

A BILL

FOR

AN ACT TO REPEAL THE VETERINARY SURGEONS ACT CAP. 464 LAWS OF THE FEDERATION OF NIGERIA 2004 AND RE-ENACT THE VETERINARY SURGEONS ACT 2016

Sponsored by Hon. Linus Okorie

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

PART I - VETERINARY COUNCIL OF NIGERIA

Commencement

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

Establishment
and Functions
of the Council

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

7 (a) Determining what standard of knowledge and skill are to be
8 attained by persons seeking to be registered under this Act as Veterinary
9 Surgeons and of raising those standards from time to time as circumstances
10 may permit;

11 (b) securing in accordance with the provisions of this Act the
12 establishment and maintenance of a Register of persons registered under
13 this Act as Veterinary Surgeons and the publication from time to time of lists
14 of those persons;

15 (c) Registration and regulation of professional Veterinary
16 Practicing Premises;

17 (d), Reviewing and preparing from time to time, a statement as to
18 the code of conduct which the Council considers desirable for the practice of
19 the profession in Nigeria;

1 (e) Making regulations for the operation of a clinical laboratory
2 practice in the field of pathology which includes histopathology, forensic
3 pathology, necropsy and cytology;

4 (f) Establishing and supervising the College of Veterinary Surgeons
5 Nigeria for specialist training;

6 (g) Registration and Setting of standards of practice for Veterinary
7 Surgeons and Veterinary Para-professionals;

8 (h) Performing the other functions conferred on the Council by this
9 Bill.

Membership of
the Council

10 2.-(1) Subject to the provisions of this Act, the Council shall consist of
11 the following members, that is to say:

12 (a) A President and Vice-President who shall be elected by the
13 members of the Council from among their number;

14 (b) The Executive Director of the National Veterinary Research
15 Institute who shall be a registered Veterinary Surgeon;

16 (c) The Director of the Veterinary Services Department of the Federal
17 Ministry of Agriculture or the most senior Veterinary Surgeon in the
18 Department, where the Director is not a registered Veterinary Surgeon;

19 (d) The Provost or Dean of each College or Faculty of Veterinary
20 Medicine in Nigeria approved by the Council, or the most senior Veterinary
21 Surgeon; where the Director is not a registered Veterinary Surgeon;

22 (e) The Director of Veterinary Services of each State and the Head of
23 the Animal Health Section of the Federal Capital Territory who shall be a
24 registered Veterinary Surgeon;

25 (f) eight persons (hereafter in this Act referred to as "elected members
26 of Council") who shall be elected by registered Veterinary Surgeons from
27 among their number in the manner prescribed in Schedule 1 to this Bill;

28 (g) The Provost or the Head of the College of Veterinary Surgeons of
29 Nigeria;

1 (h) The National President of the Nigerian Veterinary Medical
2 Association.

3 (2) Schedule 1 to this Bill shall have effect with respect to the
4 tenure of office, election and appointment of members of the Council and
5 with respect to the powers and procedure of the Council and the other
6 matters therein mentioned.

7 3.-(1) The Council shall maintain a fund from which shall be
8 defrayed all expenditure incurred by the Council.

Financial
Provisions

9 (2) There shall be paid and credited to the fund:

10 (a) such sums as may be provided by the Federal Government for
11 the purpose of this Act by way of grants;

12 (b) such other funds or moneys as may, from time to time, accrue to
13 the Council.

14 (3) The Council shall keep proper accounts in respect of each
15 financial year, and proper records in relation to those accounts and when
16 certified by the Council shall be audited within 6 months after the end of the
17 financial year to which the accounts relate by auditors appointed by the
18 Council from the list and in accordance with the guidelines supplied by the
19 Auditor-General of the Federation.

20 4.-(1) The Minister may give to the Council directions of general
21 character or relating generally to particular matters (but not to an individual
22 person or case) with regards to the exercise by the Council of its functions,
23 and it shall be the duty of the Council to comply with the direction.

Control of
Council by
Minister

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

1 PART II - THE REGISTRAR

Preparation and
maintenance of
a Register

2 5.-(1) The Council shall appoint:

3 (a) a fit and proper person registered with the Veterinary Council of
4 Nigeria to be the Registrar who shall also be the Chief Administrative Officer
5 of the Council for the purpose of this Bill; and6 (b) such other person as the Council may from time to time think
7 necessary, and the remuneration, tenure of office and conditions of service of
8 the Registrar and of any other officer or servant appointed under this subsection
9 shall be determined by the Council.10 (2) The Registrar shall prepare and maintain, in accordance with the
11 rules made by the Council under this section, a Register of the names, addresses
12 and approved qualifications, and of such other particulars as may be specified
13 of all persons who are entitled under the provisions of this Act to be registered
14 therein.15 (3) Subject to the following provisions of this section, the Council
16 shall make rules with respect to the form and keeping of the register and the
17 making of entries therein, and in particular:18 (a) regulating the making of applications for registration and
19 providing for the evidence to be produced in support of applications;20 (b) providing for the notification to the Registrar, by the person to
21 whom any registered particulars relate, of any change in those particulars;22 (c) authorising a registered person to have any qualification which is
23 either an approved qualification or an accepted qualification for the purposes
24 of section 8 (2) of this Act, registered in relation to his name in addition to or, as
25 he may elect, in substitution for any other qualifications so registered;26 (d) specifying the fees to be paid to the Council in respect of the entry
27 of names on the Register and authorising the Registrar to refuse to enter a
28 name, on the register until any fees specified for the entry has been paid;29 (e) prescribing the fees to be charged in respect of the retention in the
30 Register of the name of a person in any year subsequent to the year in which he

1 was first registered.

2 (f) specifying anything failing to be specified under the foregoing
3 provisions of this section; but the rules made for the purpose of paragraphs

4 (d) and (e) of this subsection shall not come into force until they are
5 confirmed by order of the Minister.

6 6.-(1) The Registrar shall:

7 (a) correct, in accordance with the Council's directions, any entry
8 in the Register which the Council directs him to correct as being in the
9 Council's opinion an entry which was incorrectly made;

10 (b) make from time to time any necessary alterations in the
11 registered particulars of registered persons;

12 (c) delete from the Register the name of every deceased person.

13 (2) The Registrar may remove the name of a registered person from
14 the register if:

15 (a) he has ceased to practice the profession, provided that this is
16 done at his request or with his consent;

17 (b) he fails to pay his annual practicing fees;

18 (c) he fails to attend a peer approved professional Continuing
19 Education programme initiated or approved by the Council for three
20 consecutive years;

21 (d) he commits any act of misconduct or refuses to carry out or
22 disobeys council instruction.

23 (3) If the Registrar:

24 (a) sends by post to any registered person a registered letter
25 addressed to him at his address on the register enquiring whether the
26 registered particulars relating to him are correct or whether he has ceased to
27 practise and receives no reply to the letter within the period of six months
28 from the date of posting of the letter; and

29 (b) upon the expiration of that period sends in like manner to the
30 person in question a second similar letter and receives no reply to that letter

Correction of
Register and
removal of certain
names from the
Register

1 within three months from the date of posting it, the Registrar may remove the
2 name and the other particulars relating to the person in question from the
3 Register.

