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No. 23480

THE PRESIDENCY

No. 770

3 June 2002

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

No. 10 of 2002: Veterinary and Para-Veterinary Professions Amendment Act, 2002.

DIE PRESIDENSIE

No. 770

3 Junie 2002

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

No. 10 van 2002: Wysigingswet op Veterinêre en Para-Veterinêre Beroepe, 2002.



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Act No. 10, 2002

VETERINARY AND PARA- VETERINARY PROFESSIONS
AMENDMENT ACT, 2002**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 29 May 2002.)

ACT

To amend the Veterinary and Para-Veterinary Professions Act, 1982, so as to provide for the restructuring of the South African Veterinary Council; to provide for the examination of candidates with a veterinary degree not recognised by the council; to further provide for the registration of private companies to practise in terms of the Act; to amend the Pharmacy Act, 1974, so as to provide for the keeping and supply of medicines by veterinarians; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 19 of 1982, as amended by section 1 of Act 19 of 1989

1. Section 1 of the Veterinary and Para-Veterinary Professions Act, 1982 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of “officer” of the following definition: “ ‘officer’ means an officer as defined in section 1 of the Public Service Act, [1984 (Act No. 111 of 1984)] 1994 (Proclamation No. 103 of 1994);”; and

(b) by the insertion after the definition of “prescribe” of the following definition: “ ‘private company’ means a company incorporated and registered as a private company in terms of the Companies Act, 1973 (Act No. 61 of 1973);”.

Amendment of section 5 of Act 19 of 1982, as amended by section 2 of Act 19 of 1998

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

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

“(1) Whenever it becomes necessary to designate or elect the members of the council, the following procedure shall be followed:

(a) Before the expiration of the period of office of the outgoing council, an election shall be held in the prescribed manner for—

(i) the election of ten veterinarians or veterinary specialists by persons registered or deemed to be registered in terms of this Act to practise veterinary professions;

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ALGEMENE VERDUIDELIKENDE NOTA:

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

(Engelse teks deur die President geteken.)
(Goedgekeur op 29 Mei 2002.)

WET

Tot wysiging van die Wet op Veterinêre en Para-veterinêre Beroepe, 1982, ten einde voorsiening te maak vir die herstrukturering van die Suid-Afrikaanse Veterinêre Raad; om voorsiening te maak vir die eksaminering van kandidate met 'n veterinêre graad wat nie deur die raad erken word nie; om verder voorsiening te maak vir die registrasie van private maatskappye om ingevolge die Wet te praktiseer; tot wysiging van die Wet op Aptekers, 1974, ten einde voorsiening te maak vir die aanhou en verskaffing van medisyne deur veeartse; en om voorsiening te maak vir die aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 1 van Wet 19 van 1982, soos gewysig deur artikel 1 van Wet 19 van 1989

1. Artikel 1 van die Wet op Veterinêre en Para-veterinêre Beroepe, 1982 (hieronder die Hoofwet genoem), word hierby gewysig— 5

(a) deur die omskrywing van "beampte" deur die volgende omskrywing te vervang:

" 'beampte' 'n beampte soos omskryf in artikel 1 van die Staatsdienswet, [1984 (Wet No. 111 van 1984)] 1994 (Proklamasie No. 103 van 1994);"; 10

(b) deur die volgende omskrywing na die omskrywing van "para-veterinêre beroep" in te voeg:

" 'private maatskappy' 'n maatskappy wat ingelyf en geregistreer is as 'n private maatskappy ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973);"; en 15

Wysiging van artikel 5 van Wet 19 van 1982, soos gewysig deur artikel 2 van Wet 19 van 1989

2. Artikel 5 van die Hoofwet word hierby gewysig—

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

"(1) Wanneer dit nodig word om die lede van die raad aan te wys of te verkies, moet die volgende prosedure gevolg word: 20

(a) Voor die verstryking van die ampstermyn van die uittredende raad, moet 'n verkiesing op die voorgeskrewe wyse gehou word vir—

(i) die verkiesing van tien veeartse of veterinêre spesialiste deur persone wat ingevolge hierdie Wet geregistreer is of geag word 25
geregistreer te wees om veterinêre beroepe te beoefen;

