

VETERINARY SURGEONS ACT

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Veterinary Council of Nigeria

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VETERINARY SURGEONS ACT

An Act to make provisions for the registration of veterinary surgeons and for matters connected therewith.

[1969 No. 37.]

[12th September, 1969]

[Commencement.]

Veterinary Council of Nigeria

1. Establishment and Functions of the Council

(1) For the purposes of this Act there shall continue to be a Council called the Veterinary Council of Nigeria (in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and shall be constituted in accordance with the provisions of this Act.

(2) The Council shall be charged with the general duty of-

- (a) determining what standards of knowledge and skill are to be attained by persons seeking to be registered under this Act as veterinary surgeons and of raising those standards from time to time as circumstances may permit;
- (b) securing in accordance with the provisions of this Act the establishment and maintenance of a register of persons registered under this Act as veterinary surgeons and the publication from time to time of lists of those persons; and
- (c) performing the other functions conferred on the Council by this Act.

2. Membership of the Council

(1) Subject to the provisions of this Act, the Council shall consist of the following members, that is to say-

[1987 No. 40.]

- (a) a President and Vice-President who shall be elected by the members of the Council with the approval of the Minister from among their number;
- (b) the Director of the National Veterinary Research Institute or the most senior registered veterinary surgeon in the Institute, where the Director is not a registered veterinary surgeon;
- (c) the Director of the Federal Livestock Department or the most senior registered veterinary surgeon in the Department, where the Director is not a registered veterinary surgeon;

- (d) the Dean of each faculty of veterinary medicine in Nigerian approved by the Council or the most senior registered veterinary surgeon in the faculty, where the Dean is not a registered veterinary surgeon;
- (e) one person to represent each State of the Federation to be appointed by the Minister;
- (j) eight persons (hereafter in this Act referred to as "elected members of the Council") who shall be elected by registered veterinary surgeons from among their number in the manner prescribed in the First Schedule to this Act.

(2) The First Schedule to this Act shall have effect with respect to the tenure of office, election and appointment of members of the Council and with respect to the powers and procedure of the Council and the other matters therein mentioned.

[First Schedule.]

3. Financial provisions

(1) The Council shall maintain a fund from which shall be defrayed all expenditure incurred by the Council.

- (2) There shall be paid and credited to the fund-
 - (a) such sums as may be provided by the Federal Government for the purpose of this Act by way of grants; and
 - (b) such other funds or moneys as may from time to time accrue to the Council.

(3) The Council shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts and when certified by the Council shall be audited within six months after the end of the financial year to which the accounts relate by auditors appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.

4. Control of Council by Minister

(1) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not any individual person or case) with regard to the exercise by the Council of its functions, and it shall be the duty of the Council to comply with the directions.

(2) Before giving a direction under the foregoing subsection, the Minister shall serve a copy of the proposed direction on the Council and shall afford the Council an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection, the Minister may give the direction either without modification or with such modifications as appear to him to be appropriate having regard to the representations.

5. Preparation and maintenance of a register

(1) The Council shall appoint- [1987 No. 40.]

- (a) a fit and proper person to be the Registrar who shall also be the Chief Administrative Officer of the Council for the purposes of this Act; and

(b) such other persons as the Council may from time to time think necessary,

and the remuneration, tenure of office and conditions of service of the Registrar and of any other officer or servant appointed under this subsection shall be determined by the Council.

(2) The registrar shall prepare and maintain, in accordance with the rules made by the Council under this section, a register of the names, addresses and approved qualifications, and of such other particulars as may be specified, of all persons who are entitled under the provisions of this Act to be registered therein.

(3) Subject to the following provisions of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular-

- (a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;
- (b) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;
- (c) authorising a registered person to have any qualification which is either an approved qualification or an accepted qualification for the purposes of section 8 (2) of this Act, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;
- (d) specifying the fees to be paid to the Council in respect of the entry of names on the register and authorising the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid;
- (e) prescribing the fees to be charged in respect of the retention in the register of the name of a person in any year subsequent to the year in which he was first registered;
- (f) specifying anything falling to be specified under the foregoing provisions of this section, but rules made for the purposes of paragraphs (d) and (e) of this subsection shall not come into force until they are confirmed by order of the Minister.

6. Correction of register and removal of certain names from the register, etc.

(1) The registrar shall-

- (a) correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;
- (b) make from time to time any necessary alterations in the registered particulars of registered persons;
- (c) remove from the register the name of every deceased person.

(2) If a registered Veterinary Surgeon has ceased to practise, the registrar may at his request or with his consent remove his name from the register.

(3) If the Registrar --

- (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct or whether he has ceased to practise and receives no reply to the letter within the period of six months from the date of posting of the letter; and
- (b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it, the Registrar may remove the name and the other particulars relating to the person in question from the register.

(4) Where a person's name has been removed from the register under subsection (2) or (3) of this section, the Council may, on the application of that person, direct the Registrar to restore the name or other particulars removed therefrom unless the original entry of his name or other particulars was incorrectly or fraudulently made.

