followed by the Council in the event of a registered veterinarian, veterinary specialist or veterinary para-professional failing to comply with any determination made by the Council in terms of subsection (1) or any regulation made in terms of this subsection, and the powers of the Council relating to such procedures.

34. Alteration of registration

(1) Any person who is registered or deemed to be registered in terms of this Act to practise a particular veterinary profession or veterinary para-profession, or a veterinary specialist so registered with a particular veterinary speciality, may apply through the Registrar to the Council in the prescribed manner for the alteration of the veterinary profession or veterinary para-profession or veterinary speciality, as the case may be.

(2) Any application contemplated in subsection (1) must be accompanied by the prescribed application fee concerned for the kind of alteration desired, as well as by such documents as may be prescribed.

(3) A veterinarian or veterinary nurse whose registration as such is maintained in terms of section 28(9) is exempted from payment of the prescribed application fee concerned if an application for the alteration of his or her registration as such to that of veterinary specialist is submitted to the Council within six months of the date of commencement of this section.

(4) Section 28(1)(2), (3), (4), (5), (6) or (7) apply with the necessary changes in respect of an application referred to in subsection (1).

[The words "Section 28(1)(2)" are reproduced above as they appear in the Government Gazette. A comma and a space should appear as follows: "Section 28(1), (2)".]

35. Termination of registration

(1) The registration of a person who is registered or deemed to be registered in terms of this Act is terminated if -

(a) in the case of a student, the person is no longer enrolled for a degree, diploma or certificate prescribed under section 24;

(b) the person has failed to furnish the Registrar with the address of his or her permanent residence and his or her permanent postal address within three months after the date of a written request by the Registrar, addressed to his or her permanent postal address as entered in the appropriate register;

(c) the person fails to pay the prescribed fee for the maintenance of his or her registration within three months after the date of a written request by the Registrar, addressed to his or her permanent postal address as entered in the appropriate register;

(d) the person has been absent from Namibia for a continuous period of more than three years without having notified the Council thereof in writing;

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

(i) the corporation or private company ceases to exist; or

(ii) the provisions of Part 4 are no longer complied with;

(f) the person has been declared mentally ill by a competent court in terms of the Mental Health Act, 1973;

(g) the person is found guilty of unprofessional conduct under this Act and the Council determines that

the registration be terminated;

(h) the person has so requested in writing and no steps in terms of Part 7 are pending or contemplated or will probably be instituted against the person;

(i) the person has obtained his or her registration fraudulently; or

(j) the person has been registered in error.

(2) If the registration of any person is terminated as contemplated in subsection (1), the Registrar must -

(a) inform the person concerned thereof by means of a written notice addressed to the permanent postal address of the person as entered in the appropriate register; and

(b) delete the particulars entered in respect of such person in the appropriate register.

(3) A person whose registration is terminated as contemplated in subsection (1) must return his certificate of registration to the Registrar within 30 days of the date of a notice referred to in subsection (2)(a).

(4) If -

(a) it appears to the judge referred to in section 19 of the Mental Health Act, 1973, from the documents submitted to the judge in terms of section 18(3) of that Act, or it is brought to the notice of the judge in any other manner, that the person to whom the documents relate is a person registered or deemed to be registered in terms of this Act, and such person is declared a mentally ill person as contemplated in section 19(1)(b) of that Act; or

(b) it is brought to the notice of a court that an accused person appearing before it is registered or deemed to be registered in terms of this Act, and the court under section 77(6) or 78(6) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), directs that the accused person be detained pending the signification of the decision of the President of the Republic of Namibia,

the judge or court must direct that a copy of the order declaring the person concerned a mentally ill person or, as the case may be, a copy of the direction that the accused person be detained pending the signification of the decision of the President of the Republic of Namibia, be transmitted to the Council.

(5) An application for reinstatement of registration must be submitted and further dealt with in the manner contemplated in section 28.

(6) A person who contravenes or fails to comply with subsection (3), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

36. Allocation of designations

(1) The Minister may from time to time, in consultation with the Council, prescribe the designations which are reserved for allocation to persons registered or deemed to be registered in terms of this Act to practice veterinary professions or veterinary para-professions.

(2) A person registered or deemed to be so registered as contemplated in subsection (1) may only employ the appropriate prescribed designation for himself or herself in the practice of his or her profession.

(3) A person who contravenes or fails to comply with subsection (2), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

Part 4 – CLOSE CORPORATIONS, PRIVATE COMPANIES AND OTHER PERSONS THAT MAY CONDUCT BUSINESS AS VETERINARIAN OR PARA-VETERINARY

PROFESSIONAL

37. Close corporation may conduct business as veterinarian or veterinary para-professional

(1) Despite anything to the contrary in this Act contained, but subject to this section, a close corporation may only conduct business as a veterinarian or a veterinary para-professional if -

(a) the close corporation is incorporated as a close corporation in terms of the Close Corporations Act, 1988 (Act No. 26 of 1988);

(b) the close corporation has been registered by the Council in terms of this Act to conduct such business;

(c) the manager of the close corporation complies with section 40; and

(d) the manager referred to in paragraph (c) continuously manages and controls the veterinarian and veterinary para-professional business conducted by such close corporation, subject to the terms and conditions imposed by the Council when registering such close corporation in terms of paragraph (b).

(2) If the manager of a close corporation referred to in subsection (1)(c) for any reason ceases to be such manager, or ceases to manage and control the veterinarian or veterinary para-professional business concerned, such close corporation may conduct, despite subsection (1), but subject to subsection (3), the business as a veterinarian or a veterinary para-professional for a period of time not exceeding 30 days from the date upon which such person ceases -

(a) to be the manager of such close corporation,

(b) to act as manager of the close corporation; or

(c) to manage and control such veterinarian or veterinary para-professional business.

(3) A business as a veterinarian or veterinary para-professional may be conducted in terms of subsection (2) -

(a) only if such business as a veterinarian or a veterinary para-professional is so conducted under the continuous management, supervision and control of a veterinarian or a veterinary para-professional, as the case may be; and

(b) subject to such other conditions as may be prescribed.

(4) The Minister may prescribe, in consultation with the Council additional requirements relating to the conducting of business as a veterinarian or a veterinary para-professional by a close corporation.

(5) A person who

(a) contravenes or fails to comply with subsection (1); or

(b) refuses or fails to answer any inquiry made by or on behalf of the Council as to the name of the manager or of any other member of, or any other person employed by, the close corporation referred to in that subsection,

commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

38. Application to conduct business as close corporation

(1) A close corporation desiring to conduct business as a veterinarian or a veterinary para-professional must apply through the Registrar to the Council, in the prescribed form and manner, for registration to conduct

such business.

(2) An application referred to in subsection (1) must be accompanied by -

(a) such documents and information as may be prescribed in respect of such application;

(b) such additional documents or information as the Registrar or the Council may require; and

(c) the fees prescribed in respect of such applications, or proof of the payment thereof to the Council.

(3) The Registrar must submit an application made in terms of subsection (1), together with the documents and information referred to in subsection (2), and any report or recommendation the Registrar may wish to make in respect of such application, to the Council for its consideration and decision.

(4) The Council, after having considered the application for registration, and the documents and other information, referred to in subsection (2), may -

(a) grant the application for registration, if it is satisfied that the applicant -

(i) meets the requirements relating to registration in terms of this section; and

(ii) has paid to the Council the fees prescribed in respect of such application; or

(b) refuse the application, if the Council is satisfied that the applicant -

(i) does not meet the requirements relating to registration in terms of this section; or

(ii) has not paid to the Council the fees prescribed in respect of such application.

(5) The Registrar must -

(a) inform the applicant concerned in writing of any decision of the Council in terms of subsection (4);

(b) issue, if the registration had been granted, in the name of the close corporation concerned a certificate, in such form as the Council may determine, relating to the registration concerned and enter the name of the close corporation and the prescribed particulars into the relevant register; and

(c) inform the applicant concerned in writing, if the registration had been refused, as soon as practicable of the reasons for such refusal.

39. Membership of close corporation conducting business as veterinarian or veterinary para-professional

(1) If the close corporation referred to in section 37 conducts, or desires to conduct, business as a veterinarian or a veterinary para-professional, then despite anything in the Close Corporations Act, 1988 -

(a) only natural persons who are veterinarians or veterinary para-professionals, as the case may be, may be members of such close corporation;

(b) no voting rights will attach to a member's interest held by an estate or a person referred to in subsection (2), except in respect of a resolution enabling such close corporation to -

(i) comply with this section; or

(ii) to dispose of its undertaking or assets or any part thereof;

(c) no person other than a member of such close corporation may be the manager of such close corporation;

(d) the name of such close corporation, if such name consists of the names of natural persons, must consist of the name or names of -

(i) any of the members or former members of such close corporation;

(ii) the directors or former directors of a private company converted into a close corporation in terms of section 27 of the Close Corporations Act, 1988; or

(iii) persons who conducted, either for their own account or in partnership, any business as a veterinarian or a veterinary para-professional which may reasonably be regarded as a predecessor of the business as a veterinarian or a veterinary para-professional conducted by such close corporation.