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- (ii) the election of one representative of each para-veterinary profession by persons registered or deemed to be registered in terms of this Act to practise the para-veterinary profession concerned.
- (b) The Minister shall, after consultation with the outgoing council, appoint a selection panel, which must consist of—
- (i) three veterinarians or veterinary specialists;
 - (ii) one para-veterinary professional;
 - (iii) one non-veterinary professional.
- (c) The selection panel shall select—
- (i) two persons on account of their knowledge of law;
 - (ii) eight veterinarians or veterinary specialists;
 - (iii) two non-veterinarians.
- (d) The rector or principal of each university in the Republic that has a faculty of veterinary science, shall nominate at least three veterinarians or veterinary specialists who are fit and proper persons.”;
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) The council consists of—
- (a) one officer of the Department of Agriculture who is a veterinarian or veterinary specialist, designated by the Minister;
 - (b) six veterinarians or veterinary specialists from the ten persons elected as contemplated in subsection (1)(a)(i), of whom—
 - (i) the three persons with the most votes in that election qualify automatically to be members of the council;
 - (ii) three further persons shall be designated by the Minister;
 - (c) one representative of each para-veterinary profession elected as contemplated in subsection (1)(a)(ii);
 - (d) one person from the persons referred to in subsection (1)(c)(i), designated by the Minister;
 - (e) five persons designated by the Minister from the persons referred to in subsection (1)(c)(ii) and (iii), of whom at least one shall be a non-veterinarian;
 - (f) one person from each of the universities in the Republic that has a faculty of veterinary science, designated by the Minister from the nominations referred to in subsection (1)(d); and
 - (g) one representative designated by the South African Veterinary Association from its members.”;
- (c) by the insertion after subsection (2) of the following subsections:
- “(2A) The period of office of all the members of the council shall run consecutively.
- (2B) Within 30 days after the commencement of office of the members of the council, the Minister shall inform the parliamentary committees in writing of the designation or election of the members concerned.”;
- (d) by the substitution for subsection (3) of the following subsection:
- “(3) Whenever any designation in terms of subsection [(1)(b) or (c)] (2)(f) or (g) becomes necessary, the registrar shall request the rector or principal concerned or the South African Veterinary Association, as the case may be, in writing to designate or nominate within a specified period the [person] persons required to be designated or nominated in terms of that subsection.”; and
- (e) by the substitution for subsection (4) of the following subsection:
- “(4) If the registrar or principal concerned or the said Association fails to comply with such request within the said period, the Minister may designate any person holding the qualifications necessary for designation and whom he or she deems fit, to be a member of the council in the place of a person to be designated in terms of subsection [(1)(b) or (c)] (2)(f) or (g).”.

Amendment of section 6 of Act 19 of 1982, as amended by section 3 of Act 19 of 1989

3. Section 6 of the principal Act is hereby amended—

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

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- (ii) die verkiesing van een verteenwoordiger van elke para-veterinêre beroep deur persone wat ingevolge hierdie Wet geregistreer is of geag word geregistreer te wees om die betrokke para-veterinêre beroep te beoefen.
- (b) Die Minister moet, na oorleg met die uitredende raad, 'n keurpaneel aanstel wat bestaan uit—
- (i) drie veeartse of veterinêre spesialiste;
 - (ii) een para-veterinêre beroepspersoon;
 - (iii) een nie-veterinêre beroepspersoon.
- (c) Die keurpaneel kies—
- (i) twee persone op grond van hulle regs kennis;
 - (ii) agt veeartse of veterinêre spesialiste;
 - (iii) twee persone wat nie veeartse is nie.
- (d) Die rektor of prinsipaal van elke universiteit in die Republiek wat 'n fakulteit van veeartsenykunde het, moet minstens drie veeartse of veterinêre spesialiste benoem wat geskikte en gepaste persone is.”;
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Die raad bestaan uit—
- (a) een beampte van die Departement van Landbou wat 'n veearts of veterinêre spesialis is en deur die Minister aangewys word;
 - (b) ses veeartse of veterinêre spesialiste uit die tien persone wat verkies is, soos beoog in subartikel (1)(a)(i), van wie—
 - (i) die drie persone met die meeste stemme in daardie verkiesing outomaties kwalifiseer om lede van die raad te wees;
 - (ii) drie verdere persone deur die Minister aangewys word;
 - (c) een verteenwoordiger van elke para-veterinêre beroep verkies soos in subartikel (1)(a)(ii) beoog;
 - (d) een persoon uit die persone in subartikel (1)(c)(i) bedoel, deur die Minister aangewys;
 - (e) vyf persone deur die Minister aangewys uit die persone in subartikel (1)(c)(ii) en (iii) bedoel, van wie minstens een nie 'n veearts is nie;
 - (f) een persoon van elke universiteit in die Republiek wat 'n fakulteit van veeartsenykunde het, deur die Minister aangewys uit die benoemings bedoel in subartikel (1)(d); en
 - (g) een verteenwoordiger aangewys deur die Suid-Afrikaanse Veterinêre Vereniging uit sy lede.”;
- (c) deur die invoeging na subartikel (2) van die volgende subartikels:
- “(2A) Die ampstermyn van al die lede van die raad loop opeenvolgend.
- (2B) Binne 30 dae nadat die lede van die raad die amp aanvaar het, moet die Minister die parlementêre komitees skriftelik verwittig van die aanwysing of verkiesing van die betrokke lede.”;
- (d) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Wanneer 'n aanwysing ingevolge subartikel [(1)(b) of (c)] (2)(f) of (g) nodig word, moet die registrateur die betrokke rektor of prinsipaal of die Suid-Afrikaanse Veterinêre Vereniging, na gelang van die geval, skriftelik versoek om binne 'n vermeldde tydperk die [persoon] persone aan te wys of te benoem wat ingevolge daardie subartikel aangewys of benoem moet word.”; en
- (e) deur subartikel (4) deur die volgende subartikel te vervang:
- “(4) Indien die betrokke rektor of prinsipaal of genoemde Vereniging in gebreke bly om binne genoemde tydperk aan bedoelde versoek te voldoen, kan die Minister iemand wat die kwalifikasies nodig vir aanwysing besit en wat hy of sy goedgevind, aanwys om in die plek van die persoon wat ingevolge subartikel [(1)(b) of (c)] (2)(f) of (g) aangewys moet word, lid van die raad te wees.