7. Publication of register and lists of corrections

(1) It shall be the duty of the registrar-

- (a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this subsection comes into force; and
- (b) in each year after that in which a register is first published under paragraph (a) of this paragraph, to cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to the register since it was last printed; and
- (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Council.

(2) The Council shall cause the register to be printed and published in the Federal *Gazette* as often as it thinks fit.

(3) A document purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year, or any publication of the register made in the Federal *Gazette* in the current year shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together or, as the case may be, in that Federal *Gazette*, as being registered as a veterinary surgeon is so registered, and that any person not so specified is not registered.

Qualification for registration

8. Registration of veterinary surgeons

(1) Subject to rules made under subsection (3) of section 5 of this Act, a person shall be entitled to be registered as a veterinary surgeon if-

- (a) he has attended a course of training approved by the Council under section 9 of this Act; and
- (b) the course was conducted at an institution approved by the Council partly at one such institution and partly at another or others; and
- (c) he holds a qualification approved by the Council.

(2) Subject as aforesaid, a person shall be entitled to be registered as a veterinary surgeon if he satisfies the Council-

- (a) that he is of good character; and
- (b) that he holds a qualification granted outside Nigeria and for the time being accepted by the Council for the purposes of this subsection; and
- (c) that he is by law entitled to practise (for all purposes) as a veterinary surgeon in the country in which the qualification was granted; and
- (d) if the Council so requires, that he has had sufficient practical experience as a veterinary surgeon,

and the Council shall from time to time publish in the Federal *Gazette* particulars of the qualifications for the time being accepted as aforesaid.

(3) Where any application for registration is received by the Council from any person who is not entitled to registration under subsection (1) or (2) of this section, the Council may refer the application to the Board of Examiners for investigation under section 12 of this Act.

9. Approval of courses, qualification and institutions

(1) Subject to subsection (2) of this section, the Council may approve for the purposes of section 8 of this Act-

- (a) any course of training which is intended for persons who are seeking to become, or are already, veterinary surgeons and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for efficient practice of veterinary surgery;
- (b) any institution which the Council considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the Council under this section;
- (c) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill for efficient practice of veterinary surgery.

(2) The Council shall not, in pursuance of subsection (1) of this section, approve a qualification granted by an institution in Nigeria unless the qualification bears one of the following designations, that is to say-

- (a) bachelor of veterinary medicine;
- (b) bachelor of veterinary medicine and surgery;
- (c) bachelor of veterinary science;

- (d) master of veterinary science;
- (e) doctor of veterinary medicine.

(3) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such an approval the Council shall-

- (a) give notice that it proposes to do so to each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be; and
- (b) afford each such person an opportunity of making to the Council representations with regard to the proposal; and
- (c) take into consideration any representations made as respects the proposal in pursuance of the last foregoing paragraph.

(4) As respects any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument; and the Council shall-

- (a) as soon as may be publish a copy of every such instrument in the Federal *Gazette*; and
- (b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

10. Recognition of postgraduate degrees and diplomas

(1) The Council shall, for the purpose of specialist professional designation and consultant grade, recognise postgraduate degrees and diplomas in all subjects of the veterinary curriculum including-

- (a) Master of Science and Doctor of Philosophy;
- (b) Master of Veterinary Science;
- (c) Master of Preventive Veterinary Medicine;
- (d) Master of Veterinary Public Health;
- (e) Master of Public Health;
- (f) Diploma in Veterinary Anaesthesia;
- (g) Diploma in Veterinary Radiology;
- (h) Diploma in Bacteriology;
- (i) Diploma in Tropical Veterinary Medicine;
- (j) Diploma in Veterinary Surgery and Medicine;

- (k) Diploma in Epidemiology/Epizootiology;
- (l) Diploma in Public Veterinary Medicine; and
- (m) any other post-graduate qualification approved by the Council as a specialist qualification.

(2) For the purpose of this section, a veterinary consultant is a registered veterinary surgeon who has a specialist qualification and has been qualified as a veterinary surgeon for at least five years.

11. Supervision of instruction and examinations leading to approved qualifications

- (1) It shall be the duty of the Council to keep itself informed of-
 - (a) the instruction given at any approved institution to persons attending approved courses of training; and
 - (b) the examinations as a result of which approved qualifications are granted,
- and for the purpose of performing that duty, the Council may appoint either from among its own members or otherwise persons to visit approved institutions or to attend such examinations.
- (2) It shall be the duty of a visitor appointed under this section to report to the Council on-
 - (a) the courses of study, staffing, accommodation and equipment available for training in veterinary surgery and the other arrangements and facilities for such training in any institutions visited by him;
 - (b) the sufficiency of the instruction given to the persons attending approved courses at institutions visited by him;
 - (c) the standard of the examinations attended by him; and
 - (d) any other matter relating to the institution or examinations on which the Council may, either generally or in a particular case, request him to report, but no visitor shall interfere with the giving of any instruction or the holding of any examination.
- (3) On receiving a report made in pursuance of this section, the Council shall as soon as may be send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

12. Power of Board of Examiners to investigate certain applications, etc.

- (1) There shall continue to be established a Board of Examiners (hereafter in this section referred to as "the Board") which shall consist of two or more registered veterinary surgeons appointed by the Council.
- (2) The persons who immediately before the appointed day were members of the Board shall on that date be deemed to constitute the Board until new appointments are made in pursuance of subsection (1) of this section.