4 (4) Where a person's name has been removed from the Register under
5 subsection (2) or (3) above, the Council may on the application of that person,
6 direct the Registrar to restore the name or other particulars removed there from
7 unless the original entry of his name or other particulars was incorrectly or
8 fraudulently made.

Publication of
Register and lists
of corrections

9 7.-(1) It shall be the duty of the Registrar:

10 (a) to cause the Register to be printed, published and put on sale to
11 members of the public not later than two years from the beginning of the year in
12 which this subsection comes into force;

13 (b) in each year after that in which a Register is first published under
14 paragraph (a) above, to cause to be printed, published and put on sale as
15 aforesaid either a corrected edition of the Register or a list of alterations made
16 to the Register since it was last printed; and

17 (c) to cause a print of each edition of the Register and of each list of
18 corrections to be deposited at the principal office of the Council.

19 (2) The Council shall cause the Register to be printed and published in
20 the Gazette as often as it thinks fit.

21 (3) A document purporting to be a print of an edition of a Register
22 published under this section by authority of the Registrar in the current year, or
23 documents purporting to be prints of an edition of a Register so published in a
24 previous year and of a list of corrections to that edition so published in the
25 current year, or any publication of the Register made in the Gazette in the
26 current year shall (without prejudice to any other mode of proof) be admissible
27 in any proceedings as evidence that any person specified in the documents, or
28 the documents read together or, as the case may be, in that Gazette, as being
29 registered as Veterinary Surgeon is so registered, and that any person not so
30 specified is not registered.

PART III - QUALIFICATION FOR REGISTRATION, ETC.

1
2 8.-(1) Subject to rules made under section 5 (4) of this Act, a person
3 shall be entitled to be registered as a Veterinary Surgeon if: Registration of
Veterinary
Surgeons

4 (a) he has attended a course of training approved by the Council
5 under section 9 of this Act; and

6 (b) the course was conducted at an institution approved by the
7 Counciler partly at one such institution and partly at another or others; and

8 (2)(d) if the Council so requires, that he has had sufficient relevant practical
9 experience.

10 (c) he holds a qualification approved by the Council.

11 (d) He has applied for registration with the Council within 12
12 months from the date of his graduation from an approved institution.

13 (2) Subject as aforesaid, a person shall be entitled to be registered
14 as a Veterinary Surgeon, Professional if he satisfies the Council:

15 (a) that he is of good character;

16 (b) that he holds a qualification granted outside Nigeria and for the
17 time being accepted by the Council for the purposes of this subsection;

18 (c) that he is by law entitled to practice (for all purposes) as a
19 Veterinary Surgeon in the country in which the qualification was granted;

20 (d) if the Council so requires, that he has had sufficient relevant
21 practical experience; and

22 (e) and the Council shall from time to time publish in the Gazette
23 particulars of the qualifications for the time being accepted as aforesaid.

24 (3) Where any application for registration is received by the
25 Council from any person who is not entitled to registration under subsection
26 (1) or (2) above, the Council may refer the application to the Board of
27 Examiners for investigation under section 11 of this Act.

28 (4) A person who refuses or fails to register with the Council within
29 12 months as provided in sub-section (1) (d) of this section shall not be
30 qualified for registration by the Council unless he has been examined again

1 as provided under section 12 of this Bill.

2 (5) No person shall in any manner whatsoever practise as a Veterinary
3 Surgeon unless he is registered or deemed to be registered under this Bill to
4 practise the profession concerned, and any person who practises in breach of
5 this provision commits an offence.

6 (6) Any person who is convicted of an offence under this section shall
7 be liable to imprisonment for a term not exceeding two years or to a fine of One
8 Hundred Thousand Naira or both.

Approval of
courses,
qualification and
institutions

9 9.-(1) Subject to subsection (2) of this section, the Council may
10 approve for the purposes of section of this Act:

11 (a) any course of training which is intended for persons who are
12 seeking to, become, or are already, Veterinary Surgeons and which the Council
13 considers is designed to confer on persons completing it sufficient knowledge
14 and skill for efficient practice of veterinary surgery;

15 (b) any institution which the Council considers is properly organised
16 and equipped for conducting the whole or any Part of course of training
17 approved by the Council under this section;

18 (c) any qualification which, as a result of an examination taken in
19 conjunction with a course of training approved by the Council under this
20 section, is granted to candidates reaching a standard at the examination
21 indicating, in the opinion of the Council, that they have sufficient knowledge
22 and skill for efficient practice of veterinary surgery.

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

26 (a) Bachelor of Veterinary Medicine;

27 (b) Bachelor of Veterinary Medicine and Surgery;

28 (c) Bachelor of Veterinary Science;

29 (d) Master of Veterinary Science;

30 (e) Doctor of Veterinary Medicine;

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

4 (a) give notice that it proposes to do so to each person in Nigeria
5 appearing to the Council to be a person by whom the course is conducted or
6 the qualification is granted or the institution is controlled, as the case may
7 be;

8 (b) afford each such person an opportunity of making to the
9 Council representation with regard to the proposal; and

10 (c) take into consideration any representations made as respects the
11 proposal in pursuance of the last foregoing paragraph.

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

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

23 (a) as soon as may be published a copy of every such instrument in
24 the Gazette; and

25 (b) not later than seven days before its publication as aforesaid,
26 send a copy of the instrument to the Commissioner.

27 10.-(1) The Council shall for the purposes of specialist
28 professional designation and consultant grade recognize:

29 (a) fellowship Diplomas of the College of Veterinary Surgeons
30 Nigeria.

Recognition of
Postgraduate
Degree and
Diplomas

1 (2) Provided that the Council shall have the power to determine and
2 review from time to time the requisite qualifications for the professional and
3 Consultant grade as it shall deem fit.

4 (3) For the purpose of this Act, a Veterinary Consultant is a registered
5 Veterinary Surgeon who has a specialist qualification and has been so qualified
6 for at least seven years.

Supervision of
instruction and
examinations
leading to
approved
qualifications

7 11.--(1) It shall be the duty of the Council to keep itself informed of:

8 (a) the instruction given at any approved institution to persons
9 attending approved course of training; and

10 (b) the examinations as a result of which approved qualifications are
11 granted, and for the purpose of performing that duty, the Council may appoint
12 either from among its own members or otherwise persons to visit approved
13 institutions or to attend such examinations.

14 (2) It shall be the duty of a visitor appointed under this section to
15 report to the Council on:

16 (a) the courses of study, staffing, accommodation and equipment
17 available for training in veterinary surgery and the other arrangements and
18 facilities for such training in any institution visited by him;

19 (b) the sufficiency of the instruction given to the persons attending
20 approved courses at institutions visited by him;

21 (c) the standard of the examination attended by him; and

22 (d) any other matter relating to the institutions or examinations on
23 which the Council may, either generally or in a particular case, request him to
24 report, but no visitor shall interfere with the giving of any instruction or the
25 holding of any examination.

26 (3) On receiving a report made in pursuance of this section, the
27 Council shall as soon as may be possible send a copy of the report to the person
28 appearing to the Council to be in charge of the institution or responsible for the
29 examinations to which the report relates requesting that person to make
30 observations on the report to the Council within such period as may be

1 specified in the requests, not being less than one month beginning with the
2 date of the request.