Wysiging van artikel 6 van Wet 19 van 1982, soos gewysig deur artikel 3 van Wet 19 van 1989

3. Artikel 6 van die Hoofwet word hierby gewysig—

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

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- “(1) No person shall be designated as a member of the council in terms of section **[5(1)(b) or (c)] 5(2)(a), (d), (e), (f) or (g)** or elected as a member of the council by virtue of section **[5(1)(d)] 5(2)(b)** if—
- (a) he or she is not a veterinarian or veterinary specialist, where required to be so;
 - (b) he or she is not a South African citizen;
 - (c) he or she is not permanently resident in the Republic;
 - (d) he [is a patient or a president's patient] or she suffers from mental illness as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973);
 - (e) his or her estate has been sequestered or surrendered or he or she has entered into a composition with his or her creditors;
 - (f) he or she has at any time been convicted of an offence in respect of which he or she was sentenced to imprisonment without the option of a fine and such sentence was not suspended; or
 - (g) he or she does not satisfy the prescribed requirements with regard to the election of members of the council.”;
- (b) by the substitution for subsection (1A) of the following subsection:
- “(1A)(a) No person shall be elected as a member of the council by virtue of section **[5(1)(e)] 5(2)(c)** unless **[he]** such person is registered or deemed to be registered in terms of this Act to practise the para-veterinary profession concerned.
- (b) The qualifications specified in paragraphs (b), (c), (d), (e), (f) and (g) of subsection (1) shall *mutatis mutandis* apply to the election of a member of the council by virtue of section **[5(1)(e)] 5(2)(c)**.”; and
- (c) by the substitution for subsection (2) of the following subsection:
- “(2) No person shall **[be qualified]** qualify to be a member of the council if **[he]** such person has been **[convicted of improper or disgraceful conduct after an inquiry under section 14 of the Veterinary Act, 1933 (Act No. 16 of 1933), or been]** found guilty of unprofessional, improper **[of]** or disgraceful conduct after an inquiry under section 31 **[of this Act]** and the council has exercised its disciplinary powers in terms of section 33(1)(b), (c) or (d).”.

Amendment of section 8 of Act 19 of 1982, as amended by section 4 of Act 19 of 1989

4. Section 8 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) he or she, in the case of a member designated **[in terms of section 5(1)(a)]**—

 - (i) in terms of section 5(2)(a) or (d), tenders his or her resignation in writing to the Minister; or
 - (ii) in terms of section 5(2)(a), ceases to be an officer;”;
 - (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) he or she, in the case of a member designated in terms of section **[5(1)(b)] 5(2)(f)**—

 - (i) tenders his or her resignation in writing to the rector or principal of the university in question; or
 - (ii) ceases to be a **[professor or lecturer in veterinary science at the said university]** fit and proper person;”;
 - (c) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) he or she, in the case of a member designated in terms of section **[5(1)(c)] 5(2)(g)**—

