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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 373.

10 March 1993

No. 373.

10 Maart 1993

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

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

No. 13 of 1993: Veterinary and Para-Veterinary Professions Amendment Act, 1993.

No. 13 van 1993: Wysigingswet op Veterinêre en Para-veterinêre Beroepe, 1993.

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.

ACT

To amend the Veterinary and Para-Veterinary Professions Act, 1982, so as to further regulate the rendering of certain services by unregistered persons; to effect certain textual alterations; and to provide for admissions of guilt at inquiries of the council; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 26 February 1993.)

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

Amendment of section 11 of Act 19 of 1982

1. Section 11 of the Veterinary and Para-Veterinary Professions Act, 1982 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (4) of the following subsection: 5

“(4) Any decision taken or act performed by or on the authority of the executive committee shall be of full force and effect, unless it is set aside or amended by the council **[at its first meeting following the meeting of the executive committee at which such decision was taken or such act was authorized]** either of its own accord within one year after such decision or act or at the request, within that year, of a person affected thereby, at any time after such decision or act.”. 10

Amendment of section 23 of Act 19 of 1982, as amended by section 6 of Act 19 of 1989 15

2. Section 23 of the principal Act is hereby amended—

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

“(c) The council may, after consideration of an application by a person not registered or deemed to be registered in terms of this Act, authorize him in writing to render, subject to such conditions as the council may determine, for gain a particular service deemed in terms of the rules to pertain specially to a veterinary profession or a para-veterinary profession.”; 20

(b) by the substitution for paragraph (d) of subsection (2) of the following paragraph: 25

“(d) performing any act which has as its purpose diagnosing, treating or preventing any pathological condition in any animal or which constitutes a surgical operation on any

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Wet op Veterinêre en Para-veterinêre Beroepe, 1982, ten einde die lewering van sekere dienste deur ongeregistreerde persone verder te reël; sekere tekstuele veranderings aan te bring; en voorsiening te maak vir skulderkennings by ondersoeke deur die raad; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 26 Februarie 1993.)

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

Wysiging van artikel 11 van Wet 19 van 1982

1. Artikel 11 van die Wet op Veterinêre en Para-veterinêre Beroepe, 1982 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Enige besluit geneem of handeling verrig deur of op gesag van die uitvoerende komitee is ten volle van krag, tensy dit deur die raad tersyde gestel of gewysig word **[op die eerste vergadering van die raad wat volg op die vergadering van die uitvoerende komitee waartydens sodanige besluit geneem of sodanige handeling gemagtig is]** óf uit eie beweging binne een jaar na dié besluit of handeling óf op versoek binne bedoelde jaar van iemand wat daardeur geraak word, te eniger tyd na genoemde besluit of handeling.”.

Wysiging van artikel 23 van Wet 19 van 1982, soos gewysig deur artikel 6 van Wet 19 van 1989

2. Artikel 23 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

“(c) Die raad kan na oorweging van 'n aansoek deur iemand wat nie ingevolge hierdie Wet geregistreer is of geag word aldus geregistreer te wees nie, hom skriftelik magtig om, onderworpe aan die voorwaardes wat die raad bepaal, vir wins 'n bepaalde diens te lewer wat ingevolge die reëls geag word by uitstek by 'n veterinêre beroep of 'n para-veterinêre beroep tuis te hoort.”;

(b) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

“(d) enige handeling wat die diagnosering, behandeling of voorkoming van enige patologiese toestand by 'n dier ten doel het of wat 'n chirurgiese operasie op 'n dier uitmaak,

animal, and is deemed in terms of the rules to pertain specially to a veterinary profession **[otherwise than in accordance with conditions of service with an employer approved by the council, by virtue of which any advantage, whether for a person himself or any other person, can be obtained by means of profit out of the sale of medicine or other substance, or by means of a donation or gift, or by means of the provision of accommodation, or by means of any other profit whatsoever, whether direct or indirect].**”; and

(c) by the substitution for subsection (3) of the following subsection:

“(3) For the purposes of this Act **[the practising of a para-veterinary profession means any act referred to]** any reference in subsection (2)(a)(ii), (b) or (c) **[construed as if any reference therein]** to a veterinary profession **[were]** shall be deemed also to be a reference to a para-veterinary profession **[as well as any act referred to in subsection (2)(d)].**”.