(2) If the person referred to in subsection (1) ceases to qualify to be a member of the close corporation concerned or dies, that person or his or her estate, as the case may be, may hold or continue to hold, as the case may be, despite section 29 of the Close Corporations Act, 1988, his or her member's interest in such close corporation for a period not exceeding 12 months, or for such longer period of time as the Council may determine.

(3) The member concerned or the holder of any member's interest referred to in subsection (2) is not entitled to receive any remuneration or other financial reward in respect of or deriving from such member's interest in the close corporation.

(4) A private company which is registered in terms of section 42 or a body corporate which is registered in terms of a law repealed by section 75, as the case may be, to conduct business as a veterinarian or a veterinary para-professional, and which while so conducting such business is converted into a close corporation in terms of section 27 of the Close Corporations Act, 1988, may continue to so conduct such business as a veterinarian or a veterinary para-professional, if such close corporation complies with the conditions pertaining to close corporations as set out in this section.

(5) Despite subsection (4), the manager of a close corporation referred to therein must submit to the Registrar, within a period of 30 days after the conversion referred to in that subsection -

(a) a copy of the founding statement of such close corporation;

(b) a list of the names and addresses of the members of such close corporation;

(c) the name and address of the manager of such close corporation;

(d) the original registration certificate issued to the private company or body corporate, as the case may be, referred to in subsection (4) to conduct business as a veterinarian or a veterinary para-professional; and

(e) proof to the satisfaction of the Registrar that the person or persons holding an interest in the close corporation is or are the same person or persons who was or were shareholders of the private company or body corporate, as the case may be, so converted and the percentage interest in the close corporation of each such person is the same as his or her or their shareholding in the body corporate so converted.

(6) The Registrar must -

(a) register the close corporation as a close corporation that may conduct business as a veterinarian or a veterinary para-professional in Namibia, if such close corporation complies with this section; and

(b) issue to such close corporation a registration certificate; or

(c) inform the close corporation in writing, if such registration has been refused, of the reasons for such refusal.

(7) If a member of a close corporation ceases to hold office, or if a new member is appointed, the close corporation concerned must within a period of 30 days from the date of such cessation or appointment notify the Registrar of the name of the member who has ceased to hold office and of the name and address of the new member appointed to such close corporation.

(8) Every close corporation registered in terms of this section which changes its address must in writing and within a period of 30 days after such change notify the Registrar of its new address.

(9) A person who contravenes or fails to comply with subsection (1) or (3), commits an offence and is liable on

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

conviction to a fine not exceeding N$20 000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$50 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

(10) A person who contravenes or fails to comply with subsection (5), (7) or (8), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

40. Management of business conducted by close corporation

(1) Despite anything to the contrary in this Act contained, the manager referred to in section 37(1)(c) -

(a) must be a veterinarian or a veterinary para-professional, as the case may be;

(b) must be a Namibian citizen or lawfully admitted to Namibia for permanent residence therein and be ordinarily resident in Namibia; and

(c) may not be engaged, subject to subsection (2), in any business as a veterinarian or a veterinary para-professional which does not belong to the close corporation concerned, either as sole owner or in partnership with any other person.

(2) The manager referred to in section 37 may -

(a) be a director (other than the managing director) of any private company which in terms of section 42 is entitled to conduct business as a veterinarian or a veterinary para-professional;

(b) be a member (other than the manager) of a close corporation (other than the close corporation of which he or she is the manager) and which in terms of this section is entitled to conduct business as a veterinarian or a veterinary para-professional;

(c) not in respect of -

(i) the company referred to in paragraph (a), and of which he or she is not the managing director;

(ii) the close corporation referred to in paragraph (b), and of which he or she is not the manager,

perform any act referred to in section 53(4)(a)(i), or any other act of a similar nature, specially pertaining to the profession of a veterinarian or a veterinary para-professional.

(3) The manager referred to in section 37(1)(c) is responsible to the Council in respect of any act done by or on behalf of the close corporation concerned and which may result in disciplinary action by the Council in terms of Part 7, unless that manager satisfies the Council that the responsibility for such act does not rest upon himself or herself, but upon any other veterinarian or veterinary para-professional, as the case may be, employed by such close corporation.

41. Cancellation of registration as close corporation

(1) The Council may cancel the registration of a close corporation granted in terms of this section and any certificate issued in respect of such registration, if -

(a) the manager of such close corporation ceases to comply with the requirements specified in section 40, or ceases to be the manager of the business as a veterinarian or a veterinary para-professional of such close corporation or to act as such;

(b) after a professional conduct inquiry conducted in terms of Part 7, the Council finds that any member of such close corporation has contravened any provision this Act;

(c) such close corporation no longer complies with this section;

(d) such close corporation has failed to notify the Registrar in terms of section 39(8) of any change of its address, or has failed to notify the Registrar of its present address within a period of three months from the date of a written request by the Registrar by registered letter addressed to such close corporation at the address appearing in the register in respect of such close corporation;

(e) such close corporation has requested in writing that its name be removed from the register;

(f) such close corporation has failed to pay to the Council before or on 31 March of the year concerned the annual fee prescribed in respect of such registration;

(g) such close corporation had been registered in error or in fraud to conduct such business as a veterinarian or a veterinary para-professional, or in circumstances not authorised by this Act.

(2) The reasons for a cancellation of a registration in terms of subsection (1) must be entered into the register as part of such cancellation.

(3) The Registrar may in respect of a written request by a close corporation in terms of subsection (1)(e) require any member of the close corporation to lodge with the Registrar an affidavit to the effect that no proceedings relating to any unprofessional conduct any or to any criminal act has been instituted, or is likely to be instituted, against any member or any employee of such close corporation.

[The word "any" after the phrase "any unprofessional conduct" is superfluous. The verbs "has" and "is" should be "have" and "are" to be grammatically correct since the subject is "proceedings".]

(4) If the registration of a close corporation is cancelled in terms of subsection (1), the Registrar, or a person designated by the Registrar for such purpose, must by notice in writing inform such close corporation of, and the reasons for, such cancellation.

(5) A notice referred to in subsection (4) must be served either by prepaid registered letter addressed to the person referred to in that subsection at his or her postal address as it appears in the register concerned, or in the prescribed manner.

(6) From the date of service of a notice in terms of subsection (4), until such time as the name of the close corporation concerned is restored to the register concerned -

(a) the registration certificate relating to such close corporation is regarded to be withdrawn; and

(b) such close corporation must cease to conduct business as a veterinarian or a veterinary para-professional, or to perform any act relating to such business.

(7) A person who contravenes or fails to comply with subsection (6)(b), commits an offence and is liable on conviction to a fine not exceeding N$20 000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$50 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

42. Private company may conduct business as veterinarian or veterinary para-professional

(1) Despite anything to the contrary in this Act contained, but subject to this section, a company may only conduct business as a veterinarian or veterinary para-professional, if -

(a) the company is a private company having share capital and is registered and incorporated in terms of the Companies Act, 2004;

(b) the company has been registered by the Council in terms of this Act to conduct such business;

(c) the managing director of such company complies with section 45(1); and

(d) the managing director referred to in paragraph (c) continuously manages and controls the business as a veterinarian or a veterinary para-professional conducted by such company subject to the terms and conditions imposed by the Council when registering such company in terms of paragraph (b).

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(2) If the managing director of a company referred to in subsection (1)(c) for any reason ceases to be such managing director, or ceases to manage and control the business as a veterinarian or a veterinary para-professional concerned, such company may conduct, despite subsection (1), but subject to subsection (3), such business as a veterinarian or a veterinary para-professional for a period of time not exceeding 30 days from the date upon which such person ceases -

(a) to be the managing director of the private company;

(b) to act as managing director of the private company; or

(c) to manage and control such veterinarian or veterinary para-professional business.

(3) A business as a veterinarian or a veterinary para-professional may be conducted in terms of subsection (2) -

(a) only if such business as a veterinarian or a veterinary para-professional is so conducted under the continuous management, supervision and control of a veterinarian or a veterinary para-professional, as the case may be; and

(b) subject to such other conditions as may be prescribed.

(4) The Minister may prescribe, in consultation with the Council, additional requirements relating to the conducting of business as a veterinarian or a veterinary para-professional, as the case may be, by a private company.