 - (i) tenders his or her resignation in writing to the president of the council; or
 - (ii) ceases to be a member of the South African Veterinary Association;”;
 - (d) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) he or she, in the case of a member elected by virtue of section **[5(1)(d) or (e)] 5(2)(b) or (c)** tenders his or her resignation in writing to the president of the council; or”;

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- “(1) Niemand word ingevolge artikel [5(1)(b) of (c)] 5(2)(a), (d), (e), (f) of (g)] as ’n lid van die raad aangewys of uit hoofde van artikel [5(1)(d)] 5(2)(b)] as ’n lid van die raad verkies nie indien—
- (a) hy of sy nie ’n veearts of veteriner spesialist is waar van hom of haar vereis word om dit te wees nie; 5
 - (b) hy of sy nie ’n Suid-Afrikaanse burger is nie;
 - (c) hy of sy nie permanent in die Republiek woonagtig is nie;
 - (d) hy [’n pasiënt of ’n Presidentspasiënt is] of sy ly aan geestesongesteldheid soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973); 10
 - (e) sy of haar boedel gesekwestreer of oorgegee is of hy of sy met sy of haar skuldeisers ’n akkoord aangegaan het;
 - (f) hy of sy te eniger tyd skuldig bevind is weens ’n misdryf ten opsigte waarvan hy of sy gevonnissen is tot gevangenisstraf sonder die keuse van ’n boete en sodanige vonnis nie opgeskort is nie; of 15
 - (g) hy of sy nie aan die voorgeskrewe vereistes met betrekking tot die verkiesing van lede van die raad voldoen nie.”;
- (b) deur subartikel (1A) deur die volgende subartikel te vervang:
- “(1A)(a) Niemand word uit hoofde van artikel [5(1)(e)] 5(2)(c)] as lid van die raad verkies nie tensy [hy] sodanige persoon ingevolge hierdie Wet 20 geregistreer is of geag word geregistreer te wees om die betrokke para-veterinêre beroep te beoefen.
- (b) Die kwalifikasies in paragrafe (b), (c), (d), (e), (f) en (g) van subartikel (1) vermeld, is *mutatis mutandis* op die verkiesing van ’n lid van die raad uit hoofde van artikel [5(1)(e)] 5(2)(c)] van toepassing.”; en 25
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Niemand is bevoeg om lid van die raad te wees nie indien [hy] sodanige persoon [na ’n ondersoek kragtens artikel 14 van die Veeartswet, 1933 (Wet No. 16 van 1933) aan onbetaamlike of skandelijke gedrag, of] na ’n ondersoek kragtens artikel 31 [van hierdie Wet] aan onprofessionele, 30 onbehoorlike of skandelijke gedrag skuldig bevind is en die raad sy dissiplinêre bevoegdhede ingevolge artikel 33(1)(b), (c) of (d) uitgeoefen het.”.

Wysiging van artikel 8 van Wet 19 van 1982, soos gewysig deur artikel 4 van Wet 19 van 1989 35

4. Artikel 8 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:
- “(c) hy of sy, in die geval van ’n lid wat [ingevolge artikel 5(1)(a)] aangewys is—
- (i) ingevolge artikel 5(2)(a) of (d), skriftelik sy of haar 40 bedanking by die Minister indien; of
 - (ii) ingevolge artikel 5(2)(a), ophou om ’n beampte te wees;”;
- (b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:
- “(d) hy of sy, in die geval van ’n lid wat ingevolge artikel [5(1)(b)] 5(2)(f) aangewys is— 45
- (i) skriftelik sy of haar bedanking by die rektor of prinsipaal van die betrokke universiteit indien; of
 - (ii) ophou om ’n [professor of lektor in die veeartsenykunde aan genoemde universiteit] geskikte 50 en gepaste persoon te wees;”;
- (c) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:
- “(e) hy of sy, in die geval van ’n lid wat ingevolge artikel [5(1)(c)] 5(2)(g) aangewys is—
- (i) skriftelik sy of haar bedanking by die president van die 55 raad indien; of
 - (ii) ophou om ’n lid van die Suid-Afrikaanse Veterinêre Vereniging te wees;”;
- (d) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:
- “(f) hy of sy, in die geval van ’n lid wat uit hoofde van artikel [5(1)(d) of (e)] verkies is, skriftelik sy of haar bedanking by die president 60 van die raad indien; of”;

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(e) by the substitution for subsection (2) of the following subsection:

“(2) Any vacancy on the council arising from a circumstance referred to in subsection (1) or any vacancy caused by the death of a member, shall be filled within three months by designation or election, as the case may be, in consultation with the council, in the manner in which the member who vacates his or her office or dies, was required to be designated or elected, and any member so designated or elected shall hold office for the unexpired portion of the period for which the member who vacates his or her office or dies, was designated or elected.”; and

(f) by the insertion of the following subsection after subsection (2):

“(3) Any vacancy on the council arising from the expiration of the period of office shall be filled, as required by section 5, within three months from such expiration.”.

