



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 454.

15 March 1989

No. 454.

15 Maart 1989

It is hereby notified that the acting State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die waarnemende Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 19 of 1989: Veterinary and Para-Veterinary Professions Amendment Act, 1989.

No. 19 van 1989: Wysigingswet op Veterinêre en Para-Veterinêre Beroepe, 1989.

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## GENERAL EXPLANATORY NOTE:

- [**                    **]** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

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## ACT

To amend the Veterinary and Para-Veterinary Professions Act, 1982, so as to define or further define certain expressions; to further regulate the manner of constitution of the South African Veterinary Council; to supplement the provisions regarding the qualifications for membership, and vacation of office by members, of the said Council; to further regulate the rendering of certain services by students and to further elucidate a certain concept; to make provision for the registration of close corporations; to make provision for the passing of an examination in cases where a person has not practised his profession for more than three years; to provide that veterinarians may also practise as veterinary specialists and *vice versa*; to provide for the termination of registration of close corporations; to regulate certain aspects at any inquiry by the Council in the case of close corporations; to further regulate the procedure at inquiries; to provide for the publication of disciplinary actions taken by the Council; and to delete certain provisions relating to charges for the rendering of services; and to provide for matters connected therewith.

*(English text signed by the acting State President.)*  
*(Assented to 7 March 1989.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

### Amendment of section 1 of Act 19 of 1982

1. Section 1 of the Veterinary and Para-Veterinary Professions Act, 1982 (hereinafter referred to as the principal Act), is hereby amended— 5
- (a) by the insertion after the definition of "animal" of the following definition: 5  
     "'corporation' means a close corporation incorporated as such in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984);";
- (b) by the substitution for the definition of "Minister" of the following definition: 10  
     "'Minister' means the Minister of Agriculture **[and Fisheries]**"; and
- (c) by the substitution for the definition of "officer" of the following definition: 10  
     "'officer' means an officer as defined in section 1 of the Public Service Act, **[1957 (Act No. 54 of 1957)]** 1984 (Act No. 111 of 1984);".

### Amendment of section 5 of Act 19 of 1982

2. Section 5 of the principal Act is hereby amended— 15
- (a) by the substitution for subparagraph (i) of paragraph (a) of subsection (1) of the following subparagraph:

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- “(i) one shall be an officer of the Department of **[Agriculture and Fisheries]** Agricultural Economics and Marketing who is a veterinarian or a veterinary specialist; and”;
- (b) by the substitution for paragraphs (c) and (d) of subsection (1) of the following paragraphs, respectively: 5
- “(c) one representative of the South African Veterinary Association, which representative shall be a member of that Association and shall be designated by the said Association; **[and]**
- (d) six persons elected in the prescribed manner by persons registered or deemed to be registered in terms of this Act to practise veterinary professions; and” 10
- (c) by the addition to subsection (1) of the following paragraph:
- “(e) one representative of each para-veterinary profession, which representative shall be elected in the prescribed manner by persons registered or deemed to be registered in terms of this Act to practise the para-veterinary profession concerned.” 15
- (d) by the deletion of the proviso to subsection (1).

**Amendment of section 6 of Act 19 of 1982**

3. Section 6 of the principal Act is hereby amended by the insertion of the following subsection after subsection (1): 20
- “(1A) (a) No person shall be elected as a member of the council by virtue of section 5 (1) (e) unless he is registered or deemed to be registered in terms of this Act to practise the para-veterinary profession concerned.
- (b) The qualifications specified in paragraphs (b), (c), (d), (e), (f) and (g) of subsection (1) shall *mutatis mutandis* apply to the election of a member of the council by virtue of section 5 (1) (e).” 25

**Amendment of section 8 of Act 19 of 1982**

4. Section 8 of the principal Act is hereby amended by the substitution for paragraph (f) of subsection (1) of the following paragraph:
- “(f) he, in the case of a member elected by virtue of section 5 (1) (d) or (e), 30 tenders his resignation in writing to the president of the council; or”.

**Amendment of section 17 of Act 19 of 1982**

5. Section 17 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- “(a) shall be laid upon the **[Table]** Tables by the Minister in **[the House of Assembly]** Parliament within fourteen days after receipt thereof if **[the House of Assembly]** Parliament is then in ordinary session or, if **[the House of Assembly]** Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session;” 35

**Amendment of section 23 of Act 19 of 1982**

6. Section 23 of the principal Act is hereby amended— 40
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) (a) No person shall in any manner whatsoever practise a veterinary profession or a para-veterinary profession unless **[—**
- (a) **] he is registered or deemed to be registered in terms of this Act to practise the profession concerned.** 45
- (b) **[he is]** 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 para-veterinary profession, if it is so rendered under the supervision and by 50 direction of a person who is registered or deemed to be registered in terms of this Act to practise the profession concerned **]; or**].