(3) The Board shall investigate any application referred to it by the Council under section 8 (3) of this Act and shall-

- (a) where it is satisfied that the qualifications of the applicant afford sufficient assurance of his suitability for registration, recommend him to the Council for registration; or
- (b) where it considers that further assurance is required as to the suitability of the applicant, examine the applicant in any manner it deems appropriate and thereafter make such recommendation to the Council as the Board deems fit.

(4) Where any recommendation for registration of an applicant is made to the Council pursuant to subsection (3) of this section, the Council may, if it thinks fit, authorise and require the registrar to insert the name of such applicant in the register, on payment to the Council by the applicant of such fee as may be prescribed or without the payment of any fee.

13. Establishment of Disciplinary Tribunal and Investigating Panel

(1) There shall be a tribunal, to be known as the Veterinary Surgeons Disciplinary Tribunal (in this Act referred to as "the Tribunal"), which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this section and any other case of which the tribunal has cognisance under the following provisions of this Act.

(2) Subject to the provisions of paragraph 7 (2) of the Second Schedule to this Act, the Tribunal shall consist of the President of the Council and four other members of the Council appointed by the Council of whom at least one shall be an elected member of the Council.

[Second Schedule.]

(3) There shall be a body, to be known as the Veterinary Surgeons Investigating Panel (in this Act referred to as "the Panel"), which shall be charged with the duty of-

- (a) conducting a preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as a veterinary surgeon, or should for any other reason be the subject of proceedings before the Tribunal; and
- (b) deciding whether the case should be referred to the Tribunal.

(4) The Panel shall be appointed by the Council and shall consist of four members of the Council, of whom at least one shall be an elected member of the Council.

(5) The provisions of the Second Schedule to this Act shall, so far as applicable to the Tribunal and the Panel respectively, have effect with respect to those bodies.

[Second Schedule.]

14. Penalties for unprofessional conduct, etc.

(1) Where-

- (a) a registered person is judged by the Tribunal to be guilty of infamous conduct in any professional respect; or

- (b) a registered person is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a veterinary surgeon; or
- (c) the Tribunal is satisfied that the name of any person has been fraudulently registered, the Tribunal, may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the register.

(2) The Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under the foregoing subsection until a subsequent meeting of the Tribunal; but-

- (a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate; and
- (b) no person shall be a member of the Tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Tribunal when the decision was deferred.

(3) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as mentioned in paragraph (b) of that subsection unless, the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the Tribunal gives a direction under subsection (1) of this section, the Tribunal shall cause notice of the direction to be served on the person to whom it relates.

(5) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the notice of the direction, appeal against the direction to the Federal High Court; and the Tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Tribunal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the tribunal under subsection (1) of this section shall take effect-

- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and shall not take effect except in accordance with the foregoing provisions of this sub-section.

(7) A person whose name is removed from the register in pursuance of a direction of the Tribunal under this section shall not be entitled to be registered in the register again, except in pursuance of a direction in that behalf given by the Tribunal on the application of that person; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the

expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

Miscellaneous and general

15. Offences

- (1) If any person who is not a registered veterinary surgeon-
- (a) practises or holds himself out to practise as a veterinary surgeon; or
 - (b) takes or uses the title of veterinary surgeon; or
 - (c) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a veterinary surgeon,

he shall be guilty of an offence.

(2) If any person, for the purpose of procuring the registration of any name, qualification or other matter under this Act-

- (a) makes a statement which he believes to be false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular,

he shall be guilty of an offence.

(3) If the Registrar or any other person employed by the Council wilfully makes any falsification in any matter relating to the register he shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable on conviction to a fine not exceeding ₦1,000 or to imprisonment for a term not exceeding two years, or to both.

(5) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

16. Miscellaneous supplementary provisions

(1) Where any office in the Public Service of the Federation or of a State therein, or in the Armed Forces of the Federation or in a university therein, requires a veterinary qualification, a person shall not be appointed to that office, or hold or remain in that office unless he is a registered veterinary surgeon.

(2) A registered veterinary surgeon shall be entitled to practise as a veterinary surgeon throughout the Federation.

(3) Where any document is required by any law for the time being in force in the Federation or any part thereof to be issued or signed by a veterinary surgeon, it shall, if issued or signed after this subsection comes into force, be invalid unless it is issued or signed by a veterinary surgeon registered under this Act.

(4) Without prejudice to the rule of law whereby a contract may be void if it is inconsistent with the provisions of an enactment, no person other than a registered veterinary surgeon shall be entitled to bring any proceedings in any court of law for the purpose of recovering any fee or other consideration whatsoever payable in respect of services rendered or facilities or things supplied by him when purporting to act as a veterinary surgeon.