Amendment of section 9 of Act 19 of 1982

5. Section 9 of the principal Act is hereby amended by the deletion of subsection (1). 15

Amendment of section 14 of Act 19 of 1982

6. Section 14 of the principal Act is hereby amended by the deletion of subsections (4) and (6).

Amendment of section 20 of Act 19 of 1982

7. Section 20 of the principal Act is hereby amended— 20

(a) by the substitution for subparagraph (ii) of paragraph (b) of subsection (5) of the following subparagraph:

“(ii) in the case of the contemplated registration as a veterinary specialist, it is a post-graduate qualification connected with the speciality in respect of which registration is desired and the council is satisfied that the person in question has sufficient knowledge and experience to enable such person to practise the profession concerned, for which purpose such person, except if the council expressly determines otherwise, shall pass an examination determined by the council.”; and

(b) by the substitution for paragraph (c) of subsection (5) of the following paragraph: 30

“(c) An examination referred to in paragraph (b)[(i)] shall only be conducted after payment of such amount as may be determined by the council.”.

Amendment of section 24 of Act 19 of 1982, as amended by section 7 of Act 19 of 1989 35

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

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

“(b) in the case of a juristic person, that [juristic] person is a corporation or a private company.”; and

(b) by the addition of the following subsection:

“(5)(a) Notwithstanding the provisions of subsection (1), a private company shall be registered in terms of this Act only if—

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- (e) deur subartikel (2) deur die volgende subartikel te vervang: 5
 “(2) ’n Vakature in die raad wat ontstaan as gevolg van ’n omstandigheid in subartikel (1) bedoel, of wat veroorsaak word deur die dood van ’n lid, word gevul by wyse van aanwysing of verkiesing, na gelang van die geval, op dieselfde wyse waarop die lid wat sy of haar amp ontruim of te sterwe kom, aangewys of verkies moes word, en enige lid wat aldus aangewys of verkies word, beklee sy of haar amp vir die onverstreke gedeelte van die tydperk waarvoor die lid wat sy of haar amp ontruim of te sterwe kom, aangewys of verkies was.”; en
- (f) deur die volgende subartikel na subartikel (2) in te voeg: 10
 “(3) ’n Vakature in die raad wat voortspruit uit die verstryking van die ampstermyn moet, soos deur artikel 5 vereis, binne drie maande vanaf sodanige verstryking gevul word.”.

Wysiging van artikel 9 van Wet 19 van 1982

5. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (1) te skrap. 15

Wysiging van artikel 14 van Wet 19 van 1982

6. Artikel 14 van die Hoofwet word hierby gewysig deur subartikels (4) en (6) te skrap.

Wysiging van artikel 20 van Wet 19 van 1982

7. Artikel 20 van die Hoofwet word hierby gewysig— 20
 (a) deur subparagraaf (ii) van paragraaf (b) van subartikel (5) deur die volgende subparagraaf te vervang:
 “(ii) in die geval van die beoogde registrasie as veterinerêre spesialis, dit ’n nagraadse kwalifikasie is wat in verband staan met die spesialiteit ten opsigte waarvan registrasie verlang word, en die raad oortuig is dat die betrokke persoon voldoende kennis en ervaring het om hom of haar in staat te stel om die betrokke beroep te beoefen, vir welke doel sodanige persoon, behalwe indien die raad uitdruklik andersins bepaal, in ’n eksamen deur die raad bepaal, moet slaag.”; en 25
 (b) deur paragraaf (c) van subartikel (5) deur die volgende paragraaf te vervang: 30
 “(c) ’n Eksamen in paragraaf (b)[(i)] bedoel, word slegs afgeneem na betaling van die bedrag deur die raad bepaal.”.