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- (c) **[in the case of]** The council may, after consideration of an application by a person not registered or deemed to be registered in terms of this Act **[the council has, after consideration of an application by him, authorized]**, authorize him in writing to render for gain a particular service deemed in terms of the rules to pertain specially to a veterinary profession or a para-veterinary profession.”; and 5
- (b) by the substitution, in paragraph (a) of subsection (2), for the words preceding subparagraph (i) of the following words:  
“for gain, directly or indirectly, whether for own account or within the scope of employment with any employer, including the State—”. 10

**Amendment of section 24 of Act 19 of 1982**

7. Section 24 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:  
“(1) Subject to the provisions of subsection (1A), a person may be registered in terms of this Act to practise a veterinary profession or a para-veterinary profession if **[he]**— 15
- (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 20; or
- (b) in the case of a juristic person, that juristic person is a corporation.”; 20
- (b) by the insertion of the following subsection after subsection (1):  
“(1A) (a) If a period of more than three years has elapsed— 25
- (i) 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 (1), up to the date on which such person applies for the reinstatement of his registration in terms of section 28 (5), 30
- the council may determine that such person shall be registered as contemplated in subsection (1) only if he has passed an examination determined by the council.
- (b) An examination referred to in paragraph (a) shall be conducted only after payment of such amount as may be determined by the council.”; 35
- and
- (c) by the addition of the following subsection:  
“(4) Notwithstanding the provisions of subsection (1) a corporation shall be registered in terms of this Act only if— 40
- (a) the principal business of that corporation is the practising of a veterinary profession or a para-veterinary profession, as the case may be;
- (b) that corporation has nominated one of its members as the manager thereof for the purposes of this Act;
- (c) the manager which has been so nominated— 45
- (i) resides in the Republic; and
- (ii) is a person who is registered in terms of this Act to practise a veterinary profession or the para-veterinary profession concerned, as the case may be;
- (d) the members’ interests in that corporation are held, subject to the provisions of section 28 (1A) (a), solely by natural persons who are registered in terms of this Act to practise a veterinary profession or the para-veterinary profession concerned, as the case may be.”. 50

**Amendment of section 25 of Act 19 of 1982**

8. Section 25 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection: 55

- “(5) Except if the council directs otherwise in a particular case, a person shall not be registered in terms of this Act to practise more than one **[veterinary**



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profession or] para-veterinary profession simultaneously or, in the case of a veterinary specialist, with more than one speciality.”.

**Amendment of section 28 of Act 19 of 1982**

9. Section 28 of the principal Act is hereby amended—

- (a) by the insertion in subsection (1) of the following paragraph after paragraph (d): 5  
“(dA) in the case of a corporation—  
     (i) that corporation ceases to exist; or  
     (ii) the provisions of section 24 (4) are no longer complied with;”;
- (b) by the insertion after subsection (1) of the following subsection: 10  
“(1A)(a) For the purposes of this Act the member’s interest of a person  
in a corporation may, at his death or at the termination, withdrawal or  
suspension of his registration in terms of this Act, be held by his estate  
or by himself, as the case may be, for a period of 12 months from his  
death or the termination, withdrawal or suspension of his registration, 15  
or for such longer period as the council may on application determine.  
 (b) No voting rights shall attach to a member’s interest held by an estate  
 or a person in terms of paragraph (a) except in respect of a resolution  
 enabling the corporation to comply with the provisions of section 24  
 (4), or to dispose of its undertaking or assets or any part thereof.”. 20

**Amendment of section 31 of Act 19 of 1982**

10. Section 31 of the principal Act is hereby amended by the addition of the following subsection:

- “(6) (a) Any inquiry referred to in subsection (1) may be instituted simultaneously 25  
against a corporation and a member or employee of that corporation.  
 (b) A manager referred to in section 24 (4) (b) shall, subject to the provisions  
 of section 32 (7), represent the corporation at such inquiry and is personally  
 responsible, irrespective of any responsibility of the corporation, for any  
 act or omission by or on behalf of a corporation which may result in  
 disciplinary action by the council, unless the council is satisfied that the 30  
 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.”.

**Amendment of section 32 of Act 19 of 1982**

11. Section 32 of the principal Act is hereby amended— 35

- (a) by the substitution for subsection (2) of the following subsection:  
“(2) The council may in its discretion appoint one or more persons to  
advise the council at such inquiry on matters pertaining to law, procedure  
or evidence, or to lead the evidence at the inquiry, cross-examine the  
witnesses and act as pro forma complainant, and the council may remunerate 40  
any such person as it may deem fit.”;  
 (b) by the insertion after subsection (2) of the following subsection:  
“(2A) The person presiding at the inquiry shall keep or cause to be kept  
a record, whether in writing or by way of mechanical recording, of the  
proceedings at the inquiry and of the evidence given thereat.”; 45  
 (c) by the substitution for subsection (7) of the following subsection:  
“(7) Any person against whom an inquiry is instituted in terms of this  
section, shall be entitled either in person or through his legal representa-  
tive—  
     (a) to be present at the inquiry; 50  
     (b) to answer the charge;  
     (c) to cross-examine any person who has given evidence at the inquiry;  
     (d) to inspect any book, document or record referred to in subsection (3);

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- (e) to call persons to give evidence in support of his defence; and  
 (f) to be heard in his defence.”; and  
 (d) by the insertion after subsection (7) of the following subsection:  
 “(7A) At any inquiry in terms of this section it shall be no defence that the person whose conduct or act, omission or contravention is the subject of the inquiry, acted within the scope of his employment with any employer, or in a representative capacity on behalf of a juristic person.”.

**Amendment of section 33 of Act 19 of 1982**

12. Section 33 of the principal Act is hereby amended by the insertion in subsection (3) after paragraph (b) of the following paragraph: 10

“(bA) publish the name and address of the person concerned, and particulars of his conviction and the penalty imposed upon him, by notice in the Gazette;”.

**Amendment of section 35 of Act 19 of 1982**

13. Section 35 of the principal Act is hereby amended by the deletion of 15 subsections (2), (3) and (4).

**Short title and commencement**

14. (1) This Act shall be called the Veterinary and Para-Veterinary Professions Amendment Act, 1989, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 20

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.