3 12.-(1) There shall continue to be established a Board of
4 Examiners (hereafter in this section referred to as "the Board") which shall
5 consist of two or more registered Veterinary Surgeons appointed by the
6 Council.

Power of Board
of Examiners to
investigate certain
application etc.

7 (2) The persons who immediately before the appointed day were
8 members of the Board shall on that date be deemed to constitute the Board
9 until new appointments are made in pursuance of subsection (1) above.

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

12 (a) where it is satisfied that the qualifications of the applicant
13 afford sufficient assurance of his suitability for registration, recommend
14 him to the Council for registration; or

15 (b) where it considers that further assurance is required as to the
16 suitability of the applicant, examine the application in any manner it deems
17 appropriate and thereafter make such recommendation to the Council as the
18 Board deems fit.

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

24 PART IV - PROFESSIONAL DISCIPLINE

25 13.-(1) There shall be a Tribunal, to be known as the Veterinary
26 Surgeons Disciplinary Tribunal (hereafter in the Act referred to as "the
27 Tribunal") which shall be charged with the duty of considering and
28 determining any case referred to it by the panel established by the following
29 provisions of this section and any other case of which the Tribunal has
30 cognisance under the following provisions of this Act.

Establishment of
disciplinary
tribunal and
investigating panel

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

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

8 (a) conducting a preliminary investigation into any case where it is
9 alleged that a registered person has misbehaved in his capacity as a Veterinary
10 Surgeon or should for any other reason be the subject of proceedings before the
11 Tribunal; and

12 (b) deciding whether the case should be referred to the Tribunal.

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

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

19 14.-(1) Where:

20 (a) a registered person is judged by the tribunal to be guilty of
21 infamous conduct in any professional respect;

22 (b) a registered person is convicted by any court in Nigeria or
23 elsewhere having power to award imprisonment, of an offence (whether or not
24 an offence punishable, with imprisonment) which in the opinion of the
25 Tribunal is incompatible with the status of a Veterinary Surgeon; or

26 (c) the Tribunal is satisfied that the name of any person has been
27 fraudulently registered, the Tribunal, may, if it thinks fit, give a direction
28 reprimanding that person or ordering the Registrar to strike his name of the
29 Register.

30 (2) The Tribunal may, if it thinks fit, defer or further defer its decision

1 as to the giving of a direction under the foregoing subsection until a
2 subsequent meeting of the Tribunal; but:

3 (a) no decision shall be deferred under this subsection for periods
4 exceeding two years in the aggregate; and

5 (b) no person shall be a member of the Tribunal for the purposes of
6 reaching a decision which has been deferred or further unless he was present
7 as a member of the Tribunal when the decision was deferred.

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

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

16 (5) The person to whom such a direction relates may, at any time
17 within twenty-eight days from the date of service on him of the notice of the
18 direction, appeal against the direction to the Supreme Court; and the
19 Tribunal may appear as respondent to the appeal and, for the purpose of
20 enabling directions to be given as to the costs of the appeal and of
21 proceedings before the Tribunal, shall be deemed to be a party thereto
22 whether or not it appears on the hearing of the appeal

23 (6) A direction of the Tribunal under subsection (1) of this section
24 shall take effect:

25 (a) where no appeal under this section is brought against the
26 direction within the time limited for the appeal, on the expiration of that
27 time;

28 (b) where such an appeal is brought and is withdrawn or struck out
29 for want of prosecution, on the withdrawal or striking out of the appeal;

30 (c) where such an appeal is brought and is not withdrawn or struck

1 out as aforesaid, if and when the appeal is dismissed; and shall not take effect
2 except in accordance with the foregoing provisions of this sub-section.

3 (7) A person whose name is removed from the Register in pursuance
4 of a direction of the Tribunal under this section shall not be entitled to be
5 registered in the Register again except in pursuance of a direction in that behalf
6 given by the Tribunal on the application of that person; and a direction under
7 this section for the removal of a person's name from the Register may prohibit
8 an application under this subsection by that person until the expiration of such
9 period from the date of the direction (and where he has duly made such an
10 application, from the date of his last application) as may be specified in the
11 direction.

12 PART V - MISCELLANEOUS AND GENERAL

Offences

13 15.--(1) If any person who is not a registered Veterinary Surgeon:

14 (a) practises or holds himself out to practise as a Veterinary Surgeon:

15 (b) takes or uses the title of Veterinary Surgeon, or

16 (c) without reasonable excuse takes or uses any name, title, addition
17 or description implying that he is authorised by law to practise as a Veterinary
18 Surgeon, he shall be guilty of an offence.

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

21 (a) makes a statement which he believes, to be false in a material
22 particular; or

23 (b) recklessly makes a statement which is false in a material
24 particular, he shall be guilty of an offence

25 (3) If the Registrar or any other person employed by the Council
26 willfully makes any falsification in any matter relating to the Register he shall
27 be guilty of an offence.

28 (4) A person guilty of an offence under this section shall be liable on
29 conviction to a fine not exceeding One Hundred Thousand Naira or to
30 imprisonment for a term not exceeding two years, or to both.

1 (5) Where an offence under this section which has been committed
2 by a body corporate is proved to have been committed with the consent or
3 connivance of, or to be attributable to any neglect on the part of, any
4 Director, Manager, Secretary or other similar officer of the body corporate,
5 or any person purporting to act in any such capacity, he, as well as the body
6 corporate shall be deemed to be guilty of that offence punishable by a fine of
7 not exceeding Two Hundred Thousand Naira for a corporate body and One
8 Hundred Thousand Naira for each of the categories of officers of the
9 corporate body stated in this sub-section.

10 16.-(1) Where any office in the public service of the Federation or
11 of a State therein, or in the Armed Forces of the Federation or in a University
12 therein, requires a Veterinary qualification, a person shall not be appointed
13 to that office, or hold or remain in that office unless he is a registered
14 Veterinary Surgeon.

Miscellaneous
supplementary
provisions

15 (2) A registered Veterinary Surgeon shall be entitled to practise as
16 Veterinary Surgeon throughout the Federation.

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

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

29 (5) It shall be the duty of the person in charge of each Veterinary
30 school, University or similar institution in the Federation at which there is

1 held a course of training intended for persons who are seeking to become
2 Veterinary Surgeons, to furnish to the Registrar, not later than thirty-first day of
3 March in every year, a list of the names, and of such other particulars as the
4 Council may by order specify, of all persons who attended any such course at
5 the institution in question at any time during the preceding year.

Regulations,
rules and orders

6 17.-(1) Any power to make regulations, rules or orders conferred by
7 this Act shall include power:

8 (i) to make provision for such incidental and supplementary matters
9 as the authority making the instrument considers expedient for the purposes of
10 the instrument; and

11 (ii) to make different provision for different circumstances.

12 (2) The Council shall have power to make regulations and shall
13 submit a copy of such regulations to the Minister and the regulations shall not
14 come into force until approved by the Minister.

15 (3) Nothing in this Act shall be construed as indicating a contrary
16 intention for the purposes of section 12 (I) of the Interpretation Act 1964
17 (which contains additional provisions with respect to powers to make
18 subordinate legislation).