(5) A person who -

(a) contravenes or fails to comply with subsection (1);

(b) refuses or fails to answer any written enquiry made by or on behalf of the Council as to the name of the managing director or any other director of, or any other person employed by, the private company referred to in that subsection,

commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

43. Application to conduct business as private company

(1) A private company desiring to conduct business as a veterinarian or a veterinary para-professional must apply through the Registrar to the Council, in the prescribed form and manner, for registration to conduct such business.

(2) An application referred to in subsection (1) must be accompanied by -

(a) such documents and information as may be prescribed in respect of such application;

(b) such additional documents or information as the Registrar or the Council may require; and

(c) the fees prescribed in respect of such applications, or proof of the payment thereof to the Council.

(3) The Registrar must submit an application made in terms of subsection (1), together with the documents and information referred to in subsection (2), and any report or recommendation he or she may wish to make in respect of such application, to the Council for its consideration and decision.

(4) The Council, after having considered the application for registration, and the documents and other information, referred to in subsection (2), may -

(a) grant the application for registration, if it is satisfied that the applicant -

(i) meets the requirements relating to registration in terms of this section; and

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(ii) has paid to the Council the fees prescribed in respect of such application; or

(b) refuse the application, if the Council is satisfied that the applicant -

(i) does not meet the requirements relating to registration in terms of this section; or

(ii) has not paid to the Council the fees prescribed in respect of such application.

(5) The Registrar must -

(a) inform the applicant concerned in writing of any decision of the Council in terms of subsection (4);

(b) issue, if the registration had been granted, in the name of the private company concerned a certificate, in such form as the Council may determine, relating to the registration concerned and enter the name of the private company and the prescribed particulars into the relevant register;

(c) inform the applicant concerned in writing, if the registration had been refused, as soon as practicable of the reasons for such refusal.

44. Membership of close private company conducting business as veterinarian or veterinary para-professional

[The word "close" has apparently been inserted in error. The heading of this section in the ARRANGEMENT OF SECTIONS is "Membership of private company conducting business as veterinarian or veterinary para-professional".]

(1) If the private company referred to in section 42(1) conducts, or desires to conduct, business as a veterinarian or a veterinary para-professional, then despite anything in the Companies Act, 2004 -

(a) only natural persons who are veterinarians or veterinary para-professionals, may hold shares in, or have any interest in the shares of, such private company;

(b) no voting rights will attach to any share referred to in subsection (3), except in respect of a resolution enabling such private company to -

(i) comply with this section; or

(ii) to dispose of its undertaking or assets or any part thereof;

(c) no person other than a shareholder in such private company may be a director thereof;

(d) the name of such private company, if it consists of the name or names of natural persons, must consist of the name or names of any of the directors or former directors thereof or of persons who conducted, either for their own account or in partnership, any business as a veterinarian or a veterinary para-professional which may reasonably be regarded as a predecessor of the business as a veterinarian or a veterinary para-professional conducted by it.

(2) The words "and associates" or "company" may be included in the name of a private company referred to in subsection (1).

(3) If the person referred to in subsection (1)(a) dies or ceases to qualify to hold shares in the private company concerned, that person or his or her estate, as the case may be, may hold or continue to hold, as the case may be, his or her shares in the company for a period of 12 months or for such longer period of time as the Council may determine.

(4) The holder of any shares referred to in subsection (3) is not entitled to receive any director's fee or remuneration in respect of or deriving from such shares.

(5) If a director ceases to hold office, or a new director is appointed, the private company must within a period of 30 days from the date of such cessation or appointment notify the Registrar of the name of the director who has ceased to hold office and of the name and address of the new director appointed to the company.

(6) Every private company registered in terms of this section which changes its address must in writing and within a period of 30 days after such change notify the Registrar of its new address.

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(7) A person who contravenes or fails to comply with subsection (1) or (3), commits an offence and is liable on conviction to a fine not exceeding N$20 000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$50 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

(8) A person who contravenes or fails to comply with subsection (5) or (6), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

45. Management of business conducted by private company

(1) Despite anything to the contrary in this Act contained, the managing director referred to in section 42(1)(c) -

(a) must be a veterinarian or a veterinary para-professional, as the case may be;

(b) must be a Namibian citizen or lawfully admitted to Namibia for permanent residence therein and be ordinarily resident in Namibia; and

(c) may not be engaged, subject to subsection (2), in any business as a veterinarian or a veterinary para-professional which does not belong to the private company concerned, either as sole owner or in partnership with any other person, unless with the prior written approval of the Council.

(2) The managing director referred to in subsection (1) may -

(a) be a director (other than the managing director) of any private company (other than the company of which he or she is the managing director) and which in terms of this section is entitled to conduct business as a veterinarian or a veterinary para-professional;

(b) be a member (other than the manager) of a close corporation (other than the close corporation of which he or she is the manager) and which in terms of section 37 is entitled to conduct business as a veterinarian or a veterinary para-professional;

(c) not in respect of

(i) the private company referred to in paragraph (a) and of which he or she is not the managing director; or

(ii) the close corporation referred to in paragraph (b) and of which he or she is not the manager,

perform any act referred to in section 53(4)(a)(i), or any other act of a similar nature, specially pertaining to the profession of a veterinarian or a veterinary para-professional, as the case may be.

(3) The managing director referred to in subsection (2) is responsible to the Council in respect of any act done by or on behalf of the private company concerned and which may result in disciplinary action by the Council in terms of Part 7, unless that managing director satisfies the Council that the responsibility for such act does not rest upon himself or herself, but upon any other veterinarian or veterinary para-professional employed by the private company.

46. Cancellation of registration as private company

(1) The Council may cancel the registration of a private company granted in terms of this section and any certificate issued in respect of such registration, if -

(a) the managing director thereof ceases to comply with the requirements specified in section 45, or ceases to be the manager of the business as a veterinarian or a veterinary para-professional of the company or to act as such;

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(b) after a professional conduct inquiry conducted in terms of Part 7, the Council finds that any director of the company has contravened a provision of this Act;

(c) the company no longer complies with this section;

(d) the company has failed to notify the Registrar in terms of section 44(6) of any change of its address, or has failed to notify the Registrar of its present address within a period of three months from the date of a written request by the Registrar by registered letter addressed to such company at the address appearing in the register in respect thereof;

(e) the company has requested in writing that its name be removed from the register;

(f) the company has failed to pay to the Council before or on 31 March of the year concerned the annual fee prescribed in respect of such registration; or

(g) the company had been registered in error or in fraud to conduct such business as a veterinarian or a veterinary para-professional, or in circumstances not authorised by this Act.

(2) The reasons for a cancellation of a registration in terms of subsection (1) must be entered into the register as part of such cancellation.

(3) The Registrar may in respect of a written request by a private company in terms of subsection (1)(e) require the director thereof to lodge with the Registrar an affidavit to the effect that no proceedings relating to any unprofessional conduct or to any criminal act has been instituted, or is likely to be instituted, against any director or any employee thereof.

[The verbs "has" and "is" should be "have" and "are" to be grammatically correct since the subject is "proceedings".]

(4) If the registration of a private company is cancelled in terms of subsection (1), the Registrar, or a person designated by the Registrar for such purpose, must by notice in writing inform the company of, and the reasons for, such cancellation.

(5) A notice referred to in subsection (4) must be served either by prepaid registered letter addressed to the person referred to in that subsection at his or her postal address as it appears in the register concerned, or in the prescribed manner.

(6) From the date of service of a notice in terms of subsection (5), until such time as the name of the private company concerned is restored to the register concerned -

(a) the registration certificate relating to the company is regarded to be withdrawn; and

(b) the company must cease to conduct business as a veterinarian or a veterinary para-professional, or to perform any act relating to such business.

(7) A person who contravenes or fails to comply with subsection (6)(b), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

47. Ownership of business of veterinarian or veterinary para-professional by person other than veterinarian, veterinary para-professional, close corporation or private company

The Minister may, in consultation with of the Council, prescribe -

(a) who, other than a veterinarian, a veterinary para-professional, a close corporation referred to in section 37 or a private company referred to in section 42, may own the business of a veterinarian or a veterinary para-professional, subject to this Act;

(b) the conditions subject whereto such person may own the business of a veterinarian or a veterinary para-

professional;

(c) the conditions subject whereto such person may conduct the business of a veterinarian or a veterinary para-professional pertaining to such business; and

(d) in addition to section 48, the conditions or circumstances on which such a person do not qualify to own, or further own, a business of a veterinarian or a veterinary para-professional.

48. Further conditions pertaining to business of veterinarian or veterinary para-professional owned by person other than a veterinarian or a veterinary para-professional

(1) The business of a veterinarian or a veterinary para-professional referred to in sections 37, 42 and 47 must, in addition to the requirements contemplated in sections 37(3) and 42(3), -

(a) be conducted in accordance with good veterinary or veterinary para-professional practice as determined by the Council; and

(b) comply with all laws applicable to veterinarians and veterinary para-professionals and the rules and regulations made in terms of this Act.

