

THE VETERINARY SURGEONS DECREE 1969



ARRANGEMENT OF SECTIONS

*Section**Veterinary Council of Nigeria*

1. Establishment and functions of the council.
2. Membership of the council.
3. Financial provisions.
4. Control of council by Commissioner.

The Register

5. Preparation and maintenance of a register.
6. Correction of register and removal of certain names from the register, etc.
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8. Registration of veterinary surgeons.
9. Approval of courses, qualification and institutions.
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SCHEDULES

SCHEDULE 1—Supplementary provisions relating to the council.

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Decree No. 37

[See section 20 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Veterinary Council of Nigeria

1.—(1) For the purposes of this Decree there shall continue to be a council called the Veterinary Council of Nigeria (hereafter in this Decree referred to as "the council") which shall be a body corporate with perpetual succession and a common seal and shall be constituted in accordance with the provisions of this Decree.

Establish-
ment and
functions
of the
council.

(2) The council shall be charged with the general duty of—

(a) determining what standards of knowledge and skill are to be attained by persons seeking to be registered under this Decree as veterinary surgeons and of raising those standards from time to time as circumstances may permit ;

(b) securing in accordance with the provisions of this Decree the establishment and maintenance of a register of persons registered under this Decree as veterinary surgeons and the publication from time to time of lists of those persons ; and

(c) performing the other functions conferred on the council by this Decree.

2.—(1) Subject to the provisions of this Decree, the council shall consist of the following members, that is to say,—

Membership
of the
council.

(a) the person from time to time holding office as the Director of Veterinary Research in the public service of the Federation (hereafter in this Decree referred to as "the Director" ;

(b) for each university in Nigeria which provides an approved course leading to an approved qualification, the Head of the Department or Faculty of Veterinary Medicine in that university ;

(c) four persons, (hereafter in this Decree referred to as "elected members of the council") elected, in the manner prescribed in Schedule 1 below, by registered veterinary surgeons from among themselves ; and

(d) four persons appointed by the Federal Executive Council, one of whom shall be a person other than a registered veterinary surgeon ; and in so far as it is practicable the other three persons so appointed shall be representative of interests of registered veterinary surgeons throughout the Federation.

(2) The Director shall be the President of the council.

(3) Schedule 1 to this Decree shall have effect with respect to the tenure of office, election and appointment of the members of the council, and with respect to the powers and procedure of the council and the other matters there mentioned.

3.—(1) The council shall prepare and submit to the Federal Executive Council not later than the thirty-first day of December of the year in which this subsection comes into force and of each subsequent year, an estimate of its expenditure and income during the next succeeding financial year.

Financial
provisions.

(2) The council shall keep proper accounts and proper records in relation thereto, and shall prepare in respect of each financial year statements of accounts in such form as the Commissioner may direct, being a form which shall conform with the best commercial standards.

(3) The accounts of the council shall be audited by the Director of Audit of the Federation.

(4) The Commissioner may out of the Consolidated Revenue Fund of the Federation make to the council, either by way of grant or by way of loan, payments of such amounts as the Federal Executive Council may from time to time determine.

Control of
council by
Commis-
sioner.

4.—(1) The Commissioner may give to the council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the council of its functions, and it shall be the duty of the council to comply with the directions.

(2) Before giving a direction under the foregoing subsection the Commissioner shall serve a copy of the proposed direction on the council and shall afford the council an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection the Commissioner may give the direction either without modification or with such modifications as appear to him to be appropriate having regard to the representations.

The Registrar

Preparation
and mainte-
nance of a
register.

5.—(1) The council shall appoint a fit person to be the registrar for the purposes of this Decree, and such other persons as the council may from time to time think necessary; and the remuneration, tenure of office and condition of service of the registrar and of any other officer or servant appointed under this subsection shall be determined by the council.

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(2) The person who immediately before the appointed day was appointed Registrar of Veterinary Surgeons under section 8 of the Veterinary Surgeons Act shall on that day be deemed to be appointed the registrar under subsection (1) above; and in this Decree "the registrar" shall be construed accordingly.

(3) The registrar shall prepare and maintain, in accordance with the rules made by