Amendment of
Veterinary Council
(Election) Rules
1953, etc. L.N. 1
of 1953

19 18.-(1) Without prejudice to section 17 of this Act, the Veterinary
20 Council (Elections) Rules 1953 shall, until replaced by rules made under
21 paragraph 8 of the first Schedule to this Act, remain in force as though made
22 under the provisions of that paragraph and shall have effect subject to the
23 amendment specified in subsection (2) of this section.

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

26 "2. Subject to the provisions of the first Schedule to this Act,
27 whenever a vacancy occurs among the elected members of the Council, and
28 that vacancy is required under that Act to be filled by a fresh election, the
29 Registrar shall".

1 19.-(1) Subject to section 13 of this Act and to subsection (2) of this
2 section, a person shall be entitled to be registered as Veterinary Surgeon if he
3 has at any time been registered in the Register maintained under section 8 of
4 the Veterinary Surgeons Act; and the Registrar shall accordingly, without
5 any application in that behalf make the necessary entries in the appropriate
6 list in the Register maintained under this Act.

Transitional
provisions and
repeals Cap. 210

7 (2) A person whose name is not on the register maintained under
8 the repealed Veterinary Surgeons Act by reason of its having been erased or
9 removed in consequence of an inquiry into his conduct held under section 20
10 of that Act by the Council established under that Act shall be deemed for the
11 purposes of this Act to have had his name removed, from the Register
12 maintained under this Act, in pursuance of a direction of the Tribunal which
13 took effect on the date when this subsection comes into force; and the
14 provisions of section 14 (7) of this Act shall have effect accordingly as if the
15 direction aforesaid prohibited applications under that subsection for the
16 period of six months.

17 (3) Where:

18 (a) a qualification to persons who have completed a course of
19 Veterinary Surgery or Veterinary Medicine conducted at the institution; and

20 (b) the institution, course and qualification are recognized by the
21 Council for the purposes of this subsection, any such qualification granted
22 before that day to such a person as aforesaid, or after that day to a person who
23 on that day was engaged in such a course at the institution with a view to
24 obtaining such a qualification, shall be deemed to be a qualification
25 approved by the Council under section 9 of this Act; and subject to the
26 provisions of section 14 and of rules made under section 5 of this Act, a
27 person shall be entitled to be registered by reference to a qualification which
28 is an approved qualification by virtue of this subsection.

29 (4) For the purpose of enabling persons to qualify for membership
30 of the Council at any time during the period of two years beginning with the

1 date when section 2 of this Act comes into force, a person entitled by virtue of
2 subsection (1) of this section to be registered shall be deemed to be so
3 registered notwithstanding that the Register has not been established or that his
4 name is not registered in it.

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

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

Interpretation, etc.

18 20.-(1) In this Bill, unless the context otherwise requires, the
19 following expressions have the meanings hereby assigned to them
20 respectively, that is to say:

21 "Abattoir" means premises where animals are processed and sold which
22 includes antemortem inspection, slaughter, postmortem inspection,
23 transportation and sold as food for man and animals;

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

25 "approved qualification" means a qualification which is approved under
26 section 9 of this Bill;

27 "Board of examiners" means the Board of Examination established under
28 section 12 of this Bill;

29 "the College" means the College of Veterinary Surgeons Nigeria established
30 under the Veterinary Surgeons Amendment Bill, 2011;

1 "the Council" means the Veterinary Council of Nigeria established under
2 this Bill; and vested with the authority to set standards and authorize tasks
3 for each category of animal health worker (Veterinary Surgeons and
4 Veterinary Para-professionals) depending on qualifications, training and
5 needs;

6 "the Director" has the meaning assigned thereto by section 2 (1), (b), (c) and
7 (f) of this Bill;

8 "Elected Council member has the meaning assigned thereto by section 2 (1)
9 (g) of this Bill;

10 "Specialist qualification" includes the Fellowship diplomas of the College
11 of Veterinary Surgeons Nigeria; and Postgraduate degrees and diplomas
12 from institutions approved by the Veterinary Council of Nigeria, in all the
13 subject areas of the Veterinary Curriculum;

14 "the Gazette" means the official Gazette of the Federation;

15 "House Call" means a registered premises that offers house call and
16 ambulatory veterinary surgery services in accordance with the Veterinary
17 Surgeons Act;

18 "the Minister" means the Minister of the Government of the Federation
19 responsible for matters relating to animal health and production;

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

21 "prescribed" means prescribed by regulations;

22 "Professional Veterinary Premises" means any premises established either
23 partly or wholly for the purposes of providing veterinary services including
24 care of animals and livestock covered under this Act, or for dispensing any
25 medicines or drugs, feeds or other substances for the care and treatment of
26 such animals or livestock" and shall include premises used as House Call,
27 Veterinary Clinic, Veterinary Hospital, Veterinary Pharmacy and Abattoirs;

28 "Register" means a register maintained under this Bill, and "registered"
29 shall be construed accordingly;

- 1 "the Registrar" means the registrar appointed in pursuance of section 5 of this
2 Bill;"
- 3 "regulations" means regulations made by the Minister;
- 4 "State" means any of the States listed in section 3 of the Constitution of the
5 Federal Republic of Nigeria, 1999;
- 6 "the Supreme Court" means the Supreme Court of Nigeria;
- 7 "the Tribunal" has the meaning assigned thereto by section 13 of this Bill;
- 8 "Veterinary Clinic" means premises which provides primary veterinary care on
9 24 hours emergency veterinary services in accordance with the Veterinary
10 Surgery Act;
- 11 "Veterinary drugs" means any substance of vegetable, animal or mineral origin
12 or any preparations or admixture thereof, applied or administered to any
13 animal species whether for therapeutic, prophylactic, or diagnostic purposes or
14 for modification of physiological functions or behavior;
- 15 "Veterinary Hospital" means premises registered to render tertiary health care
16 services for the practice of Veterinary Surgery as contained in the Veterinary
17 Surgery Act;
- 18 "Veterinary Para-professional" means a person who is authorized by the
19 Council to carryout certain tasks (depending on qualification) and delegated
20 under the responsibility of a Veterinary Surgeon;
- 21 "Veterinary Pharmacy" means premises registered for handling, uses and sale
22 of veterinary drugs, medicaments, vaccines, biologics, and veterinary medical
23 devices;
- 24 "Veterinary Surgeon" means person trained and certified with a degree in
25 Veterinary Medicine registerable by the veterinary Council of Nigeria in
26 accordance with the Veterinary Surgeons Act;
- 27 "Veterinary surgery" means the art and science of veterinary surgery and
28 medicine and, without prejudice to the generality of the foregoing shall be
29 taken to include:
- 30 (i) the diagnosis of diseases in, and injuries to, animals including tests

- 1 performed on animals for diagnostic purposes;
- 2 (ii) the giving of advice based upon such diagnosis;
- 3 (iii) the medical or surgical treatment of animals; and
- 4 (iv) the performance of surgical operations on animals;
- 5 (v) AntemortemlPostmortem inspection of animal slaughter for
- 6 food for man and animals;
- 7 (vi) handling, uses and sale of veterinary drugs, medicaments,
- 8 vaccines, biologics, and veterinary medical devices.