(5) It shall be the duty of the person in charge of each veterinary school, university or similar institution in the Federation at which there is held a course of training intended for persons who are seeking to become veterinary surgeons, to furnish to the Registrar, not later than the thirty-first day of March in every year, a list of the names, and of such other particulars as the Council may by order specify, of all persons who attended any such course at the institution in question at any time during the preceding year.

17. Regulations, Rules and Orders

(1) Any power to make regulations, rules or orders conferred by this Act shall include power-

- (a) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and
- (b) to make different provision for different circumstances.

(2) The Minister shall submit a copy of all regulations to the President of the Federal Republic of Nigeria as soon as may be after the regulations are made, and the regulations shall not come into force until approved by the said President.

(3) Nothing in this Act shall be construed as indicating a contrary intention for the purposes of section 12 (1) of the Interpretation Act (which contains additional provisions with respect to powers to make subordinate legislation).

[Cap. 123.]

18. Amendment of Veterinary Council (Election) Rules 1953, etc.

(1) Without prejudice to section 17 of this Act, the Veterinary Council (Elections) Rules 1953 shall, until replaced by rules made under paragraph 8 of the First Schedule to this Act, remain in force as though made under the provisions of that paragraph and shall have effect subject to the amendment specified in subsection (2) of this section.

[L.N. I of 1953. First Schedule.]

(2) In rule 2 of the said Rules of 1953, for all words from the beginning to the words "Registrar shall", there shall be substituted the following-

"2. Subject to the provisions of the First Schedule to this Act, whenever a vacancy occurs among the elected members of the Council, and that vacancy is required under this Act to be filled by a fresh election, the registrar shall."

19. Transitional provisions and repeals

(1) Subject to section 14 of this Act and to subsection (2) of this section, a person shall be entitled to be registered as a veterinary surgeon if he has at any time been registered in the register maintained under section 8 of the repealed Veterinary Surgeons Act;

and the Registrar shall accordingly, without any application in that behalf make the necessary entries in the appropriate list in the register maintained under this Act.

[Cap, 210 1958 Edition.]

(2) A person whose name is not on the register maintained under the repealed Veterinary Surgeons Act by reason of its having been erased or removed in consequence of an inquiry into his conduct held under section 20 of that Act by the Council established under the Act, shall be deemed for the purposes of this Act to have had his name removed

"**the Council**" means the Veterinary Council of Nigeria established under this Act;

"**the Director**" has the meaning assigned thereto by section 2 (1) (b) and (c) of this Act;

"**elected member of the Council**" has the meaning assigned thereto by section 2 (1) of this Act;

from the register maintained under this Act, in pursuance of a direction of the Tribunal which took effect on the date when this subsection comes into force; and the provisions of section 14 (7) of this Act shall have effect accordingly as if the direction aforesaid prohibited applications under that subsection for the period of six months,

(3) Where-

- (a) there is in any State in Nigeria an institution which was established before 1 January, 1968 and which grants a qualification to persons who have completed a course of veterinary surgery or veterinary medicine conducted at the institution; and
- (b) the institution, course and qualification are recognised by the Council for the purposes of this subsection, any such qualification granted before that day to such a person as aforesaid, or after that day to a person who on that day was engaged in such a course at the institution with a view to obtaining such a qualification, shall be deemed to be a qualification approved by the Council under section 9 of this Act; and subject to the provisions of section 14 and of rules made under section 5 of this Act, a person shall be entitled to be registered by reference to a qualification which is an approved qualification by virtue of this subsection.

(4) For the purpose of enabling persons to qualify for membership of the Council at any time during the period of two years beginning with the date when section 2 of this Act comes into force, a person entitled by virtue of subsection (1) of this section to be registered shall be deemed to be so registered notwithstanding that the register has not been established or that his name is not registered in it.

(5) Any proceedings under Part V of the repealed Veterinary Surgeons Act (which relates to discipline) which, immediately before the date when the provisions of that Act relating to such proceedings are repealed, were pending before the Council established by that Act or in the Court of Appeal may be continued, and any right of appeal under that Act which was exercisable immediately before that date may be exercised, as if this Act had not been passed; and for the purposes of the foregoing provisions of this section and or enabling effect to be given to any order made or judgment given in connection with any such proceedings or appeal, but not for any other purposes, the register maintained under that Act shall be deemed not to be abolished.

(6) The Veterinary Surgeons Act is hereby repealed; and, subject to the provisions of subsection (5) of this section, the register maintained under that Act is hereby abolished.

20. Interpretation

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say-

"approved" means for the time being approved under section 9 of this Act;

"approved qualification" means a qualification which is approved under section 9 of this act;

"Board of Examiners" means the Board of Examiners established under section 12 of this Act;

"elected member of the Council" has the meaning assigned thereto by section 2 (1) of this Act;

"Federal Gazette" means the official Federal *Gazette* of the Federation;

"the Minister" means the Minister charged with responsibilities for matters relating to veterinary surgery;

"the Panel" has the meaning assigned thereto by section 13 of this Act;

"prescribed" means prescribed by regulations;

"register" means a register maintained under this Act, and **"registered"** shall be construed accordingly;

"the registrar" means the Registrar appointed in pursuance of section 5 of this Act;

"regulations" means regulations made by the Minister;

"State" means a State established by the Constitution of the Federal Republic of Nigeria, 1999;

[Cap. C23.]

