



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 570 Cape Town, 10 December 2012 **No. 35980**
Kaapstad,

THE PRESIDENCY

No. 1058 10 December 2012

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

Act No. 16 of 2012: Veterinary and Para-veterinary Professions Amendment Act, 2012

DIE PRESIDENSIE

No. 1058 10 Desember 2012

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

Wet 16 van 2012: Wysigingswet op Veterinêre en Para-veterinêre Beroepe, 2012



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GENERAL EXPLANATORY NOTE:

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

(English text signed by the President)
(Assented to 6 December 2012)

ACT

To amend the Veterinary and Para-Veterinary Professions Act, 1982, so as to provide for the establishment of an appeal committee and its functions; to provide for the performance of compulsory community service by certain persons registering in terms of the Act, the inclusion of a physiological condition in the meaning of practising veterinary professions and para-veterinary professions and the registration of a person who has completed the relevant qualification but which has not been conferred; to provide for a registered foreign veterinarian to continue practising by attaining either citizenship or permanent residency; to provide for continuing professional development, the suspension of registered persons and the termination of such suspension; to provide for the appointment and powers of inspection officers, the investigation of complaints, and cost orders; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 12 of Act 19 of 1982

1. Section 12 of the Veterinary and Para-Veterinary Professions Act, 1982 (hereinafter referred to as the principal Act), is hereby amended— 5
- (a) by the substitution for subsection (1) of the following subsection: 5
- “(1) The council may **[from time to time]** establish such other committees as it may deem necessary to exercise such powers and perform such functions as may **[from time to time]** be conferred or imposed upon or delegated to them by the council.”; 10
- (b) by the substitution for subsection (3) of the following subsection: 10
- “(3) The council shall designate a member of a committee, who shall also be a member of the council, as the **[chairman]** chairperson of that committee.”; 15
- (c) by the insertion of the following subsection after subsection (3): 15
- “(3A) Unless an appeal is lodged in terms of section 33A in the prescribed manner, a decision of a committee established in terms of subsection (1) to institute an inquiry in terms of section 31 or 31A into the conduct of any registered person shall be of force and effect from the date determined by that committee.”; and 20

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrapings uit
 bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder dui invoegings in bestaande
 verordenings aan.

(English text signed by the President)
(Assented to 6 Desember 2012)

WET

Tot wysiging van die Wet op Veterinêre en Para-veterinêre Beroepe, 1982, ten einde voorsiening te maak vir die instelling van 'n appèlkomitee en sy werksaamhede; voorsiening te maak vir die verrigting van verpligte gemeenskapsdiens deur sekere persone wat ingevolge die Wet registreer, die insluiting van 'n fisiologiese toestand in die betekenis van die praktisering van veterinêre beroepe en para-veterinêre beroepe en die registrasie van 'n persoon wat die toepaslike kwalifikasie voltooi het maar wat nie toegestaan is nie; voorsiening te maak vir 'n geregistreerde buitelandse veearts om voort te gaan om te praktiseer deur burgerskap of permanente verblyfreg te kry; voorsiening te maak vir voortgesette professionele ontwikkeling, die skorsing van geregistreerde persone en die beëindiging van sodanige skorsing; voorsiening te maak vir die aanstelling en bevoegdhede van inspeksiebeamptes, die ondersoek van klagtes, en kostebevele; en om vir aangeleenthede wat daarmee in verband staan voorsiening te maak.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 12 van Wet 19 van 1982

1. Artikel 12 van die Wet op Veterinêre en Para-veterinêre Beroepe, 1982 (hierna die Hoofwet genoem), word hierby gewysig— 5
- (a) deur subartikel (1) deur die volgende subartikel te vervang: 5
- “(1) Die raad kan [**van tyd tot tyd**] die ander komitees instel wat hy nodig ag om die bevoegdhede uit te oefen of die werksaamhede te verrig wat [**van tyd tot tyd**] deur die raad aan hulle verleen, opgedra of gedelegeer word.”; 10
- (b) deur in die Engelse teks subartikel (3) deur die volgende subartikel te vervang: 10
- “(3) The council shall designate a member of a committee, who shall also be a member of the council, as the [**chairman**] chairperson of that committee.”; 10
- (c) deur na subartikel (3) die volgende subartikel in te voeg: 15
- “(3A) Tensy 'n appèl kragtens artikel 33A op die voorgeskrewe wyse aangeteken word, is 'n besluit van 'n ingevolge subartikel (1) ingestelde komitee om 'n ondersoek ingevolge artikel 31 of 31A na die gedrag van enige geregistreerde persoon in te stel, van krag vanaf die datum deur daardie komitee bepaal.”; en 20

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- (d) by the substitution for subsection (4) of the following subsection:
“(4) The provisions of sections 10(3), (5), (6) and (7) and 11(4) shall *mutatis mutandis* apply to a committee established [**under this section**] in terms of subsection (1).”.

Insertion of section 12A in Act 19 of 1982

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2. The following section is hereby inserted in the principal Act after section 12:

“Ad hoc appeal committees

- 12A.** (1) The council shall establish an *ad hoc* appeal committee to consider any appeal lodged in terms of section 33A against a decision of an inquiry instituted in terms of section 31 or 31A, in the prescribed manner. 10
- (2) An *ad hoc* appeal committee shall consist of—
- (a) a chairperson, with knowledge in the practice of law, for a cumulative period of at least 10 years; and
 - (b) not more than two registered persons drawn from the profession similar to that of the registered person in respect of whose conduct an inquiry was instituted. 15
- (3) An *ad hoc* appeal committee shall have the power to consider any appeal contemplated in subsection (1) and may, in the prescribed manner—
- (a) confirm the decision;
 - (b) amend, vary or set aside the decision; 20
 - (c) remit the matter back to the council or a committee with such instructions as it may consider necessary; or
 - (d) make such other order, including an order for cost, as it considers appropriate.
- (4) A decision of an *ad hoc* appeal committee in terms of this Act shall be final and of force and effect from the date determined by that appeal committee, subject to review by a court of law with competent jurisdiction.”. 25