(2) The veterinarian or veterinary para-professional referred to in section 37(3) or section 42(3), as the case may be, is responsible to the Council for any act performed by or on behalf of the person who owns the business of a veterinarian or a veterinary para-professional concerned and which may result in disciplinary action by the Council, unless he or she satisfies the Council that the responsibility for such act rests upon a veterinarian or a veterinary para-professional other than himself or herself.

(3) The Minister, in consultation with the Council, after giving 30 days notice in writing to the owner of a business of a veterinarian or a veterinary para-professional referred to in section 47 or to the veterinarian or veterinary para-professional under whose personal supervision and control the business of a veterinarian or a veterinary para-professional is being conducted, and after having afforded that owner or veterinarian or veterinary para-professional an opportunity to be heard, may in writing inform that owner that he or she no longer qualifies to own the business of a veterinarian or a veterinary para-professional concerned, if -

(a) that owner or that veterinarian or veterinary para-professional, as the case may be, has failed to comply with -

(i) any requirement prescribed in terms of section 47;

(ii) any requirement prescribed by regulation; or

(iii) subsection (1) of this section; or

(b) that owner does not qualify, or further qualify, to own the business of a veterinarian or a veterinary para-professional in terms of a regulation made in terms of section 47.

(4) A person who continues to conduct the business of a veterinarian or a veterinary para-professional in contravention of a notice issued in terms of subsection (3), commits an offence and is liable on conviction to a fine not exceeding N$20 000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$50 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

Part 5 – CONDUCT OF VETERINARIAN OR VETERINARY PARA-PROFESSIONAL PRACTICE

49. Business of veterinarian or veterinary para-professional to be conducted under continuous supervision of veterinarian or veterinary para-professional

(1) In addition to sections 37(3) and 42(3), every business of a veterinarian or a veterinary para-professional, including the business of a veterinarian or a veterinary para-professional referred to in section 47, must be conducted under the continuous personal supervision and control of a veterinarian or a veterinary para-professional.

(2) The name of the veterinarian or veterinary para-professional referred to in subsection (1) must be displayed conspicuously over the main entrance of the business concerned.

(3) A person who contravenes or fails to comply with subsection (2), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

50. Restriction in respect of business names

(1) Subject to subsection (2), no person may conduct a business as a veterinarian or a veterinary para-professional, either alone or in partnership with another person, under any name, title or description which is, or includes in any form, the surname of a natural person, living or dead, if the use of that name, title or description is calculated or likely to lead persons to infer that a person of that surname is or has been associated with such business of a veterinarian or a veterinary para-professional.

(2) Subsection (1) does not prohibit -

(a) the inclusion in the name, title, or description of any business of a veterinarian or a veterinary para-professional of the surname of an owner thereof or -

(i) in the case of such a business wholly owned by a private company referred to in section 42, of the surname of any director thereof who is a veterinarian or a veterinary para-professional, as the case may be;

(ii) in the case of such a business wholly owned by a close corporation referred to in section 37, of the surname of any member thereof who is a veterinarian or a veterinary para-professional, as the case may be;

(b) the use in respect of any business of a veterinarian or a veterinary para-professional of any name, title or description under which such business has been lawfully conducted immediately prior to the commencement of this Act.

(3) A person who contravenes or fails to comply with subsection (1), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

51. Continuation of business of veterinarian and veterinary para-professional by executor, trustee, liquidator or curator

Despite anything to the contrary in this Act contained -

(a) the executor of the deceased estate of a veterinarian or a veterinary para-professional may continue, subject to the laws relating to the administration of estates, for a period not exceeding three years after the date of the death of that veterinarian or a veterinary para-professional and for such additional period as the Council, at its discretion, may allow, the business of a veterinarian or a veterinary para-professional of the deceased;

(b) the trustee in the insolvent estate of a veterinarian or a veterinary para-professional or the liquidator of a private company or a close corporation conducting the business of a veterinarian or a veterinary para-professional may continue, subject to the laws relating to insolvency, companies or close corporations, as the case may be, for a period not exceeding one year after the date of the final sequestration order in respect of such insolvent estate or of the final winding-up order in respect of the company or close corporation, as the case may be, the business of a veterinarian or a veterinary para-professional of that

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

veterinarian or veterinary para-professional, private company or close corporation;

(c) the curator of the estate of a veterinarian or a veterinary para-professional who has been declared by an order of a competent court to be incapable of managing his or her own affairs may continue, subject to the laws relating to mental health, for a period not exceeding one year after the date of such order and for such additional period of time as the Council, at its discretion, may allow, the business of a veterinarian or a veterinary para-professional of that veterinarian or a veterinary para-professional, as the case may be,

provided that such business is conducted under the continuous personal supervision and control of a veterinarian or a veterinary para-professional, as the case may be.

52. Inspection of veterinary or veterinary para-professional practices

(1) The Council may, in writing, authorise any person -

(a) to investigate or inspect any matter relating to the education, tuition or training of any person receiving such education, tuition or training for the purpose of qualifying himself or herself to practise a veterinary or a veterinary para-profession to which this Act applies;

(b) to inspect the professional practice of any person registered in terms of this Act, including the premises where such practice is being conducted.

(2) A person authorised in writing in terms of subsection (1) to conduct an investigation or inspection in terms of that subsection may enter, for the purposes of such investigation or inspection and on producing such written authorisation, any premises, place, establishment or institution utilised in the teaching, tuition or training referred to in paragraph (a), or the conducting of the professional practice referred to in paragraph (b), of that subsection.

(3) A person authorised by the Council in terms of subsection (1) to conduct an investigation or inspection in terms of this section must report to the Council relating to such investigation or inspection in the form and manner determined by the Council and specified in the written authorisation issued in terms of that subsection.

(4) A person authorised by the Council in terms of subsection (1) may under subsection (2) enter any premises or part of a premises which is a residence or is being used as a residence, only -

(a) with the consent of the owner or occupier of the premises;

(b) if authorised by a warrant under subsection (5) to do so; or

(c) if the person on reasonable grounds believes -

(i) that a warrant of entry and search would be issued to him or her if he or she applied for it; and

(ii) that the delay in obtaining the warrant would defeat the object of the investigation.

(5) A magistrate, or judge of the High Court, in chambers and having jurisdiction, may issue a warrant on written application by a person authorised by the Council in terms of subsection (1) stating under oath or affirmation the reasons for the need to enter the place in order to monitor and enforce compliance with this Act.

(6) A person authorised by the Council under subsection (1) may be accompanied by an interpreter and any other person reasonably required to assist in conducting the investigation or inspection.

(7) In so far as this section provides for a limitation on the fundamental rights contemplated in sub-article (1) of Article 13 of the Namibian Constitution, in that it authorises interference with the privacy of a person's home, correspondence or communication, that limitation is enacted upon the authority of that sub-article.

(8) Any person who prevents a person authorised in terms of subsection (1) from entering any premises, place, establishment or institution referred to in subsection (2), or who hinders the person so authorised

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

in conducting therein or thereon an investigation or inspection in accordance with subsection (1), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

Part 6 – OFFENCES BY UNREGISTERED PERSONS

53. Penalties for practising as veterinarian or veterinary para-professional, or for performing certain other acts, while unregistered

(1) No person may in any manner whatsoever practise a veterinary profession or a veterinary para-profession unless the person is registered or deemed to be registered in terms of this Act to practise the profession concerned.

(2) A student who is registered in terms of this Act and undergoes practical training may render a particular service deemed in terms of the rules to pertain specially to a veterinary profession or a veterinary para-profession, if it is so rendered under the supervision and by direction of a person who is registered or deemed to be registered in terms of this Act to practise the profession concerned.

(3) The Council may after consideration of an application by a person not registered or deemed to be registered in terms of this Act, authorise the person in writing to render, subject to such conditions as the Council may determine, for gain a particular service deemed in terms of the rules to pertain specially to a veterinary profession or a veterinary para-profession.

(4) For the purposes of this Act the practising of a veterinary profession means -

(a) for gain, directly or indirectly, whether for own account or within the scope of employment with any employer, including the State -

(i) supplying or selling any veterinary medicine in connection with an animal; or

(ii) rendering any service which in terms of the rules is deemed to pertain specially to a veterinary profession;

(b) holding oneself out as or purporting to be a person practising a veterinary profession or purporting to be registered in terms of this Act or the Veterinary and Para-Veterinary Professions Proclamation, 1984, to practise a veterinary profession;

(c) using a designation which is reserved in terms of this Act for allocation to persons who are registered or deemed to be registered in terms of this Act, or any other name, title, description, addition or symbol indicating or purporting or creating the impression, or calculated to create the impression, that a person practises a veterinary profession, or is registered or deemed to be registered in terms of this Act, or is otherwise lawfully entitled to practise a veterinary profession; or

(d) performing any act -

(i) which has as its purpose the diagnosing, treating or preventing of any pathological condition or disease, whatever the cause thereof may be, in any animal; or

(ii) which constitutes a surgical operation on any animal,

and is deemed in terms of the rules to pertain specially to a veterinary profession.