Amendment of section 32 of Act 19 of 1982, as amended by section 11 of Act 19 of 1989

3. Section 32 of the principal Act is hereby amended by the insertion after subsection (6) of the following subsections:

“(6A) Any person against whom an inquiry is instituted in terms of this section shall be entitled, without appearing before the council, to admit guilt by means of a sworn affidavit on any of or all the charges mentioned in the summons concerned.

(6B) A sworn affidavit referred to in subsection (6A) shall be submitted to the council, or a committee established by the council under section 12.

(6C) The council or committee, as the case may be, may, after consideration of the sworn affidavit and if it deems it expedient, accept the admission of guilt, and, having regard to any mitigating factors, impose upon the person concerned any penalty mentioned in section 33(1)(a).”.

Amendment of section 33 of Act 19 of 1982, as amended by section 12 of Act 19 of 1989

4. Section 33 of the principal Act is hereby amended by the deletion of subsection (7).

Short title

5. This Act shall be called the Veterinary and Para-Veterinary Professions Amendment Act, 1993.

- 5 en ingevolge die reëls geag word by uitstek by 'n veterinêre beroep tuis te hoort **[verrig anders as ooreenkomstig diensvoorwaardes by 'n werkgewer deur die raad goedgekeur, uit hoofde waarvan enige voordeel, hetsy vir iemand self of iemand anders verkry kan word by wyse van wins uit die verkoop van enige medisyne of ander stof, of by wyse van 'n donasie of geskenk, of by wyse van die verskaffing van akkommodasie, of by wyse van enige ander wins hoe-**
- 10 (c) deur subartikel (3) deur die volgende subartikel te vervang:
 “(3) By die toepassing van hierdie Wet **[beteken die beoefening van 'n para-veterinêre beroep enige handeling bedoel in subartikel (2)(a)(ii), (b) of (c), uitgelê asof]** word enige verwysing **[daarin]** in subartikel (2)(a)(ii), (b) of (c) na 'n veterinêre beroep geag ook 'n
 15 verwysing na 'n para-veterinêre beroep **[was, asook enige handeling in subartikel (2)(d) bedoel]** te wees.”.

Wysiging van artikel 32 van Wet 19 van 1982, soos gewysig deur artikel 11 van Wet 19 van 1989

3. Artikel 32 van die Hoofwet word hierby gewysig deur na subartikel (6) die
 20 volgende subartikels in te voeg:

- “(6A) Iemand teen wie 'n ondersoek ingevolge hierdie artikel ingestel word, is geregtig om, sonder om voor die raad te verskyn, by wyse van 'n beëdigde verklaring skuld te erken op enige van of al die aanklagte in die betrokke dagvaarding vermeld.
- 25 (6B) 'n Beëdigde verklaring in subartikel (6A) bedoel, moet aan die raad, of aan 'n komitee wat kragtens artikel 12 deur die raad ingestel is, voorgelê word.
- (6C) Die raad of komitee, na gelang van die geval, kan, na oorweging van die beëdigde verklaring en indien hy dit raadsaam ag, die skulderkenning
 30 aanvaar, en, met inagneming van enige versagtende omstandighede, die betrokke persoon 'n straf vermeld in artikel 33(1)(a) oplê.”.

Wysiging van artikel 33 van Wet 19 van 1982, soos gewysig deur artikel 12 van Wet 19 van 1989

4. Artikel 33 van die Hoofwet word hierby gewysig deur subartikel (7) te
 35 skrap.

Kort titel

5. Hierdie Wet heet die Wysigingswet op Veterinêre en Para-veterinêre Beroepe, 1993.

