

CHAPTER 374

VETERINARY SURGEONS (REGISTRATION)

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CHAPTER 374

VETERINARY SURGEONS (REGISTRATION)

An act to make provision for the registration in Barbados of veterinary surgeons and the enrolment of animal health assistants and for related matters. 1995-20.

[1st February, 1996] Commence-
ment.
1996/21.

Citation

1. This Act may be cited as the *Veterinary Surgeons (Registration) Act*. Short title.

Interpretation

2. In this Act Definitions.

"Animal Health Assistant" means a person whose name appears on the Animal Health Assistants Roll;

"annual registration fee" means the fee payable in accordance with sections 3, 5, or 6, of the *Profession, Trade and Business Registration Act*; Cap. 373.

"Council" means the Veterinary Council established by section 3;

"register" means the Veterinary Surgeon's Register required to be kept by the Registrar under section 4;

"Registrar" means the Registrar of the Supreme Court;

"Secretary" means the person for the time being performing the functions of secretary to the Council;

"veterinary medicine" means the art and science of veterinary surgery and medicine including obstetrics and dentistry and includes

- (a) the diagnosis of disease in, and injuries to, animals including tests performed on animals for diagnostic purposes;
- (b) the giving of advice based on such diagnosis;
- (c) the medical or surgical treatment of animals;
- (d) the prescription of medicine for animals;
- (e) the performance of surgical operations on animals;
- (f) the collection and transfer of ova and embryos in animals; and
- (g) pathological examination of animals.

"veterinary surgeon" means a person whose name appears on the Veterinary Surgeons Register.

(2) A reference in any enactment to a registered veterinary surgeon, legally qualified veterinary practitioner, duly qualified veterinary surgeon or veterinarian shall be construed as a reference to a veterinary surgeon.

PART I

Establishment of Council

Establishment of the Veterinary Council.
Cap. 1.

3. (1) For the purposes of this Act, there is hereby established a Council to be known as the Veterinary Council.

(2) The Council shall be a body corporate and section 21 of the *Interpretation Act* applies thereto.

First Schedule.

(3) The provisions of the *First Schedule* have effect with respect to the constitution of the Council and otherwise in relation thereto.

PART II

Veterinary Surgeon

Register.

4. (1) The Registrar shall keep a register to be known as the Veterinary Surgeons Register in which he shall cause to be entered, subject to section 5, the name of every person entitled under section 6 to be

registered as a veterinary surgeon, together with the following particulars in respect of each such person

- (a) his full name and address;
- (b) the date of his registration; and
- (c) a description and the date of the qualifications in respect of which he is registered.

(2) The Veterinary Surgeons Register shall at all reasonable times be open to inspection at the Registration Office.

(3) The Register shall make such alterations in the addresses and qualifications of veterinary surgeons as are necessary and shall remove from the register the name of any veterinary surgeon who is deceased or is no longer qualified to practice veterinary medicine in Barbados.

(4) Subject to section 5, a person whose name is not entered on the register shall be deemed not to be a veterinary surgeon.

5. The Registrar shall, forthwith after the 1st February, 1996, cause to be entered in the register the particulars specified in paragraphs (a), (b) and (c) of section 4(1) in respect of every person who immediately before 1st February, 1996 was registered under the *Veterinary Surgeons Act*¹ without application on the part of any such person and without the payment of any fee and pending such entry every such person shall be deemed to be a veterinary surgeon.

Registration of existing veterinary surgeons. Cap. 374.

6. (1) Any person who after 1st February, 1996 applies to the Council to be registered as a veterinary surgeon and who satisfies the Council

Registration.

- (a) that he is qualified to be so registered;
- (b) that he is a fit and proper person to practice veterinary medicine in Barbados; and

¹ Repealed by this Act.

(c) that he is able to read, write, speak and understand the English Language,

is entitled upon compliance with the requirements of this Act and on payment of the first registration fee to be registered as a veterinary surgeon.

(2) For the purposes of subsection (1), a person is qualified to be registered as a veterinary surgeon if he holds a diploma, degree, certificate or other status or form of recognition granted by a University or College of Veterinary Medicine and which in the opinion of the Council is evidence of satisfactory training in veterinary medicine.

Second
Schedule.

(3) For the purposes of subsection (2), the holder of a qualification set out in the *Second Schedule* shall be deemed to have received satisfactory training in veterinary medicine.

(4) Notwithstanding subsection (3) nothing in this section shall restrict the power of the Council to recognise as evidence of satisfactory training in veterinary medicine any qualification which the Council deems fit to be so recognised.

Third
Schedule.

(5) An application for registration as a veterinary surgeon shall be made to the Secretary and shall be in the form set out in the *Third Schedule*.