9 (2) Any approval, consent, direction, notice, observation, report,

10 representation or request authorised or required to be given or made by or

11 under this Act shall be in writing and may, without prejudice to any other

12 method of service but subject to the provisions of rules made under Schedule

13 2 to this Act, be served by post.

14 21. This Bill may be cited as the Veterinary Surgeons (Repeal and Citation

15 Re-Enactment) Bill, 2016.

16 SCHEDULES

17 SCHEDULE 1

18 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

19 *Tenure of Office of Members and President*

20 L-(1) Subject to the provision of section 2 (1) (d) of this Bill and of

21 this Schedule, a person shall not be a member of the Council unless he is a

22 registered Veterinary Surgeon.

23 (2) Subject to the provisions of this Schedule, the term of office of Amendment of

24 any person), who is a member of the Council, otherwise than by virtue of Section 20

25 section 2 (1) (a) or (b) of this Bill, shall be, as near as may be, five years and

26 the day on which a member of the Council ordinarily retires shall be the day

27 immediately before the annual general meeting of the Council.

28 2. A member of the Council other than an ex-officio member may

29 at any time by notice in writing addressed to the Registrar, resign his office

30 as a member.

1 3. An elected member of the Council shall cease to hold office if he
2 ceases to be a registered Veterinary Surgeon.

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

6 *Elections, appointments and casual vacancies*

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

10 6.-(1) Where a casual vacancy occurs among the elected members of
11 the Council, the vacancy shall be filled:

12 (a) by the unsuccessful candidate at the previous ordinary election of
13 such members who at that election received the greatest number of votes and
14 has not since become a member,

15 (b) if two or more such candidates received an equal number of votes,
16 by the candidate who has been registered longest on the Register or, if two or
17 more such candidates have been registered longer than any other but for the
18 same period as each other, by one of them chosen by lot, or

19 (c) if there were no unsuccessful candidates at that election by a
20 person elected from among themselves by registered Veterinary Surgeons at a
21 special election; provided that no such election need be held if an ordinary
22 election of elected member will take place within twelve months after the
23 casual vacancy occurred.

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

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

29 8. Elections of elected members of the Council shall be conducted in
30 accordance with rules made by the

1 9. When in the opinion of the Council the President is temporarily
2 unable to perform the functions of his office, the Vice President shall
3 perform those functions.

4 *Powers of the Council*

5 10.-(1) Subject to the following sub-paragraph and to any
6 directions of the Minister under this Act, the Council shall have power to do
7 anything which in its opinion is calculated to facilitate the carrying on of its
8 activities.

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

15 *Proceedings of Council*

16 11.-(1) The Council shall hold annual general meetings two times
17 in each year, and may hold such other meetings as the President of the
18 Council may determine.

19 (2) Subject to sub-paragraph (1) above, the meetings of the Council
20 shall be held on such days and at such place and time as the President may
21 determine: Provided that if the President is required so to do notice in
22 writing given to him by not less than four other members of the Council, he
23 shall summon a meeting of the council to be held within thirty days from the
24 date on which the notice is given.

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

28 (4) The President of the Council shall be the Chairman at all
29 meetings of the Council when he is present; and when he is not present such
30 other member of the Council present at the meeting as the Council may

1 appoint for that meeting, shall be the Chairman at that meeting.

2 (5) At any meeting of the Council, the President of the Council and
3 four other members of the Council, of whom at least two shall be elected
4 members, shall form a quorum.

5 (6) Where the Council desires to obtain the advice of any person upon
6 any particular matter, the Council may co-opt that person to be member for any
7 meeting or meetings of the Council, and that person while so co-opted shall
8 have all the powers of a member, save that he shall not be entitled to vote on any
9 question and his presence at any meeting shall not count towards the
10 constitution of a quorum.

11 (7) Subject to the foregoing provisions of this Schedule and section 26
12 of the Interpretation Act 1964 (which provides for decisions of a body to be
13 taken by a majority of the members of the body and for the chairman to have a
14 second or casting vote), the Council may make standing orders regulating the
15 proceedings of the Council or any of its Committee.

16 *Committees*

17 12.-(1) The Council may appoint one or more Committees to carry
18 out, on behalf of the Council, such of its functions as the Council may
19 determine.

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

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

27 *Supplementary*

28 13.-(1) The fixing of the seal of the Council shall be authenticated by
29 the signature of the President or of some other member authorized generally or
30 specially by the Council to act for that purpose.

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

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

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

13 15. The additional elected member of the Council required to
14 bring the number of such members up to four shall be elected before, and
15 shall come into office at the annual general meeting of the Council in
16 January 1969.

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

20 SECOND SCHEDULE

21 *Sections 13 (2) and (5)*

22 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

23 TRIBUNAL AND INVESTIGATING PANEL

24 *The Tribunal*

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

27 2.-(1) The Chief Justice of Nigeria shall make rules as to the
28 selection of members of the Tribunal for the purposes of any proceedings
29 and as to the procedure to be followed and the rules of evidence to be
30 observed in proceedings before the Tribunal.

- 1 (2) The rule shall in particular provide:
- 2 (i) for securing that notice of the proceedings shall be given, at such
- 3 time and in such manner as may be specified by the rules, to the person who is
- 4 the subject of the proceedings;
- 5 (ii) for determining who, in addition to the person aforesaid, shall be a
- 6 party to the proceedings;
- 7 (iii) for securing that any party to the proceedings shall, if he so
- 8 requires, be entitled to be heard by the Tribunal;
- 9 (iv) for enabling any party to the proceedings to be represented by a
- 10 legal practitioner;
- 11 (v) subject to the provisions of section 14 (5) of this Act, as to the costs
- 12 of proceedings before the Tribunal;
- 13 (vi) for requiring, in a case where it is alleged that the person who is
- 14 the subject of the proceedings is guilty of infamous conduct in any professional
- 15 respect, that where the Tribunal adjudges that the allegations has not been
- 16 proved, it shall record a finding that the person is not guilty of such conduct in
- 17 respect of the matters to which the allegation relates;
- 18 (vii) for publishing in the Federal Gazette notice of any direction of
- 19 the Tribunal which has taken effect providing that a person's name shall be
- 20 struck off a register.
- 21 3. For the purpose of any proceedings before the Tribunal, any
- 22 member of the Tribunal may administer oaths and any party to the proceedings
- 23 may issue out of the registry of the High Courts writs of subpoena ad
- 24 testificandum and deuces tecum; but no person appearing before the Tribunal
- 25 shall be compelled:
- 26 (a) to make any statement before the Tribunal tending to incriminate
- 27 himself; or
- 28 (b) to produce any document under such a writ which he could not be
- 29 compelled to produce at the trial of an action.
- 30 4.-(1) For the purpose of advising the Tribunal on questions of law

1 arising in proceedings before it, there shall in all such proceedings be an
2 assessor to the Tribunal who shall be appointed by the Council on the
3 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of
4 not less than seven years standing.

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

8 (a) that where an assessor advises the Tribunal on any question of
9 law as to evidence, procedure or any other matters specified by the rules, he
10 shall do so in the presence of every party or person representing a party to the
11 proceedings who appears thereat or, if the advice is tendered while the
12 Tribunal is deliberating in private, that every such party or person as
13 aforesaid shall be informed what advice the assessor has tendered;

14 (b) that every such party or person as aforesaid shall be informed if
15 in any case the Tribunal does not accept the advice of the assessor on such a
16 question as aforesaid;

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

21 *The Panel*

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

24 6.-(1) The Panel may, at any meeting of the Panel attended by not
25 less than six members of the Panel including not less than two who are
26 members of the elected members, make standing orders with respect to the
27 Panel.