(5) For the purposes of this Act any reference in subsection (4)(a)(ii), (b) or (c) to a veterinary profession is deemed also to be a reference to a veterinary para-profession.

(6) Subsection (4) does not prohibit a pharmacist registered under the Pharmacy Act, 2004 (Act No. 9 of 2004), from performing any act falling within the scope of the profession of pharmacist as contemplated in that Act or the Medicines and Related Substances Control Act, 2003.

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(7) A person who contravenes or fails to comply with subsection (1), commits an offence and is liable on conviction to a fine not exceeding N$20 000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$50 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

(8) Any member of a partnership, society or other association of persons who uses any name, title, description, symbol or descriptive term indicating or calculated to lead any person to infer that such person possesses a veterinarian or a veterinary para-professional qualification or that the person is registered as a veterinarian or a veterinary para-professional, or uses, whether directly or indirectly, the expression or term "veterinarian", or "veterinary para-professional", or any other expression or term with a similar or related meaning while such person does not possess such qualification or is not so registered, commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

Part 7 – DISCIPLINARY POWERS OF COUNCIL

54. Professional conduct rules by Council

(1) The Council may from time to time issue rules specifying the acts or omissions by registered persons which constitute unprofessional conduct and in respect of which the Council may conduct inquiries and disciplinary proceedings in terms of the provisions of this Part.

(2) In addition to the power exercisable under subsection (1), the Council may make rules as to -

(a) the services which are for the purposes of this Act deemed to be services pertaining specially to a veterinary profession or veterinary para-profession;

(b) the course of conduct to be followed by students;

(c) the course of conduct to be followed by persons practising a veterinary profession or a veterinary para-profession;

(d) requirements to be complied with in connection with the advertising of the practice of a person practising a veterinary profession or a veterinary para-profession, including requirements relating to -

(i) name-plates and sign-boards;

(ii) speeches, lectures and interviews;

(iii) publications in the lay press;

(iv) printing on letterheads and prescription and account forms; and

(v) any advertisement in the printed and electronic media, such as, but not limited to, television, radio, short messaging system and telephone directories;

(e) the minimum standards for consulting rooms, clinics, animal hospitals or other places at or from which a veterinary profession or a veterinary para-profession is practised;

(f) canvassing or touting of clients, tendering of services, professional appointments, consultations, concealment, supersession and intrusion, professional secrecy and undermining or prejudicing colleagues or the authority of the Council by persons who are registered or deemed to be registered in terms of this Act;

(g) the requirements to be complied with in connection with the notification, recovery and payment of professional fees, including the determination of such fees by the Council; and

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(h) any matter which the Council deems necessary or expedient for the achievement or promotion of its objects or for the exercise of its powers or for the performance of its functions.

(3) Different rules may be made in terms of subsection (1) or (2) in respect of different veterinary professions and veterinary para-professions.

(4) No rule made in terms of subsection (1) or (2) or any amendment or withdrawal thereof is of force and effect until approved by the Minister and published in the Gazette by the Registrar.

55. Unprofessional conduct

(1) A registered person is guilty of unprofessional conduct if he or she -

(a) fails to comply with any provision of the code of professional conduct or rules made in terms of section 54;

(b) fails or refuses to comply or complies insufficiently, with a lawful instruction of the Council;

(c) commits an offence in practising his or her profession; or

(d) contravenes or fails to comply with this Act any regulation made under section 73.

(2) The powers of the Council to inquire into and deal with any complaint, charge or allegation relating to a registered person are not limited to the acts or omissions specified in subsection (1).

(3) Any registered person who is found guilty in an unprofessional conduct inquiry is liable to any of the penalties provided for section 61.

[The word "in" appears to have been omitted before the phrase "section 61".]

56. Inquiry by Council

(1) The Council may conduct an inquiry into any complaint or charge lodged with the Council whether or not a complaint or charge has been lodged with the Council, into any allegation of unprofessional conduct of a person who is registered or deemed to be registered in terms of this Act.

(2) If any conduct, act, omission or contravention or alleged act, omission or contravention contemplated in subsection (1) forms, or is likely to form the subject of criminal or civil proceedings in a court of law, the Council may postpone the conducting of an inquiry concerned until the proceedings concerned have been finalised in such court.

(3) The acquittal or the conviction by a court of law upon a criminal charge of a person who is registered or deemed to be registered in terms of this Act, is not a bar to an inquiry in respect of the person in terms of this section, even if the facts being inquired into would, if proved, constitute the offence set forth in the criminal charge on which the person was so acquitted or convicted, or any other offences of which the person might have been convicted at his or her trial on the said criminal charge.

57. Institution of unprofessional conduct proceedings

(1) If any person's conduct or any act, omission or contravention or alleged act, omission or contravention by any person is likely to be inquired into in terms of this Act, such person must be notified in writing by the Registrar of the matter to be inquired into, and such person may furnish the Council with a written explanation, in the prescribed form, concerning it.

(2) If a person whose name has been removed from the register concerned in terms of section 35 is alleged to have committed unprofessional conduct before such removal, the Council may institute an inquiry in terms of this Part in respect of such allegation.

(3) A person referred to in subsection (2) is regarded, for the purposes of an inquiry in terms of this Part, to be a registered person.

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

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

(5) Subject to section 37(7), a manager referred to in section 37(1)(c) or a managing director referred to in section 42(1)(c), represents the corporation or private company, as the case may be, at such inquiry and is personally responsible, irrespective of any responsibility of the corporation or private company, for any act or omission by or on behalf of a corporation or private company which may result in disciplinary action by the Council, unless the Council is satisfied that the responsibility for that act or omission rests upon another person who is registered in terms of this Act and is a member or an employee of that corporation or private company.

58. Procedure at inquiry

(1) For purposes of section 56, the Council may in accordance with section 15, establish a disciplinary committee consisting of such number of persons as may be necessary.

(2) Any inquiry referred to in section 56 must be held on such date and at such time and place as the chairperson of the Council may determine and must be conducted, subject to this section, in accordance with the prescribed procedures.

(3) The proceedings at an inquiry referred to in subsection (1) must be minuted verbatim, in so far as it is practicable, and the minutes of the inquiry must be certified by the person presiding thereat as being a true and accurate account of the evidence given and the exhibits presented, and of the decision of the Council thereat.

(4) The minutes referred to in subsection (3) must be kept in safe-custody by the Registrar for a period of not less than five years.

(5) Any registered person in respect of whom an inquiry is to be conducted in terms of this Part must be notified in writing thereof not less than 21 days before the date of commencement of the inquiry, by means of the delivery to that registered person of a notice in the prescribed form, informing him or her of -

(a) the date, time and venue of; and

(b) the particulars of the complaint, charge or allegation against him or her which will be investigated at,

the inquiry.

(6) The Registrar, or a person designated by the Registrar in writing for such purpose, must serve the notice referred to in subsection (5) on the registered person concerned, and obtain from that registered person a written acknowledgement of receipt stating the date, time and place of the service of such notice.

(7) If the Registrar, or the person designated in terms of subsection (6), certifies in writing that the registered person upon whom the notice concerned is to be served in terms of that subsection -

(a) cannot be traced;

(b) refuses to accept service of such notice; or

(c) refuses to sign the required acknowledgement of receipt relating to the service of such notice,

the Registrar may send the notice by prepaid registered letter, not less than 21 days before the date of the intended inquiry, to that registered person at his or her postal address as it appears in the relevant register of the Council.

(8) If the registered person served with a notice in terms of subsection (6), or to whom a notice has been sent in terms of subsection (7), is not present at the commencement of the inquiry concerned, the chairperson of the Council, may have the inquiry conducted, at his or her discretion, in the absence of the registered person.

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(9) For the purpose of an inquiry in terms of this Part, the Council may summon any witness to appear at a specified date, time and venue to give evidence before the Council and to submit to it any document, book, record, or other thing relevant to the inquiry and specified in the summons.

(10) A summons to appear before the Council as a witness or to produce to it any document, book, record or thing referred to in subsection (9), must be substantially in the prescribed form and be signed by the chairperson of the Council or by the Registrar, and must be served upon the person concerned either by prepaid registered letter or in the prescribed manner.

(11) Every person summoned in terms of subsection (10) is entitled to all the privileges to which a witness subpoenaed to give evidence before the High Court is entitled.

