

P.N.D.C.L. 305C**VETERINARY SURGEONS ACT, 1992**

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The Veterinary Authority

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P.N.D.C.L. 305C**VETERINARY SURGEONS ACT, 1992¹**

AN ACT to establish a body to regulate the affairs of veterinary surgeons and to provide for related matters.

*The Veterinary Authority***1. Establishment of the Veterinary Authority**

There is hereby established an Authority to be known as the Veterinary Authority.

2. The governing body

(1) The governing body of the Authority is a Council consisting of

- (a) four registered members of the Ghana Veterinary Medical Association elected by the Ghana Veterinary Medical Association,
- (b) the Director of Animal Health and Production Department of the Ministry of Agriculture,
- (c) one representative of the Council for Scientific and Industrial Research nominated by the Director-General of the Council,
- (d) one legal practitioner of not less than ten years standing as a lawyer nominated by the Government,
- (e) one veterinary surgeon from one of the Universities in Ghana, and
- (f) one distinguished and recognised livestock farmer.

(2) A registered veterinary surgeon elected by the members of the Council from among their number shall be the chairman of the Council.

(3) There shall be a vice-chairman of the Council who shall be elected by the members from among their number.

(4) The members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

3. Functions of the Authority

(1) The Authority shall be concerned with the veterinary practice and practitioners and is responsible for securing the highest standards in the practice of veterinary medicine in the Republic.

(2) The Authority shall, in particular,

- (a) prescribe standards of professional conduct and ethics for practitioners;

1. This Act was issued as the Veterinary Surgeons Law, 1992 (P.N.D.C.L. 305C), made on the 30th day of December, 1992 and notified in the *Gazette* on 20th August, 1993.

- (b) uphold and enforce professional standards by disciplinary powers conferred under this law;
- (c) maintain and publish a register of practitioners; and
- (d) do any other things that in the opinion of the Board are necessary or desirable for the proper regulation of the practice of veterinary surgery and the improvement of the veterinary services.

4. Tenure of office of members of the Council

(1) Members of the Council shall hold office for a period of three years and are eligible for re-appointment.

(2) A member of the Council may at any time in writing addressed to the chairman resign from office.

(3) In the event of death of, or resignation from office by a member of the Council a new member shall, subject to subsection (5), be elected or appointed to hold office for the remaining term of office.

(4) Where the chairman certifies that a member of the Council is absent from Ghana or is in any manner unable to perform the functions of office, another person may be appointed or elected subject to subsection (5).

(5) An election or appointment of a member shall be made under subsection (4) if the remaining term of office is less than one year.

(6) A member of the Council who is a member by virtue of the profession or office shall cease to be a member when the member ceases to be a member of that profession or a holder of that office.

5. Meetings of the Council

(1) The Council shall meet at least three times in a year or at the shorter intervals determined by the chairman.

(2) The chairman shall preside at the meetings of the Council and in the absence of the chairman the vice-chairman, and in the absence of both, the members present shall appoint one of their number to preside.

(3) Subject to subsection (2), the chairman and two other members of whom at least one is a veterinarian shall form a quorum.

(4) The decision at a meeting of the Council shall be determined by a majority of the members present and voting and in the event of an equality of votes, the chairman or the person presiding shall have a casting vote.

(5) The Council may co-opt a person to act as adviser at any of its meeting but the co-opted person shall not vote on a matter for decision by the Council.

(6) The proceedings of the Council shall not be invalidated because of a vacancy in the membership or a defect in the appointment or qualification of a member.

(7) Except as otherwise provided in this Act the Council shall regulate its own procedure.

6. Committees of the Council

(1) The Council may establish the committees that it thinks necessary for the proper conduct of the functions of the Council and of the Authority.

(2) A committee appointed under subsection (1) may consist of members of the Council or non-members or both.

7. Financial provisions

(1) The funds of the Authority consist of

- (a) fees, grants and gifts from both governmental and non-governmental sources, and
- (b) any other moneys and assets that may vest in or accrue to the Authority.

(2) The moneys received by or on behalf of the Authority shall be deposited to the credit of the Authority at a bank approved by the Council.

(3) The Council may pay to the members, committee members and persons attending meetings of the Council the allowances determined by the Board with the approval of the Minister.

8. Accounts and audit

(1) The Authority shall keep proper books of account and other records relating to its funds.

(2) The books and accounts of the Authority shall be audited each year by the Auditor-General.

(3) The auditor shall forward a copy of the report to the Minister, who shall on receipt and after further discussions with the Board enforce the recommendations embodied in the report.