Insertion of section 20A in Act 19 of 1982

3. The following section is hereby inserted in the principal Act after section 20: 30

“Compulsory community service

- 20A.** (1) From the date of commencement of section 3 of the Veterinary and Para-Veterinary Professions Amendment Act, 2012, any person registering for the first time to practise a veterinary profession or para-veterinary profession in terms of this Act, shall perform in the prescribed manner compulsory community service in that veterinary profession or para-veterinary profession for a period of one year and shall, upon completion of such service, be entitled to practise the profession for which he or she is registered. 35
- (2) The Minister may, after consultation with the council, prescribe the performance of compulsory community service contemplated in subsection (1), including but not limited to— 40
- (a) the registration of persons for compulsory community service;
 - (b) the conditions of employment pertaining to persons who perform such service; 45
 - (c) the places at which compulsory community service is to be performed; and
 - (d) the conditions subject to which the service may be interrupted.
- (3) The Minister may, after consultation with the council, prescribe the circumstances under which a person contemplated in subsection (1) may be exempted from performance of the compulsory community service.”. 50

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(d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die bepalings van artikels 10(3), (5), (6) en (7) en 11(4) is *mutatis mutandis* van toepassing op ’n komitee wat [kragtens hierdie artikel] ingevolge subartikel (1) ingestel is.”.

Invoeging van artikel 12A in Wet 19 van 1982

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2. Die volgende artikel word hierby na artikel 12 in die Hoofwet ingevoeg:

“Ad hoc-appèlkomitees

12A. (1) Die raad moet ’n *ad hoc*-appèlkomitee instel om enige appèl te oorweeg wat op die voorgeskrewe wyse ingevolge artikel 33A teen ’n beslissing van ’n ondersoek ingestel ingevolge artikel 31 of 31A, aangeteken is. 10

(2) ’n *Ad hoc*-appèlkomitee bestaan uit—

- (a) ’n voorsitter, met kennis van die regspraktyk, vir ’n kumulatiewe tydperk van ten minste 10 jaar; en
- (b) hoogstens twee geregistreerde persone uit die beroep soortgelyk aan dié van die geregistreerde persoon na wie se gedrag ’n ondersoek ingestel is. 15

(3) ’n *Ad hoc*-appèlkomitee het die bevoegdheid om enige appèl in subartikel (1) beoog te oorweeg en kan, op die voorgeskrewe wyse—

- (a) die beslissing bevestig; 20
- (b) die beslissing wysig, verander of ter syde stel;
- (c) die aangeleentheid terugverwys na die raad of ’n komitee met sodanige instruksies wat hy nodig mag ag; of
- (d) sodanige ander bevel uitreik, met inbegrip van ’n bevel vir koste, wat hy gepas ag. 25

(4) ’n Beslissing van ’n *ad hoc*-appèlkomitee ingevolge hierdie Wet is finaal en tree in werking vanaf die datum deur daardie appèlkomitee bepaal, behoudens oorsig deur ’n bevoegde hof.”.

Invoeging van artikel 20A in Wet 19 van 1982

3. Die volgende artikel word hierby na artikel 20 in die Hoofwet ingevoeg: 30

“Verpligte gemeenskapsdiens

20A. (1) Vanaf die datum van inwerkingtreding van artikel 3 van die Wysigingswet op Veterinêre en Para-veterinêre Beroepe, 2012, moet enige persoon wat vir die eerste keer registreer om ’n veterinêre beroep of ’n para-veterinêre beroep ingevolge hierdie Wet te beoefen, op die voorgeskrewe wyse vir ’n tydperk van een jaar verpligte gemeenskapsdiens in daardie veterinêre beroep of para-veterinêre beroep verrig en is, by voltooiing van sodanige diens, daarop geregtig om die beroep waarvoor hy of sy geregistreer is, te beoefen. 35

(2) Die Minister kan, na oorleg met die raad, die verrigting van verpligte gemeenskapsdiens in subartikel (1) beoog, voorskryf, met inbegrip van maar nie beperk nie tot— 40

- (a) die registrasie van persone vir verpligte gemeenskapsdiens;
- (b) die diensvoorwaardes wat betrekking het op persone wat sodanige diens verrig; 45
- (c) die plekke waar verpligte gemeenskapsdiens gedoen moet word; en
- (d) die voorwaardes waarvolgens die diens onderbreek mag word.

(3) Die Minister mag, na oorleg met die raad, die omstandighede voorskryf waaronder ’n persoon in subartikel (1) beoog vrygestel kan word van verrigting van die verpligte gemeenskapsdiens.”. 50

Amendment of section 23 of Act 19 of 1982, as amended by section 6 of Act 19 of 1989 and section 2 of Act 13 of 1993

4. Section 23 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) performing any act which has as its purpose diagnosing, treating or preventing any pathological or physiological condition in any animal or which constitutes a surgical operation on any animal and is deemed in terms of the rules to pertain specially to a veterinary profession.”. 5

Amendment of section 24 of Act 19 of 1982, as amended by section 7 of Act 19 of 1989, section 8 of Act 10 of 2002 and section 36 of Act 12 of 2004 10

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

(a) by the substitution for subsection (1) of the following subsection:

“(1) (a) Subject to the provisions of subsection (1A) and paragraph (b), a person may be registered in terms of this Act to practise a veterinary profession or a para-veterinary profession if— 15

[(a)] (i) in the case of a natural person, that person is the holder of an appropriate degree, diploma or certificate prescribed or accepted under section 20; or

[(b)] (ii) in the case of a juristic person, that person is a corporation or a private company. 20