(12) A person whose conduct is the subject of an inquiry in terms of this Part and who is present at the inquiry may answer himself or herself or through a legal practitioner, to any complaint, charge or allegation against him or her and be heard in his or her defence, and may for such purpose -

(a) give evidence under oath or affirmation;

(b) call witnesses to testify on his or her behalf;

(c) submit any document, book, record or any other thing relevant to the inquiry; and

(d) examine witnesses testifying against him or her.

(13) A registered person found guilty of unprofessional conduct in terms of this Part may -

(a) address the Council;

(b) call witnesses to give evidence on his or her behalf,

in mitigation of sentence.

(14) The person presiding at an inquiry conducted in terms of this Part may appoint a legal practitioner having not less than five years experience in the practising of law to be present as an assessor at such inquiry and to advise the Council or the professional conduct committee, as the case may be, on matters of law, procedure or evidence.

(15) For the purpose of the computation of any period of time referred to in subsections (5) and (7), no Saturday, Sunday or public holiday may be regarded as a day referred to in those subsections.

(16) An inquiry conducted by the Council in terms of this Part must be open to the public, unless the Council, subject to the proviso to Article 12(1)(a) of the Namibian Constitution, otherwise determines.

(17) At an inquiry in terms of this section it is no defence that the person whose conduct or act, omission or contravention is the subject of the inquiry, acted within the scope of his or her employment with any employer, or in a representative capacity on behalf of a juristic person.

(18) Any person who -

(a) has been duly summoned in accordance with this section to appear before the Council for the purposes of an inquiry and who -

(i) refuses or fails, without sufficient cause, to attend the inquiry concerned at the date, time and venue specified in the summons;

(ii) refuses to take the prescribed oath or to make an affirmation if required by the person presiding at such inquiry to do so;

(iii) leaves the inquiry concerned without the consent of the person presiding at such inquiry, whether or not that person has given evidence; or

(iv) refuses to give evidence before the Council, or refuses to answer fully and satisfactorily to the best of his or her knowledge and belief any question lawfully put to him or her, or refuses to produce any document, book, record or thing which that person has in terms of the

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

summons been required to produce;

(b) obstructs or interrupts any part of the proceedings at any inquiry held in terms of this section,

commits an offence and is liable on conviction to a fine not exceeding N$20 000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$50 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

59. Inquiry in respect of registered person not to prejudice civil or criminal liability

(1) The institution of -

(a) an inquiry in terms of this Part against a registered person does not prejudice the right of any person, body or institution to institute civil proceedings, or the Prosecutor-General to institute criminal proceedings, or an employer to take disciplinary action, against that person based on the same facts; or

(b) civil or criminal proceedings against a registered person or the fact that an employer has taken action against a person does not prejudice the right of the Council to institute a professional conduct inquiry against that person, and from imposing a penalty on that person for unprofessional conduct arising from the same facts.

(2) Any incriminating reply or information obtained, or incriminating evidence directly or indirectly derived from questioning in an inquiry is not admissible as evidence against the person concerned in criminal or civil proceedings in a court of law.

(3) Despite subsection (2), incriminating evidence referred to in that subsection is admissible in criminal proceedings if the person stands trial on a charge referred to in section 58(18).

60. Penalties for false evidence

Any person who gives false evidence on oath or affirmation at any inquiry conducted in terms of this Part, knowing that evidence to be false, commits an offence and is on conviction liable to the penalties prescribed by law for the crime of perjury.

61. Penalties by Council for unprofessional conduct

(1) Every registered person who, after an inquiry conducted by the Council in terms of this Part is found guilty of unprofessional conduct or conduct which is unprofessional if regard is had to that registered person's profession, or who admits that he or she is guilty of the charge concerned, is liable to any one or more of the penalties consisting of -

(a) a reprimand or a caution;

(b) imposition of conditions and restrictions subject to which the person concerned may, for a specified period, practise the profession in respect of which he or she is registered;

(c) suspension for a specified period of time, subject to such conditions as the Council may determine, from practising or performing acts especially pertaining to the profession in respect of which that person is registered;

(d) removal of the name of that registered person from the register concerned; or

(e) payment to the Council of a fine not exceeding the prescribed amount.

(2) The Council may recover any fine imposed in terms of subsection (1) (e) by means of proceedings in a competent court.

(3) The Council must -

(a) set out fully in writing its findings and the penalties (if any) imposed in terms of this section; and

(b) make such findings and the penalties known to any prescribed body or person in writing.

(4) The Registrar must inform a registered person who has been found guilty of unprofessional conduct in terms of this Part, whether or not that registered person was present at the inquiry concerned -

(a) in the case of penalties imposed in terms of subsection (1)(a), of the findings of the Council and the penalties concerned by forwarding a copy of such findings and particulars of the penalties, duly signed by the person who presided at the inquiry, by prepaid registered letter to his or her address as it appears in the relevant register of the Council;

(b) in the case of penalties imposed in terms of subsection (1)(b), (c), (d) or (e), by serving a copy of the findings of the Council and particulars of the penalties, duly signed by the person who presided at the inquiry, or having such a copy served -

(i) upon him or her personally; or

(ii) at his or her place of business on any partner, employer or employee of that person.

(5) If the registered person referred to in subsection (4) or the person referred to in subsection (4)(b)(ii), as the case may be -

(a) cannot be traced;

(b) refuses to accept service of the documents concerned; or

(c) refuses to sign an acknowledgement of receipt relating to the service of such copy of the findings and particulars of the penalties referred to in subsection (4),

the Registrar may serve such copy of the findings and particulars of the penalties upon that registered person by means of a prepaid registered letter addressed to that registered person's postal address as it appears in the register concerned.

(6) The partner, employer or employee upon whom a copy of the findings and the penalties is served in terms of subsection (4)(b)(ii), must acknowledge receipt thereof in writing and state his or her capacity.

(7) If a person has been found not guilty of unprofessional conduct, the Registrar must inform that person of the findings of the Council by prepaid registered letter addressed to that person at his or her postal address as it appears in the register concerned.

(8) A finding made, or a penalty imposed, by the Council in an inquiry conducted in terms of this Part is of force and effect after the date determined by the Council.

(9) The Council may -

(a) postpone the imposing of a penalty upon any person so convicted; or

(b) suspend the execution of a penalty mentioned in subsection (1)(c), (d) or (e) and so imposed upon a person, for such period and subject to such conditions as it may in each case determine.

(10) Any person whose registration is suspended under subsection (1)(c) is, except for the purposes of section 31, for the period of such suspension deemed not to be so registered.

(11) The Council may at any time before the expiration of the period for which any registration has been suspended under subsection (1)(c), on application in the prescribed manner terminate such suspension subject to such conditions as it may in each case determine.

(12) If at the end of the period for which the imposition of a penalty has been postponed under subsection (9)(a), the Council is satisfied that the person concerned has observed all the relevant conditions, the Registrar must inform the person concerned that no penalty will be imposed upon him or her.

(13) If the execution of a penalty has been suspended under subsection (9)(b) and the Council is satisfied that the person concerned has observed all relevant conditions throughout the period of suspension, the

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

Registrar must inform the person concerned that the penalty will not be executed.

(14) If a person fails to comply with any conditions determined in terms of subsection (9), the Council must impose a penalty upon the person or execute the penalty imposed upon the person, unless the person satisfies the Council that the non-compliance with such conditions was due to circumstances beyond his or her control.

(15) Any person who -

(a) refuses or fails to comply with any condition or restriction imposed by the Council in terms of subsection (1)(b) or (c); or

(b) practises the profession in respect of which he or she is registered, or performs any act relating to such profession, while he or she is suspended or removed from the register in accordance with subsection (1)(c) or (d),

commits an offence and is liable on conviction to a fine not exceeding N$20 000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$50 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

62. Cognisance by Council of conduct of registered persons under certain circumstances

(1) Every registered person who, either before or after registration, has been convicted of any offence by a court of law may be dealt with by the Council in terms of this Part, if the Council is of the opinion that such offence constitutes unprofessional conduct.

(2) A registered person referred to in subsection (1) is liable upon proof of the conviction referred to in that subsection, to any one or more of the penalties referred to in section 61(1).

(3) Before the Council imposes upon the registered person concerned any penalty referred to in subsection (2), the Council must afford that registered person the opportunity, by himself or herself or through a legal practitioner, to tender an explanation to the Council in mitigation of the conduct concerned.

(4) If in the course of any proceedings before any court of law it appears to the court that there is prima facie evidence of unprofessional conduct on the part of a registered person, or of conduct which, if regard is had to that person's profession, is unprofessional, the court must direct that a copy of the record of such proceedings, or such portion thereof as is material to such conduct, be submitted to the Council.