9. Report of the Authority

(1) The Registrar of the Authority shall annually submit to the Minister a report on the Authority's activities for the year.

(2) A member may obtain a copy of the Authority's annual report on the payment of a fee determined by the Council.

*Registration of Veterinary Surgeons***10. Registrar of veterinary surgeons and other staff**

(1) The President shall, in accordance with article 195 of the Constitution appoint a registered veterinary surgeon to be the Registrar of veterinary surgeons on the terms and conditions determined by the President.

(2) The Authority may employ any other persons on the terms and conditions determined by the Council.

11. Duties of Registrar

The Registrar is the administrative secretary to the Authority, and shall perform any other functions imposed under this Act.

12. Veterinary Surgeons' Register

(1) There shall be a Veterinary Surgeons' Register in which shall be recorded by the Registrar the names of registered practitioners.

(2) The Register shall be in the form determined by the Council.

13. Qualification for registration

(1) Subject to this Act, a person who shows to the satisfaction of the Registrar that that person

- (a) possesses the veterinary degree of a University from a country entitling that person to be registered in the register of a veterinary surgeons in that country, or
- (b) possesses a qualification bearing one of the following designations:
 - (i) Bachelor of Veterinary Medicine,
 - (ii) Bachelor of Veterinary Medicine and Surgery,
 - (iii) Bachelor of Veterinary Science,
 - (iv) Master of Veterinary Science,
 - (v) Doctor of Veterinary Medicine, or
- (c) possesses some other qualifications which is for the time being recognised by the Council,

is entitled, subject to subsection (3) and to the payment of the registration fee, to be registered as a veterinary surgeon.

(2) The Council may require a person who applies for registration to produce satisfactory evidence that that person is a person of good character and a fit and proper person to be registered as a veterinary surgeon under this Act.

14. Registration procedure

(1) A person who wishes to be registered under this Act shall apply in writing to the Registrar.

(2) An application for registration shall be supported by

- (a) a certificate conferring the qualification by virtue of which the registration is sought, and
- (b) evidence of identity, good character and reputation and of authenticity and validity of the certificate submitted by the applicant.

(3) Where the Registrar is not satisfied with the documents produced for registration the Registrar may reject the application and the applicant may within thirty days of the notification of the refusal, appeal to the Council which shall determine the appeal.

15. Registration of additional qualification

(1) For the purpose of specialist professional designation and consultant grade, a registered veterinary surgeon who satisfies the Registrar of having obtained a degree or qualification higher than or additional to the qualification in respect of which the surgeon was registered is entitled, on payment of the prescribed fee, to have the higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered, unless it appears to the Council that the higher degree or additional qualification is not recognised by the appropriate authority in the country in which it was acquired.

(2) For the purpose of this section a “**veterinary consultant**” is a registered veterinarian, who has a specialist qualification, has been qualified as a veterinarian and practised for at least ten years.

16. Temporary register

(1) A person who does not intend to practice permanently in Ghana but who is otherwise qualified to be registered in the Register is entitled to be registered in a temporary register as a veterinary practitioner.

(2) A person otherwise qualified to be registered in the Register and who is required by the Council to serve a period of mandatory occasional training shall, on payment of the fee payable on registration, be registered in a temporary register.

(3) A person on a temporary register is entitled to be transferred to the standing register on producing to the Registrar the written evidence that the Council may require.

17. Restrictions of practitioners on temporary registers

(1) A practitioner on the temporary register shall not practise veterinary medicine in Ghana unless under a registered veterinarian of good standing.

(2) A practitioner who fails to comply with subsection (1) commits the offence of infamous conduct in a professional respect and shall be considered not to have been registered under this Act.

18. Publication of register

The Registrar shall once every year, publish in the *Gazette* a list containing the names of registered veterinary surgeons.

19. Evidence of registration

(1) A copy of the list published in accordance with section 18 is evidence that the persons named in the list are registered under this Act.

(2) The absence of the name of a person from the list is evidence that that person is not so registered.

(3) The register, copies of it and extracts from it certified and signed personally by the Registrar shall be receivable in evidence by a court of law.

20. Erasures and corrections in the register

(1) The Registrar shall remove from the register the name of a person if satisfied that that person has died or has left Ghana and does not intend to return.

(2) An erasure shall not be made in a register but if an error occurs, a red line shall be drawn through a word or sentence improperly inserted so as to leave the original word legible, and a word or sentence which may have been omitted shall be underlined or written in the margin with red ink and the Registrar shall personally sign the correction.