(6) An applicant for registration shall furnish to the Secretary

(a) evidence of his qualifications;

(b) proof of his identity; and

(c) such further and other information as the Council requires in respect of the matters referred to in paragraphs (a) and (b) of subsection (1).

(7) The Council shall, within 30 days of an application being made to it by any person desiring to be registered or enrolled under this Act, meet and examine the documents evidencing the qualification of the person desiring to be registered.

(8) Where in respect of any application for registration the Council is satisfied as to the matters specified in subsection (1), the Council shall issue a certificate of registration to the applicant in the form set out in the *Fourth Schedule*.

Fourth
Schedule.

(9) An applicant who receives a certificate of registration from the Council in accordance with subsection (8) shall present the certificate to the Registrar and on payment of the first registration fee is entitled to be registered as a veterinary surgeon.

7. (1) Where in respect of any application for registration as a veterinary surgeon

Examina-
tions.

(a) the Council is satisfied as to the matters specified in paragraph (b) of section 6(1) but is of the opinion that any qualification mentioned in subsection (2) of that section which the applicant holds is not evidence of satisfactory training in veterinary medicine; or

(b) a question has arisen with respect to the evidence presented by the applicant as to his training,

the Council in its absolute discretion may require that the applicant submit to examination in such subjects as it considers necessary to establish that the applicant possesses satisfactory training in veterinary medicine.

(2) For the purposes of any examination pursuant to subsection (1), the Council shall appoint a Board of Examiners (hereinafter in this section referred to as the Board) consisting of 3 veterinary surgeons to set and conduct the examination in such subjects as the Council directs.

(3) The Board shall fix a time and place for holding the examination and the Secretary shall notify the applicant of that time and place.

(4) The applicant shall pay to the Secretary such fee, subject to the approval of the Minister, as may be determined by the Council.

(5) The Board shall as soon as practicable after the examination report its findings thereon to the Council.

(6) Where, as a result of the examinations, the Board finds that the applicant is sufficiently informed and skilled in the subjects in which he was examined, the applicant shall be deemed, on the receipt of the report of such findings by the Council, to have satisfied the Council that he is qualified to be registered as a veterinary surgeon for the purposes of section 6(1).

(7) Where the Board reports to the Council that the applicant has been unsuccessful in the examination, the applicant shall not, unless the Board so recommends, be permitted to present himself for further examination until after the expiration of 6 months from the date of the examination in which he was unsuccessful.

(8) An applicant who is unsuccessful in the examination under this section shall, before being permitted to sit for further examination, comply with such conditions as the Council directs, including the payment to the Secretary of such further fee subject to the approval of the Minister as may be determined by the Council.

Additional
qualifica-
tions.

8. A veterinary surgeon who obtains a qualification approved by the Council as higher than or additional to that in respect of which he is registered is entitled to have the higher or additional qualification entered by the Registrar in the register in substitution for or in addition to the qualifications in respect of which he is registered.

Annual
registration.

9. A veterinary surgeon who desires to practise as such in Barbados in any year shall in the month of January of that year cause his name to be registered in the register and obtain a certificate of such registration from the Registrar on payment of the annual registration fee.

Publication
of list of
veterinary
surgeons.

10. (1) The Registrar shall cause to be published in the *Official Gazette*

(a) in the month of February in every year the names and addresses of the members of the Council;

- (b) in the month of February in every year an alphabetical list of the persons who have at the 31st January in that year registered their names as required by section 9; and
- (c) as soon as practicable after such registration, the name of any person registering his name as a veterinary surgeon after 31st January in any year.

(2) A copy of the *Official Gazette* containing the list referred to in paragraph (b) of subsection (1), or the name of any person published pursuant to paragraph (c) of that subsection is *prima facie* evidence in any court of the registration and qualifications of any person mentioned in the list or of the person, as the case may be, and such list is *prima facie* evidence of the non-registration of any person whose name is not shown therein.

11. (1) Notwithstanding section 6, the Registrar may

Temporary
and special
registration.

- (a) temporarily register for a period not exceeding 6 months on payment of such fee, subject to the approval of the Minister, as may be determined by the Council, the name of a person who
 - (i) applies to the Council for temporary registration; and
 - (ii) satisfies the Council that he is temporarily in Barbados and would otherwise qualify for registration under section 6 by virtue of his qualifications to practise veterinary medicine in his own country or place; or
- (b) specially register for a period not exceeding 3 years the name of any person who satisfies the Council
 - (i) that he is qualified to practise veterinary medicine in any country or place; and
 - (ii) that he is doing special work in the field of public health or research and is sponsored in such work by any organisation or body approved by the Minister after consultation with the Council; or

(iii) that he is employed on a full time basis in the public service and is working under the supervision of a veterinary surgeon.