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

30 7.-(1) A person ceasing to be a member of the Tribunal or the Panel

1 shall be eligible for reappointment as a member of that body.

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

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

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

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

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

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

20 THE VETERINARY COUNCIL (ELECTIONS) RULES

21 (S.I.I of 1953) under Section 34 of Cap 210, 1958 Laws

22 *Short title*

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

25 *Notification of Vacancy*

26 2. Subject to the provisions of the First Schedule to this Act,
27 whenever a vacancy occurs among the elected members of the Council and that
28 vacancy is required under this Act to be filled by a fresh election, the Registrar
29 shall:

1 *First Schedule*

2 1. inform all registered veterinary surgeons then in Nigeria of the
3 vacancy:

4 2. invite nominations to fill the vacancy; and

5 3. require that such nominations shall be received by him on or
6 before a date fixed by the President.

7 *Signing of nominations*

8 3.-(1) Each nomination shall bear the signature of the proposer and
9 seconder and be countersigned by the nominee.

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

12 *Election of persons nominated*

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

16 *Voting papers*

17 5. If the number of nominations received exceeds the number of
18 vacancies, the Registrar shall:

19 (a) issue to each registered Veterinary Surgeon a voting paper on
20 which shall be recorded the number of vacancies to be filled and the names
21 of the persons nominated to fill them; and

22 (b) require that such voting paper be returned to him on or before a
23 date fixed by the President.

24 6. Each registered Veterinary Surgeon shall:

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

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

1 *Counting votes*

2 7.-(1) The President shall appoint two persons (hereinafter called
3 scrutineers), not being registered Veterinary Surgeons, to count the voting
4 papers received by the Registrar.

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

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

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

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

15 *Safe custody of voting papers*

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

18 *Publication of results*

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

22 *Power to order fresh election*

23 10.-(1) Any person nominated as a candidate for election who is
24 dissatisfied with the conduct of an election may lodge a complaint in writing
25 with the Registrar within fourteen days of the publication in the Federal
26 Gazette of the result of the election.

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

1 VETERINARY SURGEONS (DISCIPLINARY TRIBUNAL AND
2 ASSESSORS) RULES, 2016
3 ARRANGEMENT OF RULES

4 *Rule:*

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

23 SCHEDULE 2

24 VETERINARY SURGEONS (DISCIPLINARY TRIBUNAL AND
25 ASSESSORS) RULES 2011

26 *Composition of Tribunal*

- 27 1.-(1) Whenever any case of professional misconduct against a
28 Veterinary Surgeon is referred to the Tribunal by the Panel, such a case shall
29 be heard by a division of not more than five members comprising fully
30 registered Veterinary Surgeons appointed by the Veterinary Council of

1 Nigeria of whom at least two shall be elected members of the Council.

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

4 *Reference of case to Tribunal*

5 2.-(1) In any case where in pursuance of section 13 (3) of the Act the
6 Panel is of the opinion that a prima facie case is made against a Veterinary
7 Surgeon, the Panel shall prepare a report of the case and formulate any
8 appropriate charge or charges and forward them to the Secretary together with
9 all the documents considered by the Panel.

10 *[Cap. V3]*

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

14 *Parties and appearances*

15 3.-(1) Parties to proceedings before the Tribunal shall be:

16 (a) the complainant;

17 (b) the respondent;

18 (c) any other person required by the Tribunal to be joined or joined by
19 leave of the Tribunal.

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

24 *Notice of hearing and service*

25 4.-(1) On the direction of the Chairman, the Secretary shall fix a day
26 for the hearing of the case and forthwith thereafter shall, in the form in the
27 Schedule to these Rules, serve notice thereof on each party to the proceedings.

28 *[Schedule Form]*

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

1 all documents considered by the Panel.

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

6 *Hearing in absence of parties*

7 5.-(1) Subject to the next succeeding paragraph, the Tribunal may
8 hear and determine a case in the absence of any party.

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

15 *Witness and evidence*

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

22 *[Cap. E14]*

23 *Amendment of charges*

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

27 *Proceedings to be in public*

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

1 *Adjournment of hearing*

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

5 *False evidence*

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

11 *Findings and costs*

12 11. If after the hearing, the Tribunal adjudges that the charge of
13 professional misconduct has not been proved, the Tribunal:

14 (1) shall record a finding that the respondent is not guilty of such
15 conduct in respect of the matters to which the charge relates;

16 (2) may, without any misconduct proved against the respondent,
17 nevertheless order any party (except the complainant) to pay the costs of the
18 proceedings if, having regard to his conduct and to all the circumstances of the
19 case, the Tribunal thinks fit so to order.

20 *Publication of Tribunal's finding*

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

24 *Record of proceedings*

25 13.-(1) Shorthand notes of proceedings may be taken by a person
26 appointed by the Tribunal and any party who appeared at the proceedings shall
27 be entitled to inspect the transcript thereof.

28 (2) The Secretary shall supply to any person entitled to be heard upon
29 an appeal against the direction of the Tribunal, and to the Veterinary Council of
30 Nigeria, but to no other person, a copy of the transcript of such notes on

1 payment of such charges as may be determined by the Secretary.

2 (3) If not shorthand notes are taken, the Chairman shall take a note
3 of the proceedings and, accordingly the provisions of these Rules as to
4 inspection and taking of copies shall apply to such notes.

5 *Dispensing with certain provisions*

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

10 *Power to retain exhibits pending appeal*

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

15 *Appointment and duties of assessors*

16 16.-(1) An assessor, when nominated in accordance with paragraph
17 4 (1) of the Second Schedule to the Act, shall be appointed by the Council by
18 instrument, and the assessor shall hold and vacate office as provided in the
19 instrument; and where the appointment is not a general one, it shall have
20 effect only in respect of a particular meeting of the Tribunal.

21 *[Second Schedule of Cap. V3]*

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

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

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

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

7 *Interpretation*

8 17. In these Rules unless the context otherwise requires:

9 "Chairman" means the chairman of the Veterinary Surgeons Disciplinary
10 Tribunal;

11 "Complainant" means the Veterinary Surgeons Investigating Panel or any
12 member thereof;

13 "Respondent" means the person required to answer any charge of professional
14 misconduct;

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

17 *[Cap. V3]*

18 *Short title*

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

21 SCHEDULE 3

22 *[Rule 4 (1)]*

23 Notice of hearing by the Veterinary Surgeons Disciplinary Tribunal

24 In the Matter of the Veterinary Surgeons Act; and

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

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

29 on the..... day of....., 20.....

30 COPIES of:

- 1 (a) the report;
- 2 (b) the charges; and
- 3 (c).....
- 4 are annexed hereto.

5 DATED at..... this.....day.....20.....

6

7 Secretary of the Tribunal

8 VETERINARY SURGEONS (REGISTRATION, ETC, FEES) RULES 2016

9 *Registration fee*

10 1. A fee of N6,000 shall be paid to the Veterinary Council of
11 Nigeria in respect of the entry of names on the register maintained under the
12 Act subject to review by the Council.