"the Tribunal" has the meaning assigned thereto by section 13 of this Act;

"veterinary surgery" means the art and science of veterinary surgery and medicine and, without prejudice to the generality of the foregoing, shall be taken to include-

- (a) the diagnosis of diseases in, and injuries to, animals, including tests performed on animals for diagnostic purposes;
- (b) the giving of advice based upon such diagnosis;
- (c) the medical or surgical treatment of animals; and
- (d) the performance of surgical operations on animals.

(2) Anything required by this Act to be done by or to the Registrar may be done by or to any Assistant Registrar appointed by the Council.

(3) Any approval, consent, direction, notice, observation, report, representation or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service but subject to the provisions of rules made under the Second Schedule to this Act, be served by post.

[Second Schedule.]

21. Short title

This Act may be cited as the Veterinary Surgeons Act.

SCHEDULES

FIRST SCHEDULE

[Sections 2 and 18.]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Tenure of office of members and of President

1. (1) Subject to the provisions of section 2 (1) (e) of this Act and of this Schedule, a person shall not be a member of the Council unless he is a registered veterinary surgeon and a citizen of Nigeria.

(2) Subject to the provisions of this Schedule, the term of office of a member of the Council, other than a member of the Council appointed under section 2 (b), (c), (d) and (e) of this Act, shall be five years and the day on which a member of the Council ordinarily retires shall be the day immediately before the annual general meeting of the Council.

(3) The President and Vice-President of the Council shall each hold office for a term of three years and be eligible for one more term of two years, so however that a person who ceases to be a member of the Council shall cease to be a President or Vice-President.

2. A member of the Council other than an *ex-officio* member may at any time by notice in writing addressed to the Registrar, resign his office as a member.

3. An elected member of the Council shall cease to hold office if he ceases to be a registered veterinary surgeon.

4. If any university ceases to be an approved institution for the purposes of this Act, any member representing that university on the Council shall thereupon cease to hold office.

Elections, appointments and casual vacancies

5. Elections or appointments to fill any vacancy occurring under paragraph 1 of this Schedule shall be held or made before the annual general meeting of the Council at which the vacancy occurs.

6. (1) Where a casual vacancy occurs among the elected members of the Council, the vacancy shall be filled-

- (a) by the unsuccessful candidate at the previous ordinary election of such members who at that election received the greatest number of votes and has not since become a member; or
- (b) if two or more such candidates received an equal number of votes, by the candidate who has been registered longest on the register or, if two or more such

candidates have been registered longer than by any other but for the same period as each other, by one of them chosen by lot; or

- (c) if there were no unsuccessful candidates at that election by a person elected from among themselves by registered veterinary surgeons at a special election: Provided that no such election need be held if an ordinary election of elected member will take place within twelve months after the casual vacancy occurred.

(2) Where a casual vacancy occurs among members of the Council appointed by the Minister the vacancy shall be filled by the Minister.

(3) A person filling a casual vacancy among the elected members of the Council shall hold office until the date on which the person whose vacancy he fills would have regularly retired.

7. A person ceasing to be a member of the Council shall be eligible to be re-elected or re-appointed.

8. Elections of elected members of the Council shall be conducted in accordance with rules made by the Council and approved by the Minister.

9. When in the opinion of the Council the President is temporarily unable to perform the functions of his office, a person elected by the Council shall perform those functions.

Powers of the Council

10. (1) Subject to the following sub-paragraph and to any directions of the Minister under this Act, the Council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

(2) The Council shall not have power to borrow money or to dispose of any property except with the prior consent of the Minister, and shall not have power to pay remuneration (including pensions), allowances or expenses to any member, officer or servant of the Council or to any other person except in accordance with scales approved by the Minister.

Proceedings of the Council

11. (1) The Council shall hold an annual general meeting in January in each year, and may hold such other meetings as the President of the Council may determine.

(2) Subject to sub-paragraph (1) of this paragraph, the meetings of the Council shall be held on such days and at such place and time as the President of the Council may determine; but if the President is required so to do by notice in writing given by not less than six other members of the Council, he shall summon a meeting of the Council to be held within thirty days from the date on which the notice is given.

(3) Every member of the Council shall be entitled to vote on any question coming or arising before the Council, and all such questions shall be determined by a majority of the members present and voting thereon.

(4) The President of the Council shall be the chairman at all meetings of the Council and when he is absent, the Vice-President shall preside, but when both are absent, the members present at the meeting shall elect one of their number to preside at the meeting.

(5) At any meeting of the Council, the President or Vice-President or the member presiding at the meeting, as the case may be, and nine other members, of whom at least three shall be elected members, shall form a quorum.

(6) Where the Council desires to obtain the advice of any person upon any particular matter, the Council may co-opt that person to be a member for any meeting or meetings of the

Council, and that person while so co-opted shall have all the powers of a member, save that he shall not be entitled to vote on any question and his presence at any meeting shall not count towards the constitution of a quorum.

