

VETERINARY SURGEONS AND PRACTITIONERS

Act. No. 46 of 1956

AN ACT TO PROVIDE FOR THE REGISTRATION OF VETERINARY SURGEONS AND VETERINARY PRACTITIONERS, FOR THE ESTABLISHMENT OF A VETERINARY COUNCIL AND FOR CONNECTED THEREWITH.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in the present Parliament assembled, and by the authority of the same, as follows:-

Short title

1. This Act may be cited as the Veterinary Surgeons and Practitioners Act, No. 46 of 1956.

Qualification for Registration

2. (1) A person shall be qualified for registration as a Veterinary Surgeon if he

- (a) Has attained the age of twenty – one years,
- (b) is a good character;
- (c) is the holder of the degree of Bachelor of Veterinary Science of Ceylon or University of Peradeniya or such other qualification approved by the council; and
- (d) is the holder of a certificate issued by the Council under subsection(4);

As amended by amendment Act No.3 of 1994

Subsection (2) repeated by amendment Act No.3 of 1994

(3) For the purpose only of enabling acquiring of such experience as is required for obtaining: from the Council, a certificate under subsection (4) a person shall upon application made on that behalf to the Council, be registered provisionally as a veterinary surgeon for a period of six months if he satisfies the requirements specified in paragraphs (a), (b) and (c) of subsection (1).

Subsection (3),(4),(5) inserted by amendment Act No.3 of 1994

(4) where any person who is provisionally registered as a veterinary surgeon applies to the Council for a certificate under this subsection, the Council shall, upon being satisfied that the applicant has been engaged in employment in a capacity relating to Veterinary medicine, Veterinary Surgery and Animal science and Livestock Development for the prescribed period in anyone or more prescribed Institutions and has rendered satisfactory service while so employed, issue a certificate to that effect in the prescribed form.

(5) Nothing in subsection (1) shall affect or be deemed to affect, the registration of any person in the register, as a Veterinary practitioner prior to the date of which such subsection comes into force.

Application for registration	3. Applications for registration as a Veterinary Surgeon or a Veterinary Practitioner shall be made to the Registrar.	As amended by amendment Act No.3 of 1994
Registration fee	4. No person shall be registered as a veterinary surgeon or a veterinary practitioner unless such person pays the prescribed fee	As amended by amendment Act No.3 of 1994
Provisional Registration	5. 6.(1) The Council shall have the power to delegate its functions in relation to provisional registration to the Registrar.	Replaced by amendment Act No.3 of 1994
Refund of fee on refusal	2) Where a person's name is expunged from the register and thereafter his name is inserted in register by a fresh registration such fresh Registration shall not be deemed to be a renewal of the earlier registration. The fee for such registration shall be prescribed. 7. Where an application for registration is not accepted by the Council, the fee paid by the application shall be refunded to him.	Replaced & substituted by amendment Act No.3 of 1994
Registration valid for life	8. The registration of a Veterinary Surgeon or a Veterinary Practitioner shall be valid for life, provided that his name is not expunged from the register by the council.	Sections 7 & 8 replaced & substituted by amendment Act No.3 of 1994
Register	9. (1) There shall be a register (hereinafter referred to as Register) consisting of two parts, one for the registration of the names, addresses and qualifications of Veterinary Surgeons and for the registration of the names and addresses of Veterinary Practitioners. (2) The Register shall be maintained by the Registrar for and on behalf of the council;	Subsections 2 & 3 replaced & substituted by subsection 2 by amendment Act No.3 of 1994
Duty of the Registrar	10. The Registrar shall register in that part of the register which is for the registration of Veterinary Surgeons, the names, addresses and qualifications of such of the persons who have made applications under section 3 for registration as Veterinary Surgeons and whose applications have been accepted by the council.	Subsection 10 replaced & substituted by amendment Act No.3 of 1994

Constitution of the Veterinary Council of Sri Lanka

15. There shall be constituted a council which shall be Veterinary Council of Sri Lanka and which shall consist of the following numbers:-

- (a) the Department of Animal Production and Health and Health of his nominee;
- (b) eight registered Veterinary Surgeons elected by the registered Veterinary Surgeons in accordance with the regulations made under this Act; and
- (c) the Dean of the Faculty of Veterinary Science of the University of Peradeniya or his nominee.