21. Rights of registered members

A registered veterinary surgeon is entitled to

- (a) use the title "Veterinary Doctor" and is entitled to practise veterinary medicine and surgery in Ghana;
- (b) the right, subject to the existing laws, to prescribe and store dangerous and restricted drugs and chemicals.

22. Procuring registration by false representation

A person who, for the purpose of procuring the registration personally or for another person under this Act, wilfully makes or produces or causes to be made or produced, a false certificate verbally or in writing and a person aiding or assisting in that act commits an offence and is liable on conviction to a fine not exceeding five hundred penalty units or in default to a term of imprisonment for two years or both the fine and the imprisonment.

23. Restrictions in veterinary practice

(1) A veterinary surgeon is not entitled to recover in a court of law a fee charged for performing a veterinary operation, or for giving veterinary advice, or for acting in any manner as a veterinary surgeon or for practising in any case of veterinary surgery or any branch of veterinary surgery, unless registered at the time as a veterinary surgeon.

(2) A certificate or any other document required by law to be signed by a qualified veterinary surgeon is not valid unless signed by a registered veterinary surgeon if it was given or issued after the commencement of this Act.

24. Private practice

A practitioner shall not enter into private practice unless the practitioner

- (a) has had at least four years' practical experience
 - (i) in the public sector under an officer not below the rank of a senior veterinary officer or its equivalent, or
 - (ii) with a private practitioner with not less than four years' experience,
- (b) qualifies to practise under section 13, and
- (c) is a registered member of the Ghana Veterinary Medical Association.

25. Offences and penalties

A person who not being a registered veterinary surgeon wilfully and falsely

- (a) takes or uses the title of veterinary surgeon,

- (b) takes or uses any name, title, addition or description calculated to lead to the belief that he is a registered veterinary surgeon, or
- (c) holds out as registered under this Act,

commits an offence and is liable on conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or both the fine and the imprisonment, and in the case of a continuing offence to a further fine not exceeding twenty-five penalty units for each day during which the offence continues.

26. Persons already in practice at commencement of this Act

A veterinary surgeon shall be deemed to have been registered with effect from the date of the commencement of this Act, if the surgeon

- (a) was ordinarily carrying on the practice of veterinary surgery in Ghana at that date, and
- (b) was at that date in possession of the qualification specified in section 13 and approved by the Council.

Miscellaneous and General Provisions

27. Regulations

The Minister may on the advice of the Council by legislative instrument make Regulations

- (a) prescribing the manner of election of members of the Council for a disciplinary inquiry;
- (b) prescribing the procedure for disciplinary inquiry by the Council into allegations of misconduct against practitioners;
- (c) prescribing matters relating to disciplinary orders by the Council and appeals against decisions of the Council;
- (d) prescribing the fees to be paid for a matter or thing to be done under this Act or any rule made in this section;
- (e) prescribing conditions of places used by veterinary surgeons as animal hospitals or surgeries and the prohibition of the use of a place as an animal hospital or surgery which does not conform to prescribed conditions set out by the Authority; and
- (f) for the effective implementation of this Act.

28. Veterinary practitioners in the Public Service

Where an office in the Public Services or in the Armed Forces or in an institution of higher learning requires a veterinary qualification, a person shall not be appointed to that office or hold or remain in that office unless that person is a registered veterinary surgeon.

29. Unregistered persons' schedule

A provision of this Act shall not apply to unregistered persons performing the following operations and treatment:

- (a) a non-surgical treatment given to an animal by its owner or a member of the household of which the owner is a member;

- (b) the docking of the tail or the amputation of the dew claws of a dog before its eyes are open;
- (c) castrating calves, lambs and kids not older than six months and a boar not older than three months;
- (d) the performance by a registered medical practitioner of an operation on an animal for the purpose of medical research;
- (e) the performance of an operation, treatment or test by a genuine veterinary student attending a recognised veterinary school and under the personal supervision of a registered surgeon with whom for the time being the student is undergoing instruction.

30. Interpretation

In this Act, unless the context otherwise requires,

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**Authority**” means the Veterinary Authority established under section 1;

“**Council**” means the governing body of the Authority;

“**Director**” means the most senior Veterinarian within the Directorate of the Department of Animal Health and production;

“**functions**” includes powers and duties;

“**Minister**” means the Minister responsible for matters relating to veterinary medical practice;

“**practitioners**” means the practitioners referred to in section 3;

“**Registrar**” means the Registrar of veterinary surgeons appointed under section 11;

“**veterinary officer**” means a registered veterinary surgeon appointed by the President into any of the Public Services;

“**veterinary surgery**” includes the art and science of veterinary surgery and medicine and surgical operation, test, diagnosis, advice and treatment performed on an animal.

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