13 *Retention fee*

14 2. A fee of N2,000 shall be charged by the Council in respect of the
15 retention in the register of the name of a person in any year subsequent to the
16 year in which he was first registered subject to review by the Council.

17 *Interpretation*

18 3. In these Rules, unless the context otherwise requires
19 "Act" means the Veterinary Surgeons Act [Cap. V3];
20 "Council" means the Veterinary Council of Nigeria established pursuant to
21 the Act;
22 "Register" means the register maintained under the Act.

23 *Short title*

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

1 VETERINARY PRACTISING AND PREMISES REGISTRATION

2 REGULATIONS, 2016

3 ARRANGEMENT OF REGULATIONS

4 *Regulations:*

- 5 1. Special Powers of the Council
- 6 2. Establishment of Veterinary Inspectors
- 7 3. Powers of Veterinary Inspectors
- 8 4. Custody and examination of seized articles, etc
- 9 5. Duty of owner of Veterinary premises
- 10 6. Categories and location of Veterinary Practising premises
- 11 7. Requirements for Registration of Veterinary Practising Premises
- 12 8. Application and Approval Procedures
- 13 9. Fees
- 14 10. Offences and penalties
- 15 11. Interpretation

16 VETERINARY PRACTISING AND PREMISES REGISTRATION

17 REGULATIONS, 2011

18 *Special Powers of the Council*

19 1. In exercise of the powers conferred upon the Veterinary Council of
20 Nigeria (hereinafter referred to as the Council) by section 1 and 17 of the
21 Veterinary Surgeons Act and all other powers enabling the Council in that
22 behalf, the Council, with the approval of the President of the Federal Republic
23 of Nigeria, hereby makes and issues the following Regulations:

24 (1) approve application for veterinary practice and practicing
25 premises of all categories;

26 (2) appoint Veterinary Inspectors for the purpose of enforcing the
27 provision of these Regulations;

28 (3) cause investigations to be conducted to ascertain persons involved
29 in offences under these Regulations;

30 (4) determine whether any person has committed an offence under

1 these Regulations; and

2 (5) close any Practicing Premises for breaching any of the
3 following conditions:

4 (i) change of ownership without approval of Council

5 (ii) non-compliance with prescribed standard of practice,
6 including breach of professional ethics, non-engagement of adequate and
7 qualified veterinary personnel;

8 (iii) unsanitary conditions of the Premises;

9 (iv) on the request of the owner of the Premises;

10 (v) operating without a license.

11 *Establishment of Veterinary Inspectorate*

12 2.-(1) There is hereby established a Veterinary Premises
13 Inspectorate Division.

14 *Composition of Inspectors*

15 (2) The Veterinary Premises Inspectorate Division shall be manned
16 by Veterinary Inspectors appointed by the Council and shall consist of
17 registered Veterinary Surgeons designated as Veterinary Inspectors.

18 *Powers of Veterinary Inspectors*

19 3.-(1) The Veterinary Inspectors shall have power to:

20 (a) enter into any premises in which they reasonably believe that an
21 article to which these regulations apply is manufactured, prepared, stored,
22 preserved, packaged, dispensed, or marketed therein;

23 (b) examine any article in the premises to which these Regulations
24 apply which they reasonably believe is used or its capable of being used for
25 the manufacture, preparation, preservation, packaging, storage or sale of
26 any such article;

27 (c) take sample or specimen of any article to which these
28 Regulations apply, open and examine while in the premises and in the
29 presence of the owner or his representative any container or package which

1 they reasonably believe may have any article to which these Regulations apply;

2 (d) examine any books, documents or other records found in the
3 premises which they reasonably believe may contain information relevant to
4 the enforcement of these Regulations and to make copies of the same;

5 (e) seize and detain for such time as may be necessary any article by
6 means of which they reasonably believe any provision of these Regulations has
7 been contravened;

8 (f) seize and detain for such time as may be necessary any article where
9 these are kept, displayed, sold or dispensed in any unauthorized premises or
10 place;

11 (g) seize and detain for such time as may be necessary any article if
12 they have reasonable grounds to suspect that such items are or like to be
13 unwholesome, impure, fake, expired, adulterated or banned;

14 (h) inspect premises proposed for registration Veterinary Hospital,
15 Veterinary Pharmacy, Veterinary Clinic or Consulting Room/House Call and to
16 make appropriate recommendation to the Council; and

17 (i) conduct periodic inspection on all categories or veterinary
18 premises with or without prior notice.

19 *Custody and examination of seized articles*

20 4.-(1) Any article seized under these Regulations shall be kept or
21 stored in such place as the Veterinary Inspectors may direct;

22 (2) Any such article seized under these Regulations may be submitted
23 to an analyst for examination for the purpose of determining its chemical
24 properties and content;

25 (3) The analyst making such examination shall issue a report setting
26 out the result of his findings on the article;

27 (4) The Veterinary Inspector shall on demand deliver a copy of the
28 analyst's report to the owner of the article if it is a subject of proceedings under
29 these Regulations;

30 (5) If upon examination the article is found to conform with the

1 requirements of these Regulations, the Veterinary Inspector shall return it to
2 the owner or the person from whom it was seized without any compensation.

3 *Duty of owner of veterinary premises*

4 5.-(1) The owner or person in charge of any premises where
5 veterinary articles are kept, displayed, sold or dispensed (whether
6 authorized or not), and every person found therein shall co-operate with and
7 give all necessary assistance to Veterinary Inspectors, including making
8 available to such inspectors such information as may be required for the
9 purpose of giving effect to these Regulations;

10 (2) Every person who conducts in any premises business which, in
11 the opinion of a Veterinary Inspector, amounts to selling or dealing in
12 veterinary drugs, wares, poisons or devices (whether wholesale or retail)
13 shall, on being required by the Inspector, state and name and other
14 particulars of the owner of the business and produce all books, documents
15 and other information as may be necessary for the purpose of verifying the
16 nature and status of such business by the Inspector.

17 *Categories and Location of Veterinary Practising Premises*

18 6.-(1) There shall be Six types of Veterinary Practising premises,
19 namely Veterinary Hospital, Veterinary Clinic, Consulting Room/House
20 Call Veterinary Pharmacy/Veterinary Drug Shop, Abattoir and Slaughter
21 House/Slaughter Slabs.

22 (2) Except Veterinary Pharmacy, day shop, Veterinary Premises
23 shall not be located in motor parks, markets places or in any unhygienic
24 environment or an environment where commercial activities are going on;

25 (3) Any Veterinary Premises located in any of such places as stated
26 in Regulation 6 (2) of these Regulations shall relocate to a more suitable
27 place after a formal notification to that effect by the Council.