Wysiging van artikel 24 van Wet 19 van 1982, soos gewysig deur artikel 7 van Wet 19 van 1989

8. Artikel 24 van die Hoofwet word hierby gewysig— 35
 (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang.
 “(b) in die geval van ’n regspersoon, daardie **[regspersoon]** persoon ’n korporasie of ’n private maatskappy is.”; en
 (b) deur die volgende subartikel na subartikel (4) in te voeg:
 “(5)(a) Ondanks die bepalinge van subartikel (1) moet ’n private 40
 maatskappy ingevolge hierdie Wet geregistreer word slegs indien—

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- (i) the principal business of that private company is the practising of a veterinary profession or a para-veterinary profession, as the case may be;
- (ii) all the shareholders of the company are registered in terms of this Act to practise a veterinary or a para-veterinary profession; 5
- (iii) the name of the company has been approved by the council;
- (iv) every shareholder of the company is a director and only a shareholder shall be a director thereof; and
- (v) its memorandum of association provides that the directors and past directors shall be liable jointly and severally, together with the company, for such debts and liabilities of the company as are or were incurred during their periods of office. 10

(b) If a private company ceases to conform to any requirement of paragraph (a), it shall forthwith cease to practise and shall, as from the date on which it ceases to conform, not be recognised to practise the veterinary or para-veterinary profession, as the case may be.”. 15

Amendment of section 28 of Act 19 of 1982, as amended by section 9 of Act 19 of 1989

9. Section 28 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (dA) of subsection (1) of the following paragraph: 20

“(dA) in the case of a corporation or a private company—

- (i) that corporation or private company ceases to exist; or
- (ii) the provisions of section 24(4) or 24(5), as the case may be, are no longer complied with;” and 25

- (b) by the substitution for paragraph (a) of subsection (1A) of the following paragraph:

“(a) For the purposes of this Act, the member’s interest of a person in a corporation or a private company may, at [his] such person’s death or at the termination, withdrawal or suspension of [his] such person’s registration in terms of this Act, be held by [his] such person’s estate or by [himself] such person, as the case may be, for a period of 12 months in the case of a corporation or for a period of six months in the case of a private company, from [his] such person’s death or the termination, withdrawal or suspension of [his] such person’s registration, or for such longer period as the council may on application determine.”. 30 35

Amendment of section 31 of Act 19 of 1982, as amended by section 10 of Act 19 of 1989

10. Section 31 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (6) of the following paragraph: 40

“(a) Any inquiry referred to in subsection (1) may be instituted simultaneously against a corporation or a private company, and a member or employee of that corporation or directors of that private company.”.

Amendment of section 33 of Act 19 of 1982, as amended by section 12 of Act 19 of 1989 and section 4 of Act 13 of 1993 45

11. Section 33 of the principal Act is hereby amended by the insertion after paragraph (a) of subsection (1) of the following paragraph:

“(aA) impose a fine not exceeding the amount determined by the Minister by notice in the *Gazette*.”.

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- (i) die vernaamste besigheid van daardie private maatskappy die beoefening van 'n veterinêre beroep of 'n para-veterinêre beroep is, na gelang van die geval;
 - (ii) al die aandeelhouders van die maatskappy ingevolge hierdie Wet geregistreer is om 'n veterinêre of para-veterinêre beroep te beoefen; 5
 - (iii) die naam van die maatskappy deur die raad goedgekeur is;
 - (iv) elke aandeelhouer van die maatskappy 'n direkteur is en slegs 'n aandeelhouer 'n direkteur daarvan is; en
 - (v) sy akte van oprigting bepaal dat die direkteure en voormalige direkteure gesamentlik en afsonderlik aanspreeklik is, saam met die maatskappy, vir die skulde en verpligtinge van die maatskappy wat gedurende hulle ampstermyne aangegaan word of is. 10
- (b) Indien 'n private maatskappy ophou om te voldoen aan enige vereiste van paragraaf (a), moet dit onverwyld ophou praktiseer, en word dit vanaf die datum waarop dit ophou om te voldoen, nie erken om die veterinêre of para-veterinêre beroep, na gelang van die geval te beoefen nie.”. 15

Wysiging van artikel 28 van Wet 19 van 1982, soos gewysig deur artikel 9 van Wet 19 van 1989 20

9. Artikel 28 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (dA) van subartikel (1) deur die volgende paragraaf te vervang:
“(dA) in die geval van 'n korporasie of private maatskappy—
 - (i) daardie korporasie of private maatskappy ophou om te bestaan; of
 - (ii) daar nie meer aan die bepalings van artikel 24(4) of 24(5), na gelang van die geval, voldoen word nie;” en 25
- (b) deur paragraaf (a) van subartikel (1A) deur die volgende paragraaf te vervang:
“(a) By die toepassing van hierdie Wet kan die ledebelang van 'n persoon in 'n korporasie of private maatskappy by [sy] sodanige persoon se afsterwe of by die beëindiging, intrekking of opskorting van [sy] sodanige persoon se registrasie ingevolge hierdie Wet, gehou word deur [sy] sodanige persoon se boedel of deur [homself] sodanige persoon, na gelang van die geval, vir 'n tydperk van 12 maande in die geval van 'n korporasie of vir 'n tydperk van ses maande in die geval van 'n private maatskappy vanaf [sy] sodanige persoon se afsterwe of die beëindiging, intrekking of opskorting van [sy] sodanige persoon se registrasie, of vir die langer tydperk wat die raad op aansoek bepaal.”. 30 35