(b) A person contemplated in paragraph (a)(i) who registers for the first time to practise a veterinary profession or para-veterinary profession in terms of this Act may not be so registered, unless that person simultaneously registers for compulsory community service contemplated in section 20A.”; and 25

(b) by the substitution in subsection (1A)(a) for subparagraph (i) of the following subparagraph:

“(i) from the date on which the person fulfilled the academic requirements for the degree, diploma or certificate, contemplated in subsection (1) [was granted to a person], up to the date on which such person applies for registration in terms of section 25 for the first time; or” 30

Amendment of section 25 of Act 19 of 1982, as amended by section 8 of Act 19 of 1989

6. Section 25 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection: 35

“(6) (a) If a person is registered by virtue of a degree, diploma or certificate which is accepted in terms of section 20(5), and such person is resident in the Republic but is not a South African citizen, his or her registration shall lapse seven years, or such further period as the council may in a particular case determine, after the date on which a certificate of registration was issued to him or her in terms of subsection (2), unless he or she becomes a South African citizen or has attained permanent residence status in terms of section 26 or 27 of the Immigration Act, 2002 (Act No. 13 of 2002), before the date on which his or her registration is so to lapse. 45

(b) A person whose registration has lapsed as contemplated in paragraph (a), shall not again be registered in terms of this Act before he or she is a South African citizen or has attained permanent residence status in terms of the Immigration Act, 2002 (Act No. 13 of 2002).” 50

Insertion of section 28A in Act 19 of 1982 50

7. The following section is hereby inserted in the principal Act after section 28:

“Suspension of registration and termination of such suspension

28A. (1) A committee established in terms of section 12(1) may authorise the registrar to suspend the registration of any person who is registered or deemed to be registered in terms of this Act and who— 55

Wysiging van artikel 23 van Wet 19 van 1982, soos gewysig deur artikel 6 van Wet 19 van 1989 en artikel 2 van Wet 13 van 1993

4. Artikel 23 van die Hoofwet word hierby gewysig deur in subartikel (2) paragraaf (d) deur die volgende paragraaf te vervang:

“(d) enige handeling wat die diagnosering, behandeling of voorkoming van enige patologiese of fisiologiese toestand by ’n dier ten doel het of wat ’n chirurgiese operasie op ’n dier uitmaak en ingevolge die reëls geag word by uitstek by ’n veterinêre beroep tuis te hoort.”.

Wysiging van artikel 24 van Wet 19 van 1982, soos gewysig deur artikel 7 van Wet 19 van 1989, artikel 8 van Wet 10 van 2002 en artikel 36 van Wet 12 van 2004

5. Artikel 24 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) (a) Behoudens die bepalinge van subartikel (1A) en paragraaf (b), kan iemand ingevolge hierdie Wet geregistreer word om ’n veterinêre beroep of ’n para-veterinêre beroep te beoefen indien—

[(a)] (i) in die geval van ’n natuurlike persoon, daardie persoon die besitter is van ’n toepaslike graad, diploma of sertifikaat wat kragtens artikel 20 voorgeskryf of aanvaar is; of

[(b)] (ii) in die geval van ’n regspersoon, daardie persoon ’n korporasie of ’n private maatskappy is.

(b) ’n Persoon in paragraaf (a)(i) beoog wat vir die eerste keer registreer om ’n veterinêre beroep of para-veterinêre beroep ingevolge hierdie Wet te beoefen, mag nie aldus geregistreer word nie tensy daardie persoon terselfdertyd registreer vir verpligte gemeenskapsdiens in artikel 20A beoog.”; en

(b) deur in subartikel (1A)(a) subparagraaf (i) deur die volgende subparagraaf te vervang:

“(i) vanaf die datum waarop die persoon voldoen het aan die akademiese vereistes vir die graad, diploma of sertifikaat beoog in subartikel (1) [, aan iemand toegeken is,] tot die datum waarop so iemand vir die eerste keer ingevolge artikel 25 aansoek om registrasie doen; of”.

Wysiging van artikel 25 van Wet 19 van 1982, soos gewysig deur artikel 8 van Wet 19 van 1989

6. Artikel 25 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

“(6) (a) Indien ’n persoon uit hoofde van ’n graad, diploma of sertifikaat wat ingevolge artikel 20(5) aanvaar is, geregistreer is en sodanige persoon in die Republiek woonagtig is maar nie ’n Suid-Afrikaanse burger is nie, verval sy of haar registrasie sewe jaar, of die verdere tydperk wat die raad in ’n bepaalde geval bepaal, na die datum waarop ’n sertifikaat van registrasie ingevolge subartikel (2) aan hom of haar uitgereik is, tensy hy of sy voor bedoelde vervaldatum ’n Suid-Afrikaanse burger word of permanente verblyfstatus ingevolge artikel 26 of 27 van die ‘Immigration Act, 2002’ (Wet No. 13 van 2002), verkry het.

(b) Iemand wie se registrasie verval het soos in paragraaf (a) beoog, word nie weer ingevolge hierdie Wet geregistreer voordat hy of sy ’n Suid-Afrikaanse burger is nie of ’n permanente verblyfstatus ingevolge die ‘Immigration Act, 2002’ (Wet No. 13 van 2002), verkry het nie.”.