(7) Subject to the foregoing provisions of this Schedule and to section 27 of the Interpretation Act (which provides for decisions of a body to be taken by a majority of the members of the body and for the chairman to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or any of its committees.

[Cap. 123.]

Committees

12. (1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, and not more than one third of those persons may be persons who are not members of the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Supplementary

13. (1) The fixing or the seal of the Council shall be authenticated by the signature of the President or of some other member authorised generally or specially by the Council to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Council by any person generally or specially authorised to act for that purpose by the Council.

(3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

14. The powers of the Council and of any of its committees may be exercised notwithstanding any vacancy and no proceedings of the Council or any of its committees shall be invalidated by any defect in the election or appointment of a member or by reason that a person not entitled to do so took part in the proceedings.

15. A person shall not, by reason only of his membership of the Council, be treated as holding an office of emolument under the Federal Government or the government of a State.

SECOND SCHEDULE

[Sections 13 (2) and (5).]

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the Tribunal shall be four of whom at least two shall be elected members of the Council.

2. (1) The Chief Justice of Nigeria shall make rules as to the selection of members of the Tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.

(2) The rules shall in particular provide-

- (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
- (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
- (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal;
- (d) for enabling any party to the proceedings to be represented by a legal practitioner;
- (e) subject to the provisions of section 14 (5) of this Act, as to the costs of proceedings before the Tribunal;
- (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Tribunal adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
- (g) for publishing in the Federal *Gazette* notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may issue out of the registry of the High Courts writs of *subpoena ad testificandum* and *duces tecum*; but no person appearing before the Tribunal shall be compelled-

- (a) to make any statement before the Tribunal tending to incriminate himself; or
- (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4. (1) For the purpose of advising the Tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years' standing.

(2) The Chief of Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing-

- (a) that where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;
- (b) that every such party or person as aforesaid shall be informed if in any case the Tribunal does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

5. Any three members of the Panel, of whom one shall be an elected member of the Council, shall constitute the quorum.

6. (1) The Panel may, at any meeting of the Panel attended by not less than six members of the Panel including not less than two who are members of the elected members, make standing orders with respect to the Panel.

(2) Subject to the provision of any such standing orders, the Panel may regulate its own procedure.

Miscellaneous

7. (1) A person ceasing to be a member of the Tribunal or the Panel shall be eligible for reappointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the Tribunal and the Panel; but no person who acted as a member of the Panel with respect to any case shall act as a member of the Tribunal with respect to that case.

8. The Tribunal or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 7 (2) above) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. The Tribunal and the Panel may each sit in two or more divisions.

10. Any document authorised or required by virtue of this Act to be served on the Tribunal or the Panel shall be served on the Registrar.

11 Any expenses of the Tribunal or the Panel shall be defrayed by the Council.

12. A person shall not, by reason only of his appointment as a legal assessor to the Tribunal or as a member of the Panel, be treated as holding an office or emolument under the Federal Government or the Government of a State.

CHAPTER V3

VETERINARY SURGEONS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

- I. The Veterinary Council (Elections) Rules.
 2. Veterinary Surgeons (Disciplinary Tribunal and Assessors) Rules.
 3. Veterinary Surgeons (Registration, etc., Fees) Rules.
-

THE VETERINARY COUNCIL (ELECTIONS) RULES

[S.1. 1 of 1953.]

under section 34 of Cap. 210, 1958 Laws

1. Short title

These rules may be cited as the Veterinary Council (Elections) Rules.

2. Notification of vacancy

Subject to the provisions of the First Schedule to this Act, whenever a vacancy occurs among the elected members of the Council and that vacancy is required under this Act to be filled by a fresh election, the Registrar shall-

[First Schedule.]

- (a) inform all registered veterinary surgeons then in Nigeria of the vacancy;
- (b) invite nominations to fill the vacancy; and
- (c) require that such nominations shall be received by him on or before a date fixed by the President.

3. Signing of nominations

(1) Each nomination shall bear the signature of the proposer and seconder and be countersigned by the nominee.

(2) No person other than a registered veterinary surgeon shall propose or second a nomination.

4. Election of persons nominated

If, by midnight on the date fixed for the receipt of nominations, the number of nominations received does not exceed the number of vacancies to be filled, the persons nominated shall be deemed elected.

5. Voting papers

If the number of nominations received exceeds the number of vacancies, the Registrar shall-

- (a) issue to each registered veterinary surgeon a voting paper on which shall be recorded the number of vacancies to be filled and the names of the persons nominated to fill them; and
- (b) require that such voting paper be returned to him on or before a date fixed by the President.

6. Method of voting

Each registered veterinary surgeon shall-

- (a) record his vote by drawing a line through the name or names of the person or persons for whom he does not wish to vote but so that the number of names not so deleted shall not exceed the number of vacancies; and

- (b) sign the voting paper, enclose it in an envelope marked "Council Ballot" and return it by registered post to the Registrar.

7. Counting of votes

(1) The President shall appoint two persons (hereinafter called scrutineers), not being registered veterinary surgeons, to count the voting papers received by the Registrar.