28 *Requirement for Registration of Veterinary Practising Premises*

29 7.-(1) To qualify for registration as a Veterinary Hospital, the
30 following are requisite:

- 1 (a) Personnel: All Veterinary Practising Premises must have a
2 registered Veterinary Surgeon as the Head of the medical team;
- 3 (b) Facilities:
- 4 (i) Reception Room;
- 5 (ii) Examination Room;
- 6 (iii) Functional Laboratory;
- 7 (iv) Sterilization room and facility;
- 8 (v) Large Animal Surgery;
- 9 (vi) Small Animal Surgery;
- 10 (vii) Avian Clinic;
- 11 (viii) Hospitalization Facility for all animal species (except for
12 specialist hospital);
- 13 (ix) Post Mortem Room;
- 14 (x) Incineration or Carcass Disposal Facility;
- 15 (xi) Consulting Room;
- 16 (xii) Surgeries;
- 17 (xiii) Hospital Pharmacy;
- 18 (xiv) Store;
- 19 (xv) Radiography;
- 20 (xvi) Electrocardiography;
- 21 (xvii) Ultrasound; and
- 22 (xviii) A good record keeping system
- 23 (c) Conditions: A Veterinary Surgeon must be available 24 hours
24 service to attend to in and out patients and such other staff as animal health
25 technologist, laboratory attendants, cleaners, etc must be present round the
26 clock to ensure continual veterinary care for patients:
- 27 (i) Clinical standards must be maintained and improved by
28 monitoring performance and outcome of treatment;
- 29 (ii) Quality range of facilities and equipment must be available at all
30 times;

1 (iii) The standard of the premises and facilities must be examined
2 periodically to ensure cleanliness and sterility; and

3 (iv) Since the type of care and facilities suitable to meet the needs
4 of the different species of animals vary, the hospitals must satisfy the
5 Council that they have met the diagnostic and hospitalization requirements
6 specific to their type of practice.

7 (2) To be registered as a Veterinary Clinic, the premises must:

8 (i) provide 24 hour emergency services to patients either by the
9 Clinic itself or by an emergency house call provider affiliated to the Clinic;

10 (ii) have arrangement for taking care of patients kept overnight;

11 (iii) have a system for monitoring the outcome of treatment;

12 (iv) show on-going commitment to educating and training
13 feedback;

14 (v) keep the premises clean and well maintained;

15 (vi) have a policy for communicating with clients and obtaining
16 feedback;

17 (vii) ensure that clients are given estimates of the costs of
18 treatments and that their consent is obtained before procedures are
19 undertaken;

20 (viii) have access to laboratory facility for diagnosis; and

21 (ix) meet legal and health safety requirements covering its
22 premises, equipment, clients and employees;

23 (x) must establish a good referral system;

24 (xi) a good record system; and

25 (xii) compliment of staff headed by a registered Veterinary
26 Surgeon.

27 (3) For the purpose of being registered, the proprietor of a
28 Consulting Room/House Call must have:

29 (i) a record of Veterinary examination with procedures and
30 confidentiality strictly maintained;

- 1 (ii) a permanent communication base;
- 2 (iii) a specific non-mobile area set aside for the storage of drugs and
3 equipment, sterilization facility and other facilities for minor surgery.
- 4 (4) To be registered as Veterinary Pharmacy, the applicant must meet
5 the following requirements:
- 6 (i) a well-ventilated, air-conditioned room for display of drugs;
- 7 (ii) availability of compartmentalized drug shelves;
- 8 (iii) a sworn and signed statement averring that only drugs, biologics
9 and equipment for veterinary use will be kept and dispensed;
- 10 (iv) drugs and biologics which require cold storage must be put in
11 drug freeze and refrigerators;
- 12 (v) a worn and signed statement averring that no veterinary activities
13 other than sale and dispensation of veterinary drugs, biologics, poisons or wares
14 will take place in the Veterinary Pharmacy;
- 15 (vi) the premises of a Veterinary Pharmacy must be attached to a
16 Veterinary Practising premises or a Veterinary Surgeon for referral;
- 17 (vii) sanitary control must be ensured at all time;
- 18 (viii) drugs on shelves must have adequate labels and literature to
19 guide users;
- 20 (ix) manufacture and expiry date must be visible on drug containers;

21 *Application and Approval Procedure*

- 22 8.-(1) An applicant for approval of Veterinary Premises shall obtain
23 and fill the Veterinary Premises Application Forms and submit the same to the
24 Council through the Director of Veterinary Services of the State where the
25 premises is to be located. Application forms shall be made available at the
26 Headquarters of the Veterinary Council of Nigeria and in the office of the
27 Director Veterinary Services of all the States of the Federation of Nigeria.
- 28 (2) The duly completed form shall be accompanied by:
- 29 (i) a recommendation of the Director of Veterinary Services of the
30 State concerned;

1 (ii) an application fee of N2,000.00 (two thousand Naira), subject
2 to review from time to time;

3 (iii) list of facilities and equipment of the proposed practice;

4 (iv) a copy of the certificate or registration of the Veterinary
5 Surgeon and his or her current practicing license.

6 (3) An application shall initiate the following activities:

7 (i) an initial inspection of the premises by the State Veterinary
8 Division and the local chapter of the Nigerian Veterinary Medical
9 Association (NVMA) to evaluate the current state of the premises and
10 facilities available. In the case of a Veterinary Hospital, Veterinary
11 Inspectors from the Council shall be part of the inspection team;

12 (ii) subsequent inspections may be carried out where the initial
13 inspection or other inspections were unsatisfactory to the inspecting teams;

14 (iii) where the inspecting team is satisfied, it shall so recommend to
15 the Director of Veterinary Services of the relevant State;

16 (4) The application shall be processed through the office of the
17 Director of Veterinary Services of the relevant state, which shall forward the
18 same to the Council with its recommendations thereon.

19 (5) Where the Council is satisfied that an applicant has met all the
20 requirements in these Regulations and the Act, it shall issue a Notice of
21 Approval, a license and guidelines covering the conditions governing the
22 Practice.

23 (6) The approval given by the Council shall relate to, and be used,
24 only for the premises indicated on the application form, subject to review
25 from time to time.

26 Fees

27 9.-(1) The license fees shall be as follows:

28 Veterinary Hospital- not less than N20,000.00;

29 Veterinary Clinic - not less than N15,000.00;

30 House Call- not less than N10,000.00;

1 Abattoir - not less than N20,000.00;

2 Slaughter House/Slaughter Slab - not less than N10,000.00.

3 (2) The Council shall have power to review all fees stated in these
4 Regulations with or without notice to that effect.

5 *Offences and Penalties*

6 10. Any person who:

7 (a) obstructs or resists a Veterinary Inspector or any other designated
8 officer in the execution of his duties under these Regions;

9 (b) makes a statement which he knows or has reasonable cause to
10 believe to be false or misleading to a Veterinary Inspector or such other officer
11 in the course of his duties;

12 (c) without the authority of a Veterinary Inspector or any other
13 designed officer removes, alters or interferes in any way with an article seized
14 under these Regulations;

15 (d) contravenes any of the provisions of these Regulations; Shall be
16 guilty of an offence and liable on conviction to imprisonment for a term not
17 later than 6 months or fine of N100,000.00 or both.

18 *Citation*

19 11. These Regulations may be cited as the Veterinary Practicing and
20 Premises Registration Regulations [Repeal and Re-enactment] Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Veterinary Surgeons Act, Cap. 466 Laws of the Federation 2004 to improve discipline among practitioners and to enhance standards and professionalism in the practice. It also provides for regulations that would improve the revenue base of the Veterinary Council in order to bring the profession in line with international standards.