Invoeging van artikel 28A in Wet 19 van 1982

7. Die volgende artikel word hierby na artikel 28 in die Hoofwet ingevoeg:

“Opskorting van registrasie en beëindiging van sodanige opskorting

28A. (1) ’n Komitee ingevolge artikel 12(1) ingestel, kan die registrateur magtig om die registrasie van ’n persoon op te skort wat ingevolge die Wet geregistreer is of geag is geregistreer te wees en wat—

- (a) has failed to comply with the requirements in respect of continuing professional development as prescribed; or
 - (b) on the basis of a complaint lodged with the council or information available at the disposal of the council, is posing an imminent threat or danger to the public or any animal in terms of his or her professional practice. 5
- (2) The authorisation contemplated in subsection (1) shall be granted only after—
- (a) such person has been notified in writing by the registrar of the intended suspension of his or her registration; 10
 - (b) such person has been afforded the opportunity to furnish reasons why his or her registration should not be suspended;
 - (c) the committee has conducted a hearing in the prescribed manner; and
 - (d) such person has been informed of and has exercised or waived his or her right to lodge an appeal in terms of section 33A against the decision of the council or committee. 15
- (3) Subject to subsection (2), the registrar shall issue a written notice of suspension and forward such notice to such person by way of certified mail, fax or electronic transmission to the address appearing in respect of him or her in the register. 20
- (4) As from the date of receipt of the notice contemplated in subsection (3) by such person—
- (a) any registration certificate issued in terms of this Act to that person shall be deemed to be suspended; and
 - (b) he or she shall immediately cease to practise the veterinary profession or para-veterinary profession in respect of which he or she is registered or to perform any act which he or she, in his or her capacity as a registered person, is entitled to perform, until such time as the suspension of his or her registration is terminated by written notice in terms of subsection (5). 25
- (5) The suspension of any person in terms of subsection (1) shall be terminated by the registrar upon—
- (a) the expiry of the suspension period;
 - (b) such person complying with requirements in respect of continuing professional development as prescribed; or
 - (c) his or her compliance with such other requirements as the council may determine.”. 30 35

Insertion of section 29A in Act 19 of 1982

8. The following section is hereby inserted in the principal Act after section 29:

“Powers of officers and other persons 40

29A. (1) Any officer appointed in terms of this Act and who is required or authorised to perform any duty on behalf of the council, or any person appointed by virtue of the provisions of section 43(1)(k) to conduct any inspection, may, without a warrant, enter any veterinary facility at any time reasonable for the proper performance of such duty or to conduct such inspection, and perform such duty or conduct such inspection. 45

(2) An officer or a person referred to in subsection (1) may, where necessary, be accompanied by a police official and any other person reasonably required to render assistance to him or her.

(3) Every officer or person referred to in subsection (1) shall be issued with a certificate signed by the registrar and containing the name of that officer or person as well as a statement to the effect that— 50

- (a) the officer or person has so been appointed; and
- (b) he or she is empowered to perform any duty or conduct an inspection in terms of this Act. 55

(4) Whenever an officer or a person referred to in subsection (1) performs a duty or conduct an inspection in terms of this Act, he or she shall—

- (a) be in possession of a certificate referred to in subsection (3); and
- (b) produce that certificate to any person who is affected by his or her action.”. 60

- (a) versuim het om aan die vereistes ten opsigte van voortgesette professionele ontwikkeling soos voorgeskryf te voldoen; of
- (b) op grond van 'n klagte by die raad ingedien of beskikbare inligting tot beskikking van die raad, ingevolge sy of haar professionele praktyk 'n onmiddellike bedreiging of gevaar vir die publiek of enige dier inhou. 5
- (2) Die magtiging in subartikel (1) beoog word slegs toegestaan nadat—
- (a) sodanige persoon skriftelik deur die registrateur ingelig is van die voorgenome opskorting van sy of haar registrasie;
- (b) sodanige persoon die geleentheid gegun is om redes te verskaf waarom sy of haar registrasie nie opgeskort moet word nie; 10
- (c) die komitee 'n verhoor op die voorgeskrewe wyse onderneem het; en
- (d) sodanige persoon ingelig is van en sy of haar reg om ingevolge artikel 33A appèl teen die beslissing van die raad of komitee aan te teken, en dit uitgeoefen het of verkies het om dit nie uit te oefen nie.
- (3) Behoudens subartikel (2), moet die registrateur 'n skriftelike kennisgewing van opskorting uitreik en sodanige kennisgewing na sodanige persoon aanstuur per gesertifiseerde pos, faksimilee of elektroniese oordrag na die adres wat ten opsigte van hom of haar in die register verskyn. 15
- (4) Vanaf die datum van ontvangs deur sodanige persoon van die kennisgewing in subartikel (3) beoog— 20
- (a) word enige registrasiesertifikaat ingevolge hierdie Wet aan daardie persoon uitgereik geag opgeskort te wees; en
- (b) moet hy of sy onmiddellik ophou om die veterinêre beroep of para-veterinêre beroep te beoefen ten opsigte waarvan hy of sy geregistreer is of om enige handeling te verrig wat hy of sy, in sy of haar kapasiteit as 'n geregistreerde persoon, geregtig is om te verrig, totdat die opskorting van sy of haar registrasie ingevolge subartikel (5) deur skriftelike kennisgewing beëindig word. 25
- (5) Die opskorting van enige persoon ingevolge subartikel (1) word deur die registrateur beëindig wanneer— 30
- (a) die opskortingstydperk verstryk;
- (b) sodanige persoon voldoen aan vereistes ten opsigte van voortgesette professionele ontwikkeling soos voorgeskryf; of
- (c) hy of sy voldoen aan sodanige ander vereistes wat die raad mag bepaal.”. 35