(2) On the day following the closing date fixed for the receipt of voting papers, the scrutineers shall proceed to open the envelopes and to count the votes at the office of the registrar.

(3) The candidate receiving the highest number of votes shall be deemed elected. If there are two vacancies to be filled, the candidate receiving the next highest number of votes shall be deemed to be elected.

(4) The scrutineers shall then report the result of the ballot to the Registrar.

(5) The scrutineers shall reject any voting paper which has not been completed in accordance with these Rules.

8. Safe custody of voting papers

All voting papers, whether valid or rejected, shall be retained in safe custody by the scrutineers until the Council directs their destruction.

9. Publication of results

On completion of the election, the Registrar shall inform the successful candidates of their election and shall cause the result of the election to be published in the Federal *Gazette*.

10. Power to order fresh election

(1) Any person nominated as a candidate for election who is dissatisfied with the conduct of an election may lodge a complaint in writing with the Registrar within fourteen days of the publication in the Federal *Gazette* of the result of the election.

(2) The Council shall inquire into such complaint and may, in its discretion, annul the election and order a further election to be held forthwith.

VETERINARY SURGEONS (DISCIPLINARY TRIBUNAL AND ASSESSORS) RULES

[L.N. 5 of 1970.]

ARRANGEMENT OF RULES

RULE

1. Composition of Tribunal.
2. Reference of case to Tribunal.

RULE

3. Parties and appearances.
4. Notice of hearing and service.
5. Hearing in absence of parties.
6. Witness and evidence.
7. Amendment of charges.
8. Proceedings to be in public.
9. Adjournment of hearing.
10. False evidence.
11. Findings and costs.
12. Publication of Tribunal's findings.
13. Record of proceedings.
14. Dispensing with certain provisions.
15. Power to retain exhibits pending appeal.
16. Appointment and duties of assessors.
17. Interpretation.
18. Short title

SCHEDULE

VETERINARY SURGEONS (DISCIPLINARY TRIBUNAL AND ASSESSORS) RULES

[L.N. 5 of 1970.]

under paragraphs 2 and 4 (2) of the Second Schedule

[22nd December, 1969]

[Commencement.]

1. Composition of Tribunal

(1) Whenever any case of professional misconduct against a veterinary surgeon is referred to the Tribunal by the Panel, such a case shall be heard by a division of not more than five members comprising fully registered veterinary surgeons appointed by the Veterinary Council of Nigeria of whom at least two shall be elected members of the Council.

(2) The President of the Council, or in his absence anyone appointed in that behalf, shall be the chairman of the Tribunal.

2. Reference of case to Tribunal

(1) In any case where in pursuance of section 13 (3) of the Act the Panel is of the opinion that a *prima facie* case is made against a veterinary surgeon, the Panel shall prepare a report of the case and formulate any appropriate charge or charges and forward them to the Secretary together with all the documents considered by the Panel.

[Cap. V3.]

(2) The Secretary shall refer the report and charges to the President of the Council who shall convene a meeting of the Tribunal as set up in accordance with rule 1 above.

3. Parties and appearances

- (1) Parties to proceedings before the Tribunal shall be-
- (a) the complainant;
 - (b) the respondent;
 - (c) any other person required by the Tribunal to be joined or joined by leave of the Tribunal.

(2) Any party to the proceedings may appear in person or be represented by a legal practitioner, so however that the Tribunal may order a party to the proceedings to appear in person if of opinion that it is necessary in the interest of justice but without prejudice to his right to counsel.

4. Notice of hearing and service

(1) On the direction of the chairman, the Secretary shall fix a day for the hearing of the case and forthwith thereafter shall, in the form in the Schedule to these Rules, serve notice thereof on each party to the proceedings.

[Schedule. Form.]

(2) The Secretary shall serve on each party, other than the complainant, copies of the report and all the charges prepared by the Panel and all documents considered by the Panel.

(3) It shall be sufficient compliance with this rule if, any process required to be served is handed to the party concerned or effected personally or is sent by registered post to the last known place of residence or abode of the party.

5. Hearing in absence of parties

(1) Subject to the next succeeding paragraph, the Tribunal may hear and determine a case in the absence or any party.

(2) Any party to the proceedings before a Tribunal who fails to appear or be represented may apply, within thirty days after the date when the pronouncement of the findings and directions of the tribunal were given, for a re-hearing on the ground of want of notice or other good and sufficient reason; and the tribunal may, in appropriate cases, grant the application upon such terms as to costs or otherwise as it thinks fit.

6. Witness and evidence

The Tribunal may in the course of its proceedings hear such witnesses and receive such documentary evidence as in its opinion may assist in arriving at a conclusion as to the truth or otherwise of the charges referred to it by the Panel; and in the application of this rule, the provisions of the Evidence Act or Law in force in the State where the Tribunal holds its sitting shall apply to any such proceedings.

[Cap. EI4.]

7. Amendment of charges

If in the course of the proceedings it appears to the Tribunal that the charges referred to it by the Panel require to be amended in any respect, the Tribunal may permit such amendment as it thinks fit.