(5) The Council may request from the clerk of any court a transcript of any proceedings finalised before such court and which has relevance to any inquiry conducted by the Council.

(6) The clerk of the court referred to in subsection (5) must make the transcript referred to in that subsection available to the Council as soon as practicable.

63. Pro forma complainants

(1) If the Council exercises the powers conferred upon it by section 56, it may appoint any person as pro forma complainant to present the case to the Council.

(2) No member of the Council may be appointed as a pro forma complainant in terms of subsection (1).

(3) The Council may appoint, subject to subsection (2), any other person to institute proceedings or to continue proceedings, as the case may be, in any case referred to in subsection (1) serving before the Council, if the person appointed in terms of that subsection (1) is for any reason unable to act as a pro forma complainant.

64. Investigation, assessment and powers of Council in respect of impaired registered

persons

(1) For the purposes of this section -

"impaired" means -

(a) a mental or physical condition; or

(b) the abuse of, or the dependence on, any medicine, scheduled substance, dependence-producing substance, chemical substance or any other substance,

which negatively affects the competence, attitude, judgement or performance of any registered person;

"dependence-producing substance" means a dependence-producing substance as defined in section 1 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971); and

"scheduled substance" means a scheduled substance as defined in section 1 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003).

(2) If it appears to the Council, after an investigation in terms of regulations made pursuant to subsection (4)(a), (b) and (c), that any registered person has become impaired to such an extent that -

(a) it would be against the public interest to allow that person to continue to practise the profession in respect of which he or she is registered;

(b) he or she is unable to practise the profession in respect of which he or she is registered with reasonable skill or safety to animals under his or her care; or

(c) he or she has become unfit to purchase, acquire, keep, use, administer, prescribe, order, supply or possess any medicine or scheduled substance,

the Council may deal with that person in the manner prescribed in terms of subsection (4).

(3) Subsection (2)(c) does not apply if any scheduled substance is administered -

(a) in accordance with a written authority granted by the Minister in terms of any law;

(b) subject to such conditions as may be specified in an authority referred to in paragraph (a); and

(c) to the particular person mentioned in an authority referred to in paragraph (a).

(4) The Minister may, on the recommendation of the Council, make regulations in respect of a registered person referred to in subsection (2), relating to -

(a) the investigation in respect of that person and the circumstances under which such an investigation may be conducted, including the procedures relating to such an investigation;

(b) the assessment of the condition of that person, including the procedures relating to such an assessment;

(c) the manner in which an investigation or inquiry must be conducted in order to make a finding relating to that person's competence to practise the profession in respect of which he or she is registered, including the procedures relating to such an inquiry;

(d) the conditions or restrictions which may be imposed on that person's registration or practice;

(e) the suspension or removal of that person from practising the profession in respect of which he or she is registered, and the manner in which such an order must be executed;

(f) the rescission of any condition imposed as contemplated in paragraph (d), or of an order for the suspension or removal from practising a profession as contemplated in paragraph (e);

(g) the specific acts of unprofessional conduct committed before or during an assessment, investigation or inquiry contemplated in this section; and

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(h) generally all other matters which the Minister may consider necessary or expedient to be prescribed in order to achieve the purposes of this section.

(5) The Council may in writing appoint a person or committee to conduct the investigation, assessment or inquiry as contemplated in subsection (4)(a), (b) or (c), as the case may be.

(6) Any person who -

(a) practises the profession in respect of which he or she is registered, or performs any act relating to such profession, while he or she is suspended or removed from the register in accordance with any regulation made in terms of subsection (4); or

(b) acts contrary to, or does not comply with, any condition applicable to him or her in terms of any regulation contemplated in paragraph (a),

commits an offence and is liable on conviction to a fine not exceeding N$20 000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$50 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

Part 8 – GENERAL AND SUPPLEMENTARY PROVISIONS

65. Dispensing of medicine or scheduled substance

(1) A person who is registered or deemed to be registered in terms of this Act to practise a veterinary profession may personally compound or dispense any medicine or scheduled substance which is prescribed by the person or by any other person with whom the person is in partnership or with whom the person is associated as a principal or an assistant or a locum tenens, for use in the treatment of an animal which is under the professional care of the person.

(2) A person referred to in subsection (1) may not accept or obtain any commission or other reward from a pharmacist or other supplier in connection with any medicine or scheduled substance which is compounded or dispensed by virtue of a prescription.

(3) Any person who contravenes or fails to comply with subsection (2), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

66. Limitations in respect of unregistered persons and proof of registration for issue of licences

(1) No remuneration is recoverable in respect of the rendering of any service which in terms of the rules is deemed to pertain specially to a veterinary profession or a veterinary para-profession if rendered by a person who is not registered or not deemed to be registered in terms of this Act to practise the profession concerned.

(2) No person other than a registered person holding the necessary qualifications is eligible for, or entitled to hold, any appointment with any establishment, institution, body, organisation or association, whether public or private, if that appointment involves the performance of any act which only a registered person may perform for gain in terms of this Act.

(3) Nothing in subsection (2) may be construed as prohibiting the education and training of persons in the professions to which this Act applies under the supervision of a registered person, or the employment in any animal hospital or similar institution of any person receiving education, tuition or training for the purpose of registration in terms of this Act.

(4) No licence or permit required to be obtained by a registered person in terms of any law may be issued by

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

the issuing authority concerned in terms of such law, unless the person applying for such licence or permit submits to such authority a registration certificate, or a copy thereof certified by a commissioner of oaths as a true copy of the original, as proof that he or she is registered in terms of this Act.

(5) A person who contravenes or fails to comply with subsection (1) or (2), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

67. Obligation of employers

(1) Any person who employs a person who is registered or deemed to be registered in terms of this Act to practise a veterinary profession or a veterinary para-profession may not cause such person to perform any work which the person may not perform in terms of the rules.

(2) The Council may require an employer of a person who is registered or deemed to be registered in terms of this Act to submit to it a copy of the service contract which has been concluded with such person.

(3) A person who contravenes or fails to comply with subsection (1), commits an offence and is liable on conviction to a fine not exceeding N$15 000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$30 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

68. Correction of errors

(1) The Registrar may authorise -

(a) the correction of any clerical error or error in translation appearing in any document submitted or issued in terms of this Act, or in a register kept in terms of this Act;

(b) the amendment of any document for the amendment of which no express provision is made in this Act;

(c) the condonation or correction of any irregularity in procedure in any proceedings before the Registrar, if such condonation or correction is not detrimental to the interests of any person.

(2) The Registrar may exercise the authority under subsection (1) of his or her own accord or upon request in writing.

(3) If the Registrar intends exercising his or her authority under subsection (1) of his or her own accord, the Registrar must give notice of his or her intention to any person who in his or her opinion has an interest in the matter, and must give such person an opportunity of being heard before exercising his or her authority.

69. Defect in form not to invalidate documents

A defect in the form of any document which is in terms of any law required to be executed in a particular manner, or in a notice issued in terms of this Act -

(a) does not render unlawful any administrative act performed in terms of this Act in respect of the matter to which such document or notice relates; and

(b) is not a ground for exception to any legal procedure which may be taken in respect of such matter,

if the requirements and meaning thereof are set forth substantially and intelligibly.

70. Limitation of liability

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

Unless otherwise provided in this Act, the Minister, the Council or any committee thereof, any member of the Council or of any committee, any officer or employee of the Council, the Registrar or any staff member, is not liable in respect of anything done or omitted to be done in good faith in the exercise of a power or the performance of a duty or function in terms of this Act, or anything that may result from anything so done or omitted.

71. Delegation of powers and assignment of functions and duties

(1) The Council, in addition to any delegation made in terms of this Act, may -

(a) delegate in writing to the Registrar any power conferred upon it; or

(b) assign in writing to the Registrar the performance of any function or duty entrusted to it,

by or in terms of this Act.

(2) A delegation or assignment made in terms of subsection (1) may be made subject to such conditions or restrictions as the Council may determine and specify in such delegation or assignment.

(3) The Council may withdraw or amend in writing any delegation or assignment made by it in terms of subsection (1).