Invoeging van artikel 29A in Wet 19 van 1982

8. Die volgende artikel word hierby na artikel 29 in die Hoofwet ingevoeg:

“Bevoegdhede van beamptes en ander persone

- 29A.** (1) 'n Beampte ingevolge hierdie Wet aangestel en van wie vereis word om of wat gemagtig is om enige plig namens die raad uit te voer, of 'n persoon aangestel uit hoofde van die bepalings van artikel 43(1)(k) om enige inspeksie te doen, kan, sonder 'n lasbrief, enige veterinêre fasiliteit betree te eniger tyd wat redelik is vir die deeglike uitvoering van sodanige plig, of om sodanige inspeksie te doen, en sodanige plig uitvoer of sodanige inspeksie doen. 40
- (2) 'n Beampte of 'n persoon in subartikel (1) bedoel kan, waar nodig, vergesel word deur 'n polisiebeampte of enige ander persoon redelik vereis om hom of haar by te staan.
- (3) Elke beampte of persoon in subartikel (1) bedoel, moet voorsien word van 'n sertifikaat deur die registrateur onderteken en wat die naam van daardie beampte of persoon bevat, asook 'n verklaring ten effekte dat— 50
- (a) die amptenaar of persoon aldus aangestel is; en
- (b) hy of sy gemagtig is om enige plig uit te voer of 'n inspeksie te doen ingevolge hierdie Wet. 55
- (4) Wanneer 'n beampte of 'n persoon in subartikel (1) bedoel, 'n plig of 'n inspeksie ingevolge hierdie Wet uitvoer, moet hy of sy—
- (a) in besit wees van 'n sertifikaat in subartikel (3) bedoel; en
- (b) daardie sertifikaat voorlê aan enige persoon wat deur sy of haar handeling geraak word.”. 60

Insertion of sections 31A and 31B in Act 19 of 1982

9. The following sections are hereby inserted in the principal Act after section 31:

“Manner in which certain investigations may be instituted

- 31A.** (1) If the registrar deems it necessary for the achievement of the objects of this Act and to establish more facts, he or she may institute or cause to be instituted an investigation—
- (a) into any alleged contravention of, or failure to comply with, any provision of this Act;
 - (b) in order to determine if any provision of this Act applies to or has been contravened by any registered person; and
 - (c) into any charge, complaint or allegation of unprofessional conduct by any registered person.
- (2) Subject to subsection (1), the registrar may with the approval of the council appoint—
- (a) an officer of the council as an investigating officer for a particular investigation; or
 - (b) any person other than an officer of the council and who is not in the full-time employment of the council as an investigation officer for a particular investigation or to assist the officer contemplated in paragraph (a).
- (3) Any person appointed in terms of subsection (2)(b) shall, for the purpose of the investigation in question, have the same powers and duties as an officer referred to in subsection (2)(a).
- (4) The registrar shall issue to every investigation officer appointed in terms of subsection (2)(a) or (b), as the case may be, a certificate signed by the registrar and containing the name of that officer or person as well as a statement to the effect that—
- (a) the officer or person has so been appointed; and
 - (b) he or she is empowered to perform any function or conduct an investigation in terms of this Act.
- (5) Whenever an investigation officer exercises any power or performs any function in terms of this Act, he or she shall—
- (a) be in possession of a certificate of appointment issued in terms of subsection (4); and
 - (b) produce that certificate to any person who is affected by his or her action.
- (6) (a) The registrar or an investigating officer who carries out an investigation under this Act, shall compile a report of the investigation, and a report compiled by an investigating officer shall be submitted to the registrar.
- (b) If such report—
- (i) reveals *prima facie* evidence of unprofessional conduct contemplated in this Act and no complaint or charge has been lodged or laid or no allegation regarding the conduct in question has been made for the purpose of an inquiry in terms of section 31, such report shall be deemed to be a complaint made for that purpose, and the registrar shall serve a copy thereof on the registered person concerned;
 - (ii) reveals *prima facie* evidence which makes it desirable that an inquiry in terms of section 31 be instituted, the registrar shall forward a copy thereof to a committee established in terms of section 12(1) to further investigate and deal with the matter in terms of this Act.
- (c) If such report does not reveal any *prima facie* evidence of unprofessional conduct contemplated in this Act, the registrar shall serve a copy thereof on the registered person concerned in the prescribed manner.
- (d) To the extent that such report contains statements of witnesses which would have been admissible as oral evidence at any inquiry in terms of section 31, the provisions of section 213 of the Criminal Procedure Act,