8. Proceedings to be in public

The proceedings of the Tribunal shall be held, and its findings and directions shall be pronounced, in public.

9. Adjournment of hearing

The Tribunal may, of its own motion, or upon application of any party, adjourn the hearing on such terms as to costs or otherwise as the Tribunal may think fit.

10. False evidence

If any person wilfully gives false evidence on oath before the Tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the Tribunal may refer the matter to the Attorney-General of the Federation for any action he may deem fit.

11. Findings and costs

If after the hearing, the Tribunal adjudges that the charge of professional misconduct has not been proved, the Tribunal-

- (a) shall record a finding that the respondent is not guilty of such conduct in respect of the matters to which the charge relates;
- (b) may, without any misconduct proved against the respondent, nevertheless order any party (except the complainant) to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the Tribunal thinks fit so to order.

12. Publication of Tribunal's findings

Subject to section 14 (4) of the Act (which relates to appeals), any direction given by the Tribunal shall be published in the Federal *Gazette* as soon as may be after the direction takes effect.

13. Record of proceedings

(1) Shorthand notes of proceedings may be taken by a person appointed by the tribunal and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof.

(2) The Secretary shall supply to any person entitled to be heard upon an appeal against the direction of the Tribunal, and to the Veterinary Council of Nigeria, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the Secretary.

(3) If no shorthand notes are taken, the chairman shall take a note of the proceedings and, accordingly, the provisions of these Rules as to inspection and taking of copies shall apply to such notes.

14. Dispensing with certain provisions

The Tribunal may dispense with any requirement of these Rules respecting notices, affidavits, documents, service or time in any case where it appears to the Tribunal to be just to do so; and the Tribunal may in any appropriate case extend the time to do anything under these Rules.

15. Power to retain exhibits pending appeal

The Tribunal may order that any documents or other exhibits produced or used at the hearing shall be retained by the Secretary until the time within which an appeal may be entered has expired, and if notice of appeal is given, until the appeal is heard or otherwise disposed of.

16. Appointment and duties of assessors

(1) An assessor, when nominated in accordance with paragraph 4 (1) of the Second Schedule to the Act, shall be appointed by the Council by instrument, and the assessor shall hold and vacate office as provided in the instrument; and where the appointment is not a general one, it shall have effect only in respect of a particular meeting of the Tribunal.

[Second Schedule of Cap. V3.]

(2) Subject to the terms of his appointment, an assessor shall attend any meeting of the Tribunal as and when requested to do so by notice in writing given to him by the Secretary not later than three clear days before the date appointed for the meeting; and he shall there advise the Tribunal on questions of law arising in proceedings before it.

(3) Except where the Tribunal is deliberating in private, the advice of the assessor on questions of law as to evidence, procedure and as to compliance with the Act shall be tendered in the presence of every party or of his counsel.

(4) If the advice by the assessor to the Tribunal is given otherwise than in the presence of all parties, or as the case may be of their counsel, the assessor shall, as soon as may be thereafter, inform all the parties as to the nature of the advice given and the reaction thereto of the Tribunal.

(5) Fees to be paid to the assessor shall be such as may be determined by the Council from time to time with the consent of the assessor.

17. Interpretation

In these Rules unless the context otherwise requires-

"chairman" means the chairman of the Veterinary Surgeons Disciplinary Tribunal;

"complainant" means the Veterinary Surgeons Investigating Panel or any member thereof;

"**respondent**" means the person required to answer any charge of professional misconduct;

"**Secretary**" means a person appointed to act as the Registrar under section 1 (5) of the Act.

[Cap. V3.]

18. Short title

These Rules may be cited as the Veterinary Surgeons (Disciplinary Tribunal and Assessors) Rules.

SCHEDULE [Rule 4 (1).]

Notice of hearing by the Veterinary Surgeons Disciplinary Tribunal

In the Matter of the Veterinary Surgeons Act; and

In the Matter of A.B., a Veterinary Surgeon

TAKE NOTICE that the report and charges prepared by the Veterinary Surgeons Investigating Panel in the above matter are fixed for hearing by the Veterinary Surgeons Disciplinary Tribunal

at

on the day of 20

CPIES of -

(a) the report;

(b) the charges; and

(c)
are annexed hereto.

DATED atthis day 20

.....
Secretary of the Tribunal

VETERINARY SURGEONS (REGISTRATION, ETC., FEES) RULES

[S.1. 21 of 1987.]

under section 5 (4)

[5th November, 1987]

[Commencement.]

1. Registration fee

A fee of ₦50 shall be paid to the Veterinary Council of Nigeria in respect of the entry of names on the register maintained under the Act.

2. Retention fee

A fee of ₦10 shall be charged by the Council in respect of the retention in the register of the name of a person in any year subsequent to the year in which he was first registered.

3. Interpretation

In these Rules, unless the context otherwise requires-

"Act" means the Veterinary Surgeons Act;

[Cap. V3.]

"Council" means the Veterinary Council of Nigeria established pursuant to the Act;

"register" means the register maintained under the Act.

4. Short title

These Rules may be cited as the Veterinary Surgeons (Registration, etc., Fees) Rules