Wysiging van artikel 31 van Wet 19 van 1982, soos gewysig deur artikel 10 van Wet 19 van 1989

- 10. Artikel 31 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang: 40
“(a) 'n Ondersoek bedoel in subartikel (1) kan gelyktydig teen 'n korporasie of 'n private maatskappy en enige lid of werknemer van daardie korporasie of direkteure van daardie private maatskappy, ingestel word.”

Wysiging van artikel 33 van Wet 19 van 1982, soos gewysig deur artikel 12 van Wet 19 van 1989 en artikel 4 van Wet 13 van 1993 45

11. Artikel 33 van die Hoofwet word hierby gewysig deur die volgende paragraaf na paragraaf (a) van subartikel (1) in te voeg:

- “(aA) 'n boete oplê van hoogstens die bedrag wat die Minister by kennisgewing in die Staatskoerant bepaal;” 50

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Amendment of section 41 of Act 19 of 1982

12. Section 41 of the principal Act is hereby amended by the substitution for paragraphs (i), (ii), (iii) and (iv) of subsection (1), of the following paragraphs, respectively:

- “(i) on a first conviction of a contravention referred to in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k), be liable to a fine [not exceeding R2 000] or to imprisonment for a period not exceeding one year, or to both [such] a fine and such imprisonment; 5
- (ii) on a second or subsequent conviction of any contravention referred to in [subparagraph] paragraph (i), whether the same or any other contravention referred to in that [subparagraph] paragraph, be liable to a fine [not exceeding R10 000] or to imprisonment for a period not exceeding five years, or to both [such] a fine and such imprisonment; 10
- (iii) on a first conviction of an offence referred to in paragraph (l), (m), (n), (o), (p), (q) or (r), be liable to a fine [not exceeding R500] or to imprisonment for a period not exceeding three months, or to both [such] a fine and such imprisonment; 15
- (iv) on a second or subsequent conviction of any contravention referred to in [subparagraph] paragraph (iii), whether the same or any other contravention referred to in that [subparagraph] paragraph, be liable to a fine [not exceeding R2 000] or to imprisonment for a period not exceeding one year, or to both [such] a fine and such imprisonment.” 20

Deletion of section 42 of Act 19 of 1982

13. Section 42 of the principal Act is hereby deleted.

Amendment of section 43 of Act 19 of 1982

14. Section 43 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

- “(3) A regulation may, for any contravention thereof or failure to comply therewith, prescribe [penalties not exceeding a fine of R500 or not exceeding imprisonment for a period of three months] a fine or imprisonment for a period not exceeding three months, or both [such] a fine and such imprisonment [for any contravention of or failure to comply with its provisions].” 30

Substitution of section 44 of Act 19 of 1982

15. The following section is hereby substituted for section 44 of the principal Act:

“Repeal of laws

44. Subject to the provisions of sections [5(2), 6(2), 9(1), 14(6),] 18(2) and (4), 20(4) and 25(7), the laws specified in the Schedule are hereby repealed.” 35

Establishment of new council

16. (1) A new council shall be established in accordance with the procedure set out in section 5 of the principal Act, within six months of the date of the coming into operation of this Act. 40

(2) The Minister shall by notice in the *Gazette* determine the date on which the new council shall come into operation, which shall be the date on which the members of the outgoing council shall cease to hold office. 45

Wysiging van artikel 41 van Wet 19 van 1982

12. Artikel 41 van die Hoofwet word hierby gewysig deur paragrawe (i), (ii), (iii) en (iv) van subartikel (1), deur onderskeidelik die volgende paragrawe te vervang:

- “(i) by eerste skuldigbevinding aan ’n oortreding in paragraaf (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) of (k) bedoel, strafbaar met ’n boete [**van hoogstens R2 000**] of met gevangenisstraf vir ’n tydperk van hoogstens een jaar, of met [**daardie**] ’n boete sowel as daardie gevangenisstraf; 5
- (ii) by ’n tweede of daaropvolgende skuldigbevinding aan ’n oortreding in [**subparagraaf**] paragraaf (i) bedoel, hetsy dieselfde of enige ander oortreding in daardie [**subparagraaf**] paragraaf bedoel, strafbaar met ’n boete [**van hoogstens R10 000**] of met gevangenisstraf vir ’n tydperk van hoogstens vyf jaar, of met [**daardie**] ’n boete sowel as daardie gevangenisstraf; 10
- (iii) by eerste skuldigbevinding aan ’n oortreding in paragraaf (l), (m), (n), (o), (p), (q) of (r) bedoel, strafbaar met ’n boete [**van hoogstens R500**] of met gevangenisstraf vir ’n tydperk van hoogstens drie maande, of met [**daardie**] ’n boete sowel as daardie gevangenisstraf; 15
- (iv) by ’n tweede of daaropvolgende skuldigbevinding aan ’n oortreding in [**subparagraaf**] paragraaf (iii) bedoel, hetsy dieselfde of enige ander oortreding in daardie [**subparagraaf**] paragraaf bedoel, strafbaar met ’n boete [**van hoogstens R2 000**] of met gevangenisstraf vir ’n tydperk van hoogstens een jaar, of met [**daardie**] ’n boete sowel as daardie gevangenisstraf.”. 20

Skapping van artikel 42 van Wet 19 van 1982

13. Artikel 42 van die Hoofwet word hierby geskrap.

Wysiging van artikel 43 van Wet 19 van 1982

14. Artikel 43 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) ’n Regulasie kan vir ’n oortreding [**van die bepalings**] daarvan of [**’n**] versuim om [**aan die bepalings daarvan**] daaraan te voldoen, [**strawwe voorskryf wat nie**] ’n boete [**van R500**] of gevangenisstraf vir ’n tydperk van hoogstens drie maande, of sowel [**daardie**] ’n boete as daardie gevangenisstraf, [**oorskryf nie**] voorskryf.”. 30

Vervanging van artikel 44 van wet 19 van 1982

15. Artikel 44 van die Hoofwet word hierby deur die volgende artikel vervang:

“Herroeping van wette

44. Behoudens die bepalings van artikels [**5(2), 6(2), 9(1), 14(6)**] 18(2) en (4), 20(4) en 25(7), word die wette in die Bylae vermeld, hierby herroep.”. 35

Stigting van nuwe raad

16. (1) ’n Nuwe raad moet binne ses maande na die datum van inwerkingtreding van hierdie Wet ooreenkomstig die prosedure in artikel 5 van die Hoofwet uiteengesit, ingestel word. 40

(2) Die Minister moet by kennisgewing in die *Staatskoerant* die datum bepaal waarop die nuwe raad in werking moet tree, op welke datum die lede van die uitgaande raad ophou om hul ampte te beklee.

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General amendment to Act 19 of 1982

17. The principal Act is hereby amended by the substitution for the words “he”, “his” and “him”, wherever they appear in the principal Act, of the words “he or she”, “his or her” and “him or her”, respectively.

Amendment of section 29 of Act 53 of 1974

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18. Section 29 of the Pharmacy Act, 1974 (Act No. 53 of 1974), is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) the keeping of medicines or the supply of medicines to his or her own patients or clients by any medical practitioner, dentist, practitioner, veterinarian or nurse in accordance with the provisions of the [Medicine] Medicines and Related Substances Control Act, 1965.”.

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Short title and commencement

19. This Act shall be called the Veterinary and Para-Veterinary Professions Amendment Act, 2002, and shall come into operation on a date determined by the President by proclamation in the *Gazette*.

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Algemene wysiging van Wet 19 van 1982

17. Die Hoofwet word hierby gewysig deur die woorde “hy”, “sy”, en “hom”, waar hulle ook al in die Hoofwet voorkom, deur onderskeidelik die woorde “hy of sy”, “sy of haar” en “hom of haar” te vervang.

Wysiging van artikel 29 van Wet 53 van 1974

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18. Artikel 29 van die Wet op Aptekers, 1974 (Wet No. 53 van 1974), word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang.

“(a) die aanhou van medisyne of die verskaffing van medisyne aan sy of haar eie pasiënte of kliënte deur ’n geneesheer, tandarts, praktisyn, veearts of verpleegkundige ooreenkomstig die bepalings van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965, nie;”.

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Kort titel en inwerkingtreding

19. Hierdie Wet heet die Wysigingswet op Veterinêre en Para-veterinêre Beroepe, 2002, en tree in werking op ’n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

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