Cap. 373. (2) Notwithstanding the *Profession, Trade and Business Registration Act*, a person whose name is registered under paragraph (b) of subsection (1) is not liable to pay any fee specified by that Act during the period for which he is so registered.

PART III

Animal Health Assistant

Animal
Health
Assistants
Roll.

12. (1) The Registrar shall keep a roll to be known as the Animal Health Assistants Roll, in this Act referred to as the Roll, in which he shall cause to be entered the name of every person entitled to be enrolled as an Animal Health Assistant, together with the following particulars in respect of each such person

- (a) his full name and address;
- (b) the date of his enrolment; and
- (c) a description and the date of the qualification in respect of which he is enrolled.

(2) The Roll shall at all reasonable time be open to inspection at the Registration Office.

(3) The Registrar shall make such alterations in the addresses and qualifications of Animal Health Assistants as are necessary and shall remove from the roll the name of any Animal Health Assistant who is deceased or no longer qualified to practise in Barbados.

(4) The absence of the name of a person from the Roll is *prima facie* evidence that such person is not enrolled as an Animal Health Assistant.

13. (1) A person who wishes to be enrolled as an Animal Health Assistant shall satisfy the Council that he holds

Qualifications of Animal Health Assistants.

- (a) a certificate of proficiency from the Regional Educational Programme for Animal Health Assistants in Guyana; or
- (b) a certificate of proficiency in respect of a programme of training approved by the Council.

(2) An application for enrolment as an Animal Health Assistant shall be made to the Secretary and shall be in the form set out in the *Fifth Schedule*.

Fifth Schedule.

14. (1) Any person who applies to the Council to be enrolled as an Animal Health Assistant and who satisfies the Council

Enrolment of Animal Health Assistants.

- (a) that he is qualified to be so enrolled; and
- (b) furnishes such references as the Council may require,

shall be enrolled as an Animal Health Assistant and the Council shall issue to that person a certificate of enrolment.

(2) The certificate of enrolment referred to in subsection (1) shall be in the form set out in the *Sixth Schedule*.

Sixth Schedule.

(3) A person who receives a certificate of enrolment shall

- (a) on producing the certificate to the Registrar; and
- (b) on payment of the registration fee,

be enrolled as an Animal Health Assistant and such person is entitled to use the title "Animal Health Assistant" after his name.

15. (1) The Registrar shall cause to be published in the *Official Gazette*

Publication of list of Animal Health Assistants.

- (a) in the month of February in every year an alphabetical list of person who have at the 31st January in that year registered their names pursuant to section 14;

(b) as soon as practicable after any such registration the name of any person registering his name as an Animal Health Assistant after 31st January in any year.

(2) A copy of the *Official Gazette* containing the list referred to in paragraph (a) of subsection (1) or the name of any person published pursuant to paragraph (b) of that subsection is *prima facie* evidence of the enrolment and qualifications of any person mentioned in the list or of that person, as the case may be, and such list is *prima facie* evidence of the non-enrolment of any person whose name is not shown therein.

Supervision
by veterinary
surgeon.

16. (1) An Animal Health Assistant shall at all times perform his functions under the direction of a registered veterinary surgeon.

(2) Any Animal Health Assistant who contravenes subsection (1) is guilty of professional misconduct.

PART IV

Disciplinary Proceedings

Disciplinary
proceedings.

17. (1) A veterinary surgeon or Animal Health Assistant who

(a) is convicted of an offence outside Barbados which if committed in Barbados would be punishable on indictment;

(b) is, on indictment convicted in Barbados of an offence; or

(c) is alleged to be guilty of professional misconduct,

is subject to disciplinary proceedings.

(2) Where the Council is satisfied that a veterinary surgeon or an Animal Health Assistant is convicted of an offence referred to in paragraph (a) or (b) of subsection (1), or he is found guilty of professional misconduct, the Council may

- (a) censure him;
- (b) suspend his registration or enrolment for a period not exceeding one year; or
- (c) direct the Registrar to remove his name from the register or roll, as the case may require.

(3) When the name of any person is removed from the register or Roll, as the case may be, the Council may in writing require such person to return to the Council his certificate of registration or enrolment and such person shall comply with that requirement.

18. (1) The Council may at any time direct the Registrar to restore to the register or Roll, as the case may be, the name of any person removed therefrom under section 17(2). Restoration of name.

(2) The Registrar shall as soon as practicable after receiving a direction under subsection (1) cause a notice thereof to be published in the *Official Gazette*.