72. General offences, penalties and extended jurisdiction

(1) Any person who -

(a) by means of a false or misleading statement, whether verbally or in writing, procures for himself or herself or any other person registration in terms of this Act, or any certificate, receipt, approval or other document issued under this Act;

(b) forges or, knowing it to be forged, utters any document purporting to be a certificate, receipt, approval or other document issued in terms of this Act;

(c) impersonates any person registered or deemed to be registered in terms of this Act;

(d) refuses or fails without lawful cause to make any statement or give any explanation which may lawfully be demanded from him in the application of this Act, or makes or gives a false statement or explanation knowing it to be false;

(e) obstructs or hinders a member of the Council, of the executive committee or of any other committee of the Council, the Registrar or any person in the employment of or performing any function or duty on behalf of the Council, in the exercise of his or her powers or the performance of his or her functions under this Act;

(f) supplies or offers to supply to any person who is not registered or deemed to be registered in terms of this Act, any instrument or appliance which can primarily be used for services which in terms of the rules are deemed to pertain specially to a veterinary profession or a veterinary para-profession, knowing that the instrument or appliance concerned will be used by such unregistered person for the rendering for gain of services of a kind of which he or she is in terms of this Act prohibited to perform for gain,

commits an offence and is liable on conviction to a fine not exceeding N$20 000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment, and on a second or subsequent conviction of any contravention of or failure to comply with the same provisions, to a fine not exceeding N$50 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

(2) Despite anything to the contrary in any law, a magistrate's court has jurisdiction to impose any penalty provided for by this Act.

73. Regulations

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(1) The Minister may, in consultation with the Council, make regulations regarding -

(a) the form of the registers to be kept in terms of this Act and the manner in which they must be kept, which alterations may be effected to those registers, and the manner in which such alterations may be so effected;

(b) any certificate that may be issued by the Council, including the form of such certificate;

(c) the -

(i) registration by the Council of students studying or receiving education, tuition or training at an educational institution in Namibia or elsewhere relating to a veterinary profession or a veterinary para-profession, the requirements for such registration, the procedures relating to such registration, and the removal from the register by the Council of the names of students so registered;

(ii) exemption of students from registration in accordance with regulations made in terms of subparagraph (i);

(iii) minimum requirements and duration of the curricula, courses or training required, and the standard or nature of education, tuition and training, and examinations pertaining thereto, which will enable a person to qualify for registration in terms of this Act;

(iv) minimum requirements of the curricula and the standard and nature and duration of education, tuition, training and examinations which must be maintained by every educational institution at which education or training relating to a profession to which this Act applies is provided, in order to comply with the requirements of the Council for the recognition of such qualifications for the purpose of registering the holder thereof in terms of this Act; and

(v) practical training, if any, to be completed by students, in addition to the education, tuition or training completed at an educational institution referred to in subparagraph (iii),

(d) the examinations to be conducted in terms of this Act, the appointment and remuneration of examiners for the purposes of such examinations, and any other matter incidental to such examinations;

(e) the registration of veterinary practices and veterinary para-professional practices by the Council, including consulting rooms, clinics, mobile clinics, animal hospitals, including the requirements relating to such registration, the application for such registration, the procedures relating to such application and the consideration of such application by the Council and the maintenance and alteration of such registration;

(f) the conditions subject whereto a registered person may practise his or her profession, including -

(i) the conducting of a practice by a sole owner or by registered persons practising in partnership;

(ii) the requirements relating to the establishing and the conducting of a practice referred to in subparagraph (i);

(iii) the registration by the Council of a practice referred to in subparagraph (i), including the procedures relating to the application for such registration and the issuing of a registration certificate;

(iv) the cancellation of the registration referred to in subparagraph (iii), including the reasons for, and the procedures relating to, such cancellation;

(g) the -

(i) requirements to be complied with, including the practical experience to be completed, the nature and the duration of the training to be completed and the qualifications to be held by a person registered in any profession before that registered person may be registered as a

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

veterinary specialist;

(ii) circumstances in which any applicant for registration as a veterinary specialist may be exempted from any of the requirements contemplated in subparagraph (i), and the procedures relating to such exemption, including the procedures relating to the application for such exemption; and

(iii) conditions pertaining to the practices of veterinarian and veterinary para-professional in respect of any registered veterinary speciality, including conditions restricting the scope of practice of those veterinarians and veterinary para-professionals relating to such speciality;

(h) the conditions subject whereto registered persons may conduct practices relating to their professions;

(i) the ethical standards and code of conduct of registered persons;

(j) the scope of practice relating to veterinary and veterinary para-professions and of the registered persons practising such professions, and specifying the conditions restricting the practising of such professions;

(k) the continuing professional development applicable to registered persons, including the attendance and presenting thereof by registered persons;

(l) the supplementary training or refresher courses to be completed by persons registered in terms of this Act, and the conducting and control of such supplementary training or refresher course;

(m) the procedures relating to the election of the members of the Council, including the nomination of candidates for election;

(n) the instituting and conducting of an inquiry, including -

(i) the procedures for the lodging of a complaint, charge or allegation against a registered person;

(ii) the form of a subpoena for the purpose of the attendance of a witness at the inquiry concerned, or for the production of any book, record, document or thing by that witness;

(iii) the leading of evidence and the recording of the proceedings at an inquiry; and

(iv) any other matter relating to the institution and conduct of such inquiry;

(o) the circumstances, in addition to the circumstances referred to in this Act, in which a name may be removed from, or restored to, a register;

(p) the manner in which the Council may perform or execute any power or function in terms of this Act;

(q) the conducting of investigations and inspections in terms of section 52, including -

(i) the powers of the persons authorised to conduct such investigations and inspections;

(ii) the powers of the Council relating to a report received from a person referred to in subparagraph (i), including the powers to close down the practice or premises referred to in subsection (1)(b) of that section for such period of time as the Council may determine; and

(r) the fees payable in terms of this Act and the payment thereof;

(s) the fines which the Council may impose as contemplated in section 61(1)(e) and the payment thereof;

(t) generally all other matters which are by this Act required or permitted to be prescribed or which the Minister considers necessary or expedient to be prescribed in order to achieve the purposes and objects of this Act.

(2) Different regulations may be made under this section in respect of different veterinary professions or

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

veterinary para-professions or in such other respects as the Minister may determine.

(3) Any regulation made in terms of this section may prescribe, unless otherwise provided in this Act, a fine not exceeding N$4 000 or a period of imprisonment not exceeding 12 months, or both such fine and such imprisonment, as penalties for the contravention of such regulation or failure to comply therewith.

74. Transitional provisions

(1) Any person -

(a) who was registered to practise a veterinary or veterinary para-profession; or

(b) in respect of whom an additional qualification, professional category, additional professional category or speciality was registered,

immediately before the commencement date in terms of any law repealed by section 75, is regarded, or the additional qualification or speciality referred to in paragraph (b), is regarded, as the case may be, to have been so registered in terms of this Act, subject to any restriction, condition or penalty relating to the practising of his or her profession imposed upon him or her in terms of any such repealed law.

(2) A person whose name immediately before the commencement date appears in a register referred to in section 21(1) is for all purposes from the commencement date regarded to be registered in terms of, and subject to, this Act.

(3) For the purposes of this Act, any period of practical training completed before the commencement date in terms of any law repealed by section 75 is regarded, from that date, to have been a period of practical training completed in terms of this Act.

(4) Any disciplinary proceedings or criminal proceedings instituted in terms of or pursuant to any law repealed by section 75 and not finalised immediately before the commencement date may be continued or enforced as if the law concerned had not been repealed.

(5) Any finding made or a penalty imposed in any disciplinary proceedings referred to in subsection (4) is regarded for all purposes to be a finding made or a penalty imposed in terms of this Act.

(6) Any application for registration submitted to the former Council and not finalised before the commencement date must from that date be finalised by the Council in accordance with the corresponding provisions of this Act.

(7) Any person employed by the former Council immediately before the commencement date is regarded from that date to be so employed by the Council in terms of section 17 on the same conditions of service as were applicable to that person on that date.

(8) Despite the repeal of the Veterinary and Para-Veterinary Professions Proclamation, 1984 , the staff member designated as Registrar in terms thereof and in office immediately before the date of such repeal continues from that date to be the Registrar of the Council as if that Proclamation had not been so repealed, until the appointment of the Registrar in terms of section 17(1) of this Act.

75. Repeal of law and savings

(1) Subject to subsection (2), the Veterinary and Para-Veterinary Professions Proclamation, 1984 , is repealed.

(2) Except as otherwise provided in section 74, any notice, regulation, rule, authorisation or order issued, made or granted, or any removal from the register, appointment or any other act done, or regarded to have been issued, made, granted, or done under or in terms of a provision of the laws repealed by subsection (1) must be regarded as having been issued, made, granted, or done under the corresponding provision of this Act and continues to have force and effect -

(a) except if it is inconsistent with this Act; or

(b) until it is set aside or repealed.

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.

(3) For the purposes of subsection (2), any rules referred to in that subsection relating to unprofessional conduct or misconduct must be construed as a reference to rules relating to unprofessional conduct.

76. Short title and commencement

(1) This Act is called the Veterinary and Veterinary Para-Professions Act, 2013, and comes into operation on a date determined by the Minister by notice in the Gazette.

(2) Different dates may be determined under subsection (1) in respect of different provisions of this Act.

By Laws.Africa and contributors. Licensed underCC-BY. Share widely and freely.