Subsection 15 replaced & substituted by amendment Act No.3 of 1994

President of the Council

16. (1) the member of the council shall elect one of them who is a registered Veterinary surgeon to be the President of the Council.

(2) the President shall, unless he vacates office earlier, hold the office of president for one year:

Provided that where the President vacates office before the expiry of his term of office, his successor shall, unless such successor vacates office earlier, hold the office of President for the unexpired part of such term.

(3) A person who vacates the office of President by effluxion of time shall be eligible for re-election as the President.

Term of office of members of the council

17. (1) Any elected member of the council shall, unless he vacates office earlier, hold office for four years from date of election or until such date as his successor is elected.

(2) Any elected member of the Council who vacates office by effluxion of time shall be eligible for re-election.

(3) A member of the council shall vacate office –

- (a) if he being the Dean of the Faculty of Veterinary Science of the University of Peradeniya, ceases to hold office;
- (b) if he being the member of the President of the Director of Department of Animal
- (c) if he being the President of the Council resigns his office by writing addressed to the Minister; or

Subsection 17 replaced & substituted by amendment Act No.3 of 1994

(d)if he being the elected member, absent himself without leave from the Council for three consecutive meetings of the Council

(4) In the event of the Death of, or vacation of office by, an elected member of the Council, any other person shall, in accordance with the provisions of section 16 be elected in place of such member and shall hold office during the remaining part of the term of office of such member.

Meeting of the council

18. (1) The council shall meet at such time and place as may be fixed by regulations made under this Act, and every meeting of the Council shall be summoned in the manner provided therefore by regulations made under this Act;

As amended by amendment Act No.3 of 1994

(2) The President shall preside at every meeting of the Council and, in his absence at ant meeting, a member of the Council who is a registered Veterinary Surgeon shall be chosen by the member present at the meeting to be the Chairman of the meeting.

(3) No business shall be transected at any meeting of the Council unless at least five members of the council are present

As amended by amendment Act No.3 of 1994

(4) Every question arising at any meeting of the council shall be decided by majority votes of the members present, and, in the case of equality of votes, the President, or in his absence the Chairman, shall have a casting vote.

(5) No act or proceeding of the Council shall be deemed to be invalid merely by reason of any vacancy in the Council or any defect in the election of any member thereof or the absence of any member thereof on account of leave or otherwise.

As amended by amendment Act No.3 of 1994

The Council to be a body corporate

19. The council shall be a body corporate with perpetual succession and a common seal and may sue and be used in the name assigned to it by section 15 and shall be capable acquiring, holding and alienating property whether movable or immovable.

As amended by amendment Act No.3 of 1994

Appointment of officers and servants

20. (1) The Council shall appoint a Registrar and may appoint such other officers and servants as the Council may deem necessary, and shall have power to exercise disciplinary control over and dismiss any officer or servant of the Council.

(2)The Registrar shall also be the Secretary and, until another person is appointed Treasurer, the Treasurer of the Council.

(3) The officers and servants of the Council shall be paid out of the funds of the Council such remuneration as may be determined by the Council with the approval of the Minister.

Funds of the Council

21. All fees paid for registration to the Registrar shall be credited to the funds of Council and there shall be paid out of such funds, the remuneration of the staff of the Council, all expenses incurred by the Council in the exercise of it's powers and the discharge of its duties under this Act, and expenses incurred for any prescribed purpose.

Subsection 21 replaced & substituted by amendment Act No.3 of 1994

22.

Replaced by amendment Act No.3 of 1994

Registrar to be subject to direction of the Council in maintaining the Register

23. In accordance with the directions of the Council, the Registrar shall make or amend any entry in, or expunge any entry from, the Register.

Power of the Council to order amendment or cancellation of registration

24. (1) The council may, of its own motion or upon application made to it by any person, order

(a) for the purpose of rectifying an error, the amendment of any entry in the Register, and

(b)the cancellation of any registration which has been fraudulently made or effected

2) Before making an order under sub-section(1) the council shall give the person who will be affected by the order an opportunity to show cause why the order should not be made.

Power of the Council to order the name in the Register to be expunged

25. The Council may order the name of any Veterinary Surgeon or Veterinary Practitioner to be expunged from the register if he –

- (a) is convicted in any court of law of an offence involving moral turpitude, or
- (b) being subject to military law, is convicted of an offence under the Army Act No. 17 of 1949, or

The council
make
recommendation
to the University

(c) after an inquiry by the Council, is found
guilty of infamous conduct.

25 A . The Council shall have the power to evaluate the
courses conducted by the University of Peradeniya and to
make recommendations to the University from time to
time on matters relating to the field of Veterinary
Education in Sri Lanka

Insertion of
new section
by
Amendment
Act No 3 of
1994

Restoration of
expunged name
to the register

26. Where the name of Veterinary Surgeon Veterinary
Practitioner been expunged from the Register, the Council
may, of its own motion or upon the application of that
veterinary surgeon or Veterinary Practitioner order him to
be registered again as a veterinary surgeon or a veterinary
practitioner.

Publication of
annual list of
registered
Veterinary
Surgeon and
registered
Veterinary
Practitioner

27. (1)The Registrar shall in each year, on or before such
date as may be determined by the Council , cause to be
published in the Gazette a list in alphabetical order of the
names of all persons who are on that date registered in the
Register, together with their addresses and qualifications
and the dates on which such qualifications were obtained.

(2) A list published under subsection (1) shall be
admissible in evidence in all proceedings whether civil or
criminal, and shall be evidence, until the contrary is
proved, that the persons whose names appear in such list
are registered as indicated therein and that any person
whose name does not appear in such list is not registered
as a veterinary surgeon or a veterinary practitioner :

Provided, however, that in the case of any person
whose name does not appear in such list, a certificate by
the Registrar that such person registered as a veterinary
surgeon or a veterinary practitioner shall be admissible in
evidence and shall be evidence such that person is so
registered.

Change of
residence by
registered
Veterinary
Surgeon or
registered
Veterinary
Practitioner

28. (1)Whenever any registered veterinary surgeon or
registered veterinary practitioner changes his residence,
he shall notify his new address to the Registrar who shall
enter such address in the Register.

As amended by
amendment Act
No.3 of 1994

(2) The Registrar may, by letter sent by registered post to any registered veterinary surgeon or registered veterinary practitioner at his address as specified in the register, inquire whether or not he has changed his residence, and if within three months after sending such letter a reply thereto is not received by the Registrar, the name of that veterinary Surgeon or veterinary practitioner may be expunged from the Register

As amended by amendment Act No.3 of 1994

(3) A name expunged from the Register under sub-section (2) shall be restored to the Register if the Council so directs.

Insertion of additional qualification

29. A registered veterinary surgeon who obtains any qualification in addition to his qualification specified in the register shall be, entitled to have such qualification added to his qualifications in the register, where such additional qualification is approved by the Council.

Subsection 29 replaced & substituted by amendment Act No.3 of 1994

Certificate by veterinary surgeon & veterinary practitioner

30. No certificate required by any written law to be signed by a veterinary surgeon shall be valid unless the person signing such certificate is a registered veterinary surgeon or registered veterinary practitioner.

Right to recover fees or charges for services as a Veterinary Surgeon or Veterinary Practitioner

31. No person other than a registered Veterinary Surgeon or registered veterinary practitioner shall be entitled to be recover in any court of law any fee or charge for any veterinary service or for any advice or attendance as a veterinary surgeon or veterinary practitioner.

Restriction of practice of Veterinary Surgeon by unqualified persons

32. (1) Except as provided in sub section (2), no person shall practice or hold himself out as practicing or as being prepared to practice veterinary surgeon unless he is a registered veterinary surgeon registered veterinary practitioner.