PART V

Right of Appeal

19. (1) Subject to subsection (3), any person who is aggrieved by Appeals.
- (a) the refusal of the Council to register or enroll him under the Act;
 - (b) the decision of the Council to censure him or suspend his registration or his enrolment; or
 - (c) the decision of the Council to cause his name to be removed from the register or Roll as the case may be,

may within 3 months after being notified of such refusal or decision, appeal to a Judge in Chambers whose decision shall be final.

- (2) The Judge may
- (a) on hearing an appeal against refusal of registration or enrolment dismiss the appeal, or allow the appeal and direct the Council to cause the registration or enrolment to be effected;
 - (b) on hearing an appeal other than an appeal against the refusal or registration or enrolment
 - (i) dismiss the appeal and confirm the decision of the Council;
 - (ii) allow the appeal and set aside the decision of the Council;
 - (iii) allow the appeal and direct that the disciplinary proceedings in respect of which the decision of the Council was made be reviewed by the Council; or
 - (iv) set aside the penalty imposed by the Council and impose in substitution therefor such other penalty under section 17(2) as the Judge thinks fit.

(3) Notwithstanding subsection (1), no appeal shall be made under this section against the refusal of an application for registration or enrolment in a case in which such registration or enrolment is conditional upon the applicant's satisfying the Council that he is qualified to be registered or enrolled, as the case may be.

PART VI

Miscellaneous

Recovery of fees.

20. A veterinary surgeon is entitled to demand and recover from the owner of any animal reasonable charges

- (a) for professional services rendered to; and
- (b) for any drug, medicine or appliance supplied for the treatment of,

any such animal.

21. Subject to the approval of the Minister, the Council may make Regulations. regulations for carrying into effect this Act, and in particular for any of the following purposes

- (a) the proper conduct of its affairs, including the time, manner and place of meeting and the proceedings thereof;
- (b) the determination of professional conduct and general fitness to practise veterinary medicine;
- (c) the instituting of disciplinary proceedings in relation to any charge under section 17 and the manner in which such proceedings are conducted;
- (d) the conduct of examinations and matters relating thereto;
- (e) prescribing the veterinary services and functions that may be performed by an Animal Health Assistant; and
- (f) prescribing anything not mentioned in paragraphs (a) to (e) that is by this Act required to be prescribed.

22. Nothing in this Act shall prevent

- (a) any person from giving aid in cases of emergency without hire, gain or hope of reward; or
- (b) the domestic administration of home remedies and treatment including the performance of minor procedures to an animal by its owner, except where the ownership of the animal was transferred for the purpose of circumventing this section.

Practice of veterinary medicine by persons other than veterinary surgeons.

23. (1) A person who

Offences.

- (a) wilfully procures or attempts to procure registration or enrolment under this Act for himself or for any other person;
- (b) makes or produces or causes to be made or produced any fraudulent representation or declaration, either orally, in writing or otherwise; or
- (c) fails to comply with subsection (3) of section 17,

is guilty of an offence and is liable on summary conviction to a fine of \$2 000 or to imprisonment for 2 years or to both such fine and imprisonment.

- (2) Any person who, not being a veterinary surgeon
- (a) assumes or uses any name, title, addition or other description implying or calculated to imply that he is a registered veterinary surgeon or that he is recognised by law as a person authorised or qualified to practise veterinary medicine;
 - (b) assumes or uses any affix or prefix indicative of any occupational designation relating solely to the practice of veterinary medicine;
 - (c) advertises or holds himself out as a person authorised or qualified to practise veterinary medicine; or
 - (d) subject to section 22, engages in the practice of veterinary medicine

is guilty of an offence and is liable on summary conviction to a fine of \$2 000 or to imprisonment for 12 months or to both such fine and imprisonment.

(3) Subsection (2) does not apply to the practice of veterinary medicine by any person

- (a) acting under the direct supervision of a veterinary surgeon;
- (b) temporarily or specially registered under section 11(1); or
- (c) registered, licensed or enrolled under any other enactment,

who under the authority thereof performs or provides any service which he is authorised or entitled to perform.

Expenses.

24. Any expenses incurred by the Council in the performance of its functions under this Act and the regulations shall be defrayed out of moneys voted for the purpose by Parliament.

25. Nothing done by any member of the Council, the Secretary or any person acting under the authority of either of them shall, if such thing was done *bona fide* for the purpose of executing any of the provisions of this Act, the rules or the regulations, subject such persons to any action, liability, claim or demand whatsoever. Liability.