Invoeging van artikels 31A en 31B in Wet 19 van 1982

9. Die volgende artikels word hierby na artikel 31 in die Hoofwet ingevoeg:

“Wyse waarop sekere ondersoeke ingestel kan word

- 31A.** (1) Indien die registrateur dit nodig ag vir die bereiking van die oogmerke van hierdie Wet en vir die vasstelling van meer feite, kan hy of sy ’n ondersoek instel of laat instel— 5
- (a) na enige beweerde oortreding van, of versuim om te voldoen aan, enige bepaling van hierdie Wet;
 - (b) ten einde vas te stel of enige bepaling van hierdie Wet van toepassing is op of oortree is deur enige geregistreerde persoon; en 10
 - (c) na enige aanklag, klagte of bewering van onprofessionele gedrag deur enige geregistreerde persoon.
- (2) Behoudens subartikel (1), kan die registrateur met die goedkeuring van die raad—
- (a) ’n beampte van die raad as ’n ondersoekbeampte vir ’n bepaalde ondersoek aanstel; of 15
 - (b) enige persoon behalwe ’n beampte van die raad en wat nie in voltydse diens van die raad is nie, as ondersoekbeampte aanstel vir ’n bepaalde ondersoek of om die beampte in paragraaf (a) beoog by te staan.
- (3) ’n Persoon ingevolge subartikel (2)(b) aangestel moet, vir die doel van die betrokke ondersoek, dieselfde bevoegdhede en pligte hê as ’n beampte in subartikel (2)(a) bedoel. 20
- (4) Die registrateur moet aan elke ondersoekbeampte aangestel ingevolge subartikel (2)(a) of (b), na gelang van die geval, ’n sertifikaat onderteken deur die registrateur uitreik wat die naam van daardie beampte of persoon bevat asook ’n verklaring te dien effekte dat— 25
- (a) die beampte of persoon aldus aangestel is; en
 - (b) hy of sy gemagtig is om enige werksaamheid te verrig of ’n ondersoek te doen ingevolge hierdie Wet.
- (5) Wanneer ’n ondersoekbeampte enige bevoegdheid uitoefen of enige werksaamheid verrig ingevolge hierdie Wet, moet hy of sy— 30
- (a) in besit wees van ’n aanstellingsertifikaat ingevolge subartikel (4) uitgereik; en
 - (b) daardie sertifikaat voorlê aan enige persoon wat deur sy of haar handeling geraak word. 35
- (6) (a) Die registrateur of ’n ondersoekbeampte wat ’n ondersoek kragtens hierdie Wet doen, moet ’n verslag van die ondersoek saamstel, en ’n verslag deur ’n ondersoekbeampte saamgestel, word aan die registrateur voorgelê. 40
- (b) Indien sodanige verslag—
 - (i) *prima facie* bewyse blootlê van onprofessionele gedrag in hierdie Wet beoog en geen klagte of aanklag is ingedien nie of geen bewering betreffende die betrokke gedrag is gemaak vir die doel van ’n ondersoek ingevolge artikel 31 nie, word sodanige verslag geag ’n klagte te wees wat vir daardie doel gemaak is, en die registrateur moet ’n afskrif daarvan op die betrokke geregistreerde persoon beteken; 45
 - (ii) *prima facie* bewyse blootlê wat die instel van ’n ondersoek ingevolge artikel 31 wenslik maak, moet die registrateur ’n afskrif daarvan aanstuur na ’n komitee ingevolge artikel 12(1) ingestel, om die aangeleentheid verder te ondersoek en ingevolge hierdie Wet te hanteer. 50
- (c) Indien sodanige verslag nie enige *prima facie* bewyse van onprofessionele gedrag in hierdie Wet beoog, blootlê nie, moet die registrateur ’n afskrif daarvan op die voorgeskrewe wyse aan die betrokke geregistreerde persoon beteken. 55
 - (d) Tot die mate wat sodanige verslag verklarings van getuies bevat wat as mondelinge getuienis by enige ondersoek ingevolge artikel 31 toelaatbaar sou wees, is die bepalings van artikel 213 van die Strafproseswet, 1977

1977 (Act No. 51 of 1977), shall apply *mutatis mutandis* in respect of those statements at such inquiry.

(7) Any person who carries out or assists with an investigation in terms of this Act shall keep or assist in preserving confidentiality in respect of all facts which come to his or her notice in the performance of his or her duties, and shall not disclose any such fact to any person except the registrar, the president of the council or the public prosecutor concerned, in the case of the investigation of an offence in terms of this Act, or by an order of a court.

Entry and search

31B. (1) An investigation officer contemplated in section 31A(2) may, on the authority of a warrant contemplated in subsection (4) and without prior notice—

- (a) at any time reasonable for the proper performance of his or her duties in terms of this Act, enter upon and search any premises or veterinary facility where clinical veterinary services are rendered and specified in the warrant to carry out an investigation and make any enquiry, as he or she deem necessary;
- (b) while he or she is on the premises or at any other time, request the person whose conduct is being investigated to immediately or at a time and place determined by him or her or the registrar—
 - (i) produce to him or her such records or electronic data or both relating to, or which he or she on reasonable grounds believes to relate to, the matter which he or she is investigating, and such records or electronic data or both are or were present on the premises, or are or were in the possession or custody or under the control of that person or his or her employee or agent; and
 - (ii) furnish such explanations to him or her as he or she may require in respect of any such records or electronic data or both;
- (c) at any time and at any place—
 - (i) request any person who has or is suspected on reasonable grounds of having in his or her possession or custody or under his or her control any records or electronic data or both relating to the matter which is being investigated to produce such records or electronic data or both immediately or at a time and place determined by the registrar or him or her;
 - (ii) examine such records or electronic data or both;
 - (iii) make extracts from and copies of such records or electronic data or both; and
 - (iv) request any person to furnish such explanations to him or her as he or she may require,

(2) An investigation officer contemplated in subsection (1) may, where necessary, be accompanied by a police official.

(3) An investigation officer or a person assisting an investigation officer contemplated in subsection (1) who removes or seizes anything from the premises or facility being searched, shall—

- (a) issue a receipt for it to the owner or person in control of the premises or facility; and
- (b) unless it is an item prohibited in terms of the Act or the rules, return it as soon as practicable after achieving the purpose for which it was removed or seized.

(4) A warrant referred to in subsection (1) may be issued by a magistrate or a judge of a court of law with competent jurisdiction if it appears from information on oath or affirmation that there are reasonable grounds to believe that there is evidence available in or upon such premises or facility of a contravention or alleged contravention of this Act or the rules.

(5) No person is entitled to compensation for any loss or damage arising out of any *bona fide* action by an investigation officer, a person assisting an investigation officer or police official referred to in subsection (2) of this section.

(Wet No. 51 van 1977), *mutatis mutandis* van toepassing ten opsigte van daardie verklarings by sodanige ondersoek.

(7) 'n Persoon wat 'n ondersoek ingevolge hierdie Wet doen of daarmee help, moet vertroulikheid ten opsigte van alle feite waarvan hy of sy te wete kom in die verrigting van sy of haar pligte behou of help behou, en mag nie enige sodanige feit aan enige persoon buiten die registrateur, die president van die betrokke raad of staatsaanklaer openbaar maak nie, waar 'n misdryf ingevolge hierdie Wet of 'n hofbevel ondersoek word.