(2) The provisions of sub-section (1) shall not apply to any person who performs any of the following acts:-

- a) the rendering to any animal in an emergency of first aid for the purpose of saving life or relieving pain;
- b) the destruction of any animal by painless methods;
- c) the castration of any animal or the caponizing of the bird;
- d) the spaying of a pig not over the age of three months;
- e) the docking of the tail of a dog before its eyes are open;

- (f) the amputation of the dew-claws of a dog before its eyes are open
- (g) the inoculation of any animal or bird;
- (h) the branding and tattooing of any animal;
- (i) the dressing of minor wounds of any animal;

As amended by amendment Act No.3 of 1994

Assumption of title of Veterinary Surgeon or Veterinary Practitioner

33. No person shall use or assume title or designation of Veterinary Surgeon or Veterinary Practitioner or any name, or title addition or description calculated to lead to the belief that he is a Veterinary Surgeon or Veterinary Practitioner unless he is a registered Veterinary Surgeon or a registered Veterinary Practitioner.

Degree, diploma, etc of veterinary surgeon

34. No person shall add to his name any title, description or abbreviation which implies that he is the holder of a degree, diploma, license or certificate which entitles him to practise any veterinary science unless he is the holder of a degree of Bachelor of Veterinary science of the University of Ceylon or University of Peradeniya" or other qualification approved by the Council

As amended by amendment Act No.3 of 1994

Notification of registration etc

35. The Registrar shall by letter sent by registered post notify a veterinary surgeon or veterinary practitioner of his registration, any amendment of his registration, the cancellation of his registration, the expunction of his name from the register, or the restoration of his name to the register after its expunction.

As amended by amendment Act No.3 of 1994

Construction of "Veterinary Surgeon" & "Veterinary Practitioner" in written law

36. In any written law, whether enacted before or after the commencement of this Act, this expression "Veterinary Surgeon" or "Veterinary Practitioner" shall be construed respectively as registered Veterinary Surgeon and registered Veterinary Practitioner.

Offence and penalties

37. Any person who contravenes any provision of this Act shall be guilty of an offence and shall be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding five hundred and a second or subsequent conviction to a fine not exceeding one thousand rupees.

As amended by amendment Act No.3 of 1994

Protection of officers for action taken under this Act.

38. No suit, prosecution or legal proceeding shall be instituted against any person in the employment of the council for any Act which in good faith is done, or purported to be done, under this Act or any regulation made thereunder.

Decision of Council to prevail

39. The decision of the Council or any matter not expressly provided for in this Act shall prevail.

Regulations

40. (1) the Minister may upon the recommendation of the Council , make regulations for the purpose of giving effect to the provision of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), regulations may be made in respect of all or any of the following matters:-

(a)

(b) all matters stated or required by this Act to be prescribed;

(c) all matters for which regulations are authorized by this Act to be made.

(3) Every regulation made under this section shall be published in the Gazette and shall come into operation on a date specified in that behalf in the regulation or, if no date is specified, upon such publication, and shall, as soon as practicable after its publication in the Gazette, be brought before the Senate and the house of Representative for approval. Where any regulation is not approved either by the Senate or by the House of Representatives, it shall be deemed to be rescinded and the rescission shall take effect on the date on which the regulation is not approved.

(4) The validity of anything done under a regulation shall not be affected by a subsequent rescission of the regulation under sub-section (3).

(5) Notification of the date on which the rescission of a regulation under sub-section (3) takes effect shall be published in the Gazette.

Replaced by
amendment
Act No 3 of
1914

Interpretation

41. In this Act unless the context otherwise requires:

“Department of Animal Production and Health” means the person appointed to be or to Act as the Director of Animal Production and Health;

“Minister” means Minister appointed under Article 44 of the constitution to whom the subject of Animal Production and Health has been assigned;

“prescribed” means prescribed by regulation made under this Act;

Subsection 41
replaced &
substituted by
amendment Act
No.3 of 1994

“president” means the president of the Council;

“Registrar” means the registrar appointed by the Council

“registered veterinary practitioner ” means a person registered as a Veterinary Practitioner under this Act;

“registered veterinary surgeon” names a person registered as Veterinary Surgeon under this Act”

Sinhala text to prevail in case of inconsistency

In the event of any inconsistency between the Sinhala and Tamil texts of this act, the Sinhala text shall prevail.

Amendments to he Act

1. Act No. 19 of 1964
2. Act No. 11 of 1975
3. Act No. 3 of 1994