FIRST SCHEDULE

(Section 3)

1. Subject to section 3, the Veterinary Council shall consist of
 - (a) the Senior Veterinary Officer, *ex officio*, or his nominee who shall be a veterinary surgeon holding office in the public service;
 - (b) one veterinary surgeon appointed by the Minister; and
 - (c) three veterinary surgeons appointed by the Minister on the nomination of an association of veterinary surgeons approved by the Minister.
2. The Council may
 - (a) appoint committees composed of members of the Council, and veterinary surgeons not being members of the Council, for the proper carrying out of its functions; and
 - (b) delegate to such committees any functions it considers necessary.
3. (1) Members of the Council, other than any *ex officio* member, shall hold office for a term of 3 years, but are eligible for re-appointment.

(2) Notwithstanding paragraph (1), no member, other than an *ex officio* member, shall hold office for more than 2 consecutive terms, but such member is eligible for re-appointment after the expiration of one year thereafter.
4. The Council shall elect from among its members a chairman and a deputy chairman.
5. Four members of the Council shall form a quorum.

SECOND SCHEDULE

(Section 6(3))

1. A qualification which is recognised by the Royal College of Veterinary Surgeons of the United Kingdom for registration in the Register of Veterinary Surgeons of the United Kingdom.
2. The degree of Doctor of Veterinary Medicine of the University of the West Indies.
3. A qualification granted by a College of Veterinary Medicine classified as "accredited" or "approved" by the American Veterinary Medical Association. The qualification must be accompanied by evidence of the attainment of a score higher than 1.5 standard deviations below the mean on both parts of the National Board Examination for Veterinary Medical Licensing of the National Board Examination Committee of the American Veterinary Medical Association, including the "clinical competency test".

THIRD SCHEDULE

(Section 6(5))

Application for Registration as a Veterinary Surgeon

TO THE VETERINARY COUNCIL

Name of Applicant
(Surname first – block letters)
Address of Applicant
Date of Birth Place of Birth.....
Nationality
Address of (intended) Practice
Qualifications of Applicant
.....

(Photostat or certified copies of certificates and diplomas should be attached)
State countries or institutions in which you have practised since qualifying:

| <i>Countries or Institutions</i> | <i>Date</i> |
|----------------------------------|-------------|
| | From To |

In which countries are you now registered or entitled to practise as a Veterinary Surgeon?

Has your registration or entitlement to practise as a Veterinary Surgeon in any country ever been cancelled or suspended?

If so, on what date and for what reason?

Names and Addresses of three referees as to character
.....
.....
.....

I enclose copies of certificates.
I hereby apply to be registered as a Veterinary Surgeon and declare that I am the person named in the enclosed certificates or diplomas and that the above information is true and correct.

.....
(Signature of Applicant)
.....
(Date)

FOURTH SCHEDULE

(Section 6(8))

CERTIFICATE OF REGISTRATION

We do hereby certify that we have examined the documents evidencing the qualification of A.B. to be registered as a Veterinary Surgeon under the *Veterinary Surgeons Registration Act, Cap. 374* of the Laws of Barbados and we find that the said A.B. (here state degree, diploma, or licence of the said A.B.) is entitled to be registered as a Veterinary Surgeon under the *Veterinary Surgeons Registration Act, Cap. 374*.

.....
Chairman of the Veterinary Council

FIFTH SCHEDULE

(Section 13(2))

Application for Enrolment as an Animal Health Assistant

TO THE VETERINARY COUNCIL

Name of Applicant
(Surname first – block letters)
Address of Applicant
Date of Birth Place of Birth.....
Nationality
Address of (intended) Place of Practice
Qualification of Applicant

.....
(Photostat or certified copies of certificates and diplomas should be attached)

Names and Addresses of three referees as to character
.....
.....
.....

I enclose copies of certificates or diplomas.
I intend to work –
*(a) in the Government Veterinary Service
*(b) under the supervision of
(insert name of registered Veterinary Surgeon)
(Delete which is inapplicable)

I hereby apply to be enrolled as an Animal Health Assistant and declare that I am the person named in the enclosed certificates or diplomas and that the above information is true and correct.

.....
(Signature of Applicant)

.....
(Date)

*Delete which is inappropriate

SIXTH SCHEDULE

(Section 14(2))

CERTIFICATE OF ENROLMENT

We do hereby certify that we have examined the documents evidencing the qualification of A.B. to be enrolled as an Animal Health Assistant under the *Veterinary Surgeons Registration Act, Cap. 374* of the Laws of Barbados and we find that the said A.B. (here state degrees, diplomas, or licence of the said A.B.) is entitled to be enrolled as Animal Health Assistant under the *Veterinary Surgeons Registration Act, Cap. 374*.

.....
Chairman of the Veterinary Council