Betreding en deursoeking

31B. (1) 'n Ondersoekbeampte in artikel 31A(2) beoog kan, op gesag van 'n lasbrief in subartikel (4) beoog, en sonder vooraf kennisgewing—

(a) te eniger tyd wat redelik is vir die deeglike verrigting van sy of haar pligte ingevolge hierdie Wet, enige perseel of veterinêre fasiliteit in die lasbrief gespesifiseer waar veterinêre dienste verrig word, betree en deursoek om 'n ondersoek te doen en enige navraag doen wat hy of sy nodig ag;

(b) terwyl hy of sy op die perseel is of enige ander tyd die persoon wie se optrede ondersoek word, versoek om onmiddellik of op 'n tyd en plek wat deur hom of haar of die registrateur vasgestel word—

(i) aan hom of haar sodanige rekords of elektroniese data of beide voorlê wat betrekking het op, of wat hy of sy op redelike gronde oortuig is verband hou met, die aangeleentheid wat hy of sy ondersoek, en sodanige rekords en elektroniese of beide op die perseel teenwoordig is of was, of in besit of bewaring of onder beheer van daardie persoon of sy of haar werknemer of agent is of was; en

(ii) sodanige verduidelikings aan hom of haar voorsien wat hy of sy kan vereis ten opsigte van enige sodanige rekords of elektroniese data of beide;

(c) te eniger tyd en op enige plek—

(i) 'n persoon wat in sy besit of op redelike gronde daarvan verdink word dat hy of sy in sy of haar besit of bewaring of onder sy of haar beheer enige rekords of elektroniese data of beide het wat verband hou met die aangeleentheid wat ondersoek word, versoek om sodanige rekords of elektroniese data of beide onmiddellik of op 'n tyd en plek deur die registrateur of hom of haar vasgestel, te voorsien;

(ii) sodanige rekords of elektroniese data of beide bestudeer;

(iii) uittreksels uit en afdrukke van sodanige rekords of elektroniese data of beide maak; en

(iv) enige persoon versoek om sodanige verduidelikings aan hom of haar te voorsien wat hy of sy mag nodig hê.

(2) 'n Ondersoekbeampte in subartikel (1) beoog kan, waar nodig, deur 'n polisiebeampte vergesel word.

(3) 'n Ondersoekbeampte of 'n persoon wat 'n ondersoekbeampte in subartikel (1) beoog bystaan wat enige iets van die perseel of fasiliteit wat deursoek word, verwyder of daarop beslag lê—

(a) moet 'n ontvangsbewys daarvoor aan die eienaar of persoon in beheer van die perseel of fasiliteit uitreik; en

(b) tensy dit 'n verbode item ingevolge die Wet of die reëls is, dit so gou prakties moontlik terugbesorg nadat die doel waarvoor dit verwyder of op beslag gelê is, bereik is.

(4) 'n Lasbrief in subartikel (4) bedoel kan deur 'n landdros of 'n regter van 'n bevoegde hof uitgereik word indien dit uit inligting onder eed of verklaring blyk dat daar redelike gronde is om te glo dat bewyse beskikbaar is in of op sodanige perseel of fasiliteit van 'n oortreding of beweerde oortreding van hierdie Wet of die reëls.

(5) Geen persoon is geregtig op skadevergoeding vir enige verlies of skade wat voortvloei uit enige *bona fide* handeling deur 'n ondersoekbeampte, 'n persoon wat 'n ondersoekbeampte of polisiebeampte in subartikel (2) van hierdie artikel bedoel, bystaan nie.

(6) An investigation officer who enters and searches any premises under this section must conduct the entry and search with strict regard to decency and good order, including regard for each person's right to dignity, freedom and security and privacy.

(7) During any search under this section, only a female investigation officer or police officer may search a female person, and only a male investigation officer or police officer may search a male person.”

Amendment of section 33 of Act 19 of 1982, as amended by section 12 of Act 19 of 1989, section 4 of Act 13 of 1993 and section 11 of Act 10 of 2002

10. Section 33 of the principal Act is hereby amended by the addition of the following subsection:

“(9) The council may make an order as regards the costs incurred by the council or committee, as the case may be, relating to an inquiry or investigation to the conduct of a person registered or deemed to be registered in terms of this Act, of an amount not exceeding the amount determined by the Minister by notice in the *Gazette*.”

Insertion of section 33A in Act 19 of 1982

11. The following section is hereby inserted in the principal Act after section 33:

“Appeals against decisions of a Committee

33A. Any person whose rights may be adversely affected by a decision of a committee established in terms of section 12(1) to institute an inquiry in terms of this Act, may in the prescribed manner appeal against such decision, to the *ad hoc* appeal committee established in terms of section 12A(1).”

Amendment of section 41 of Act 19 of 1982, as amended by section 12 of Act 10 of 2002

12. Section 41 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (r) of the following paragraph:

“(r) supplies or offers to supply to any person who is not registered or deemed to be registered in terms of this Act, any instrument or appliance which can primarily be used for services which in terms of the rules are deemed to pertain specially to a veterinary profession or a para-veterinary profession, knowing that the instrument or appliance concerned will be used by such unregistered person for the rendering for gain of services of a kind of which he or she is in terms of this Act prohibited to perform for gain[.];”

(b) by the insertion in subsection (1) of the following paragraphs after paragraph (r):

“(s) fails to give or refuses access to an officer or investigation officer or a person assisting an officer or investigation officer or any person appointed by virtue of section 29A or 31A to conduct any inspection in terms of this Act, if that officer, investigation officer or person requests entrance to any veterinary facility or premises, or obstructs or hinders such officer, investigation officer or person in the execution of his or her duties under this Act, or fails or refuses to give information that he or she may lawfully be required to give such officer, investigation officer or person, or gives to such officer, investigation officer or person false or misleading information, knowing it to be false or misleading;

(t) impersonates the registrar or an officer, an investigation officer or a person assisting an officer, investigation officer or person appointed in terms of this Act; or

(u) contravenes or fails to comply with the provisions of section 31A(7) or 31B(1)(b) or (c);” and

(6) 'n Ondersoekbeampte wat enige perseel kragtens hierdie artikel betree en deursoek moet die betreding en deursoeking met streng inagneming van ordentlikheid en goeie orde uitvoer, met inbegrip van inagneming van elke persoon se reg op waardigheid, vryheid en sekerheid en privaatheid.

(7) Tydens 'n ondersoek kragtens hierdie artikel, mag slegs 'n vroulike ondersoekbeampte of polisiebeampte 'n vroulike persoon deursoek, en slegs 'n manlike ondersoekbeampte of polisiebeampte mag 'n manlike persoon deursoek.”

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Wysiging van artikel 33 van Wet 19 van 1982, soos gewysig deur artikel 12 van Wet 19 van 1989, artikel 4 van Wet 13 van 1993 en artikel 11 van Wet 10 van 2002

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10. Artikel 33 van die Hoofwet word hierby gewysig deur die byvoeging van die volgende subartikel:

“(9) Die raad kan 'n bevel uitreik betreffende die uitgawes deur die raad of komitee, na gelang van die geval, aangegaan in verband met 'n ondersoek na die optrede van 'n persoon geregistreer of geag geregistreer te wees ingevolge hierdie Wet, van 'n bedrag wat nie die bedrag oorskry soos deur die Minister by kennisgewing in die Staatskoerant voorgeskryf nie.”

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Invoeging van artikel 33A in Wet 19 van 1982

11. Die volgende artikel word hierby na artikel 33 in die Hoofwet ingevoeg:

“Appèlle teen besluite van Komitee

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33A. 'n Persoon wie se regte nadelig geraak kan word deur 'n besluit van 'n komitee ingestel ingevolge artikel 12(1) om 'n ondersoek ingevolge hierdie Wet in te stel, kan op die voorgeskrewe wyse by die *ad hoc*-komitee ingevolge artikel 12A(1) ingestel, teen sodanige besluit appelleer.”

Wysiging van artikel 41 van Wet 19 van 1982, soos gewysig deur artikel 12 van Wet 10 van 2002

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12. Artikel 41 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) paragraaf (r) deur die volgende paragraaf te vervang:

“(r) 'n instrument of toestel wat hoofsaaklik gebruik kan word vir dienste wat ingevolge die reëls geag word by uitstek by 'n veterinêre beroep of 'n para-veterinêre beroep tuis te hoort, aan iemand wat nie ingevolge hierdie Wet geregistreer is of geag word aldus geregistreer te wees nie, verskaf of die verskaffing daarvan aanbied in die wete dat die betrokke instrument of toestel deur sodanige ongeregistreerde persoon gebruik sal word vir die lewering vir wins van dienste van 'n aard wat hy of sy ingevolge hierdie Wet verbied word om vir wins te verrig[.];”

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(b) deur in subartikel (1) die volgende paragrawe na paragraaf (r) in te voeg:

“(s) versuim of weier om toegang te verleen aan 'n beampte of ondersoekbeampte of iemand wat 'n beampte of ondersoekbeampte of iemand aangestel kragtens artikel 29A of 31A om 'n inspeksie ingevolge hierdie Wet te doen bystaan, indien daardie beampte, ondersoekbeampte of persoon toegang tot enige veterinêre fasiliteit of perseel versoek, of sodanige beampte, ondersoekbeampte of persoon belemmer of hinder in die uitvoering van sy of haar pligte kragtens hierdie Wet, of versuim of weier om inligting wat wetlik van hom of haar vereis mag word aan sodanige beampte, ondersoekbeampte of persoon te gee, of aan sodanige beampte, ondersoekbeampte of persoon vals of misleidende inligting gee, wetende dat dit vals of misleidend is;

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(t) homself of haarself voordoen as die registrateur of 'n beampte, 'n ondersoekbeampte of 'n persoon wat 'n beampte, ondersoekbeampte of persoon ingevolge hierdie Wet aangestel, bystaan; of

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(u) die bepalings van artikel 31A(7) of 31B(1)(b) of (c) oortree of versuim om daaraan te voldoen.”; en

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(c) by the substitution in subsection (1) for subparagraph (i) of the following subparagraph:

“(i) on a first conviction of a contravention referred to in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), ~~or~~ (k), (s), (t) or (u), be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment;”.

Amendment of section 43 of Act 19 of 1982, as amended by section 14 of Act 10 of 2002

13. Section 43 of the principal Act is hereby amended by the insertion in subsection (1) of the following paragraphs after paragraph (j):

“(k) the appointment of persons to carry out investigations at or inspect any premises or veterinary facilities where clinical veterinary services are being rendered;

(l) the duties of persons appointed in terms of paragraph (k) and the fees payable to them by the council in respect of investigations or inspections in terms of this Act.”.

Short title and commencement

14. This Act is called the Veterinary and Para-Veterinary Professions Amendment Act, 2012, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

- (c) deur in subartikel (1) subparagraaf (i) deur die volgende paragraaf te vervang:
“(i) by eerste skuldigbevinding aan ’n oortreding in paragraaf (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) [of] (k), (s), (t) of (u) bedoel, strafbaar met ’n boete of met gevangenisstraf vir ’n tydperk van hoogstens een jaar, of met ’n boete sowel as daardie gevangenisstraf;”.

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Wysiging van artikel 43 van Wet 19 van 1982, soos gewysig deur artikel 14 van Wet 10 van 2002

13. Artikel 43 van die Hoofwet word hierby gewysig deur in subartikel (1) na paragraaf (j) die volgende paragrafe in te voeg:

- “(k) die aanstelling van persone om ondersoekte te doen of inspeksies te hou by enige perseel of veterinêre fasiliteite waar kliniese veterinêre dienste verrig word;
(l) die pligte van persone aangestel ingevolge paragraaf (k) en die gelde aan hulle betaalbaar deur die raad ten opsigte van ondersoekte of inspeksies ingevolge hierdie Wet;”.

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Kort titel en inwerkingtreding

14. Hierdie Wet heet die Wet op Veterinêre en Para-veterinêre Beroepe, 2012, en tree in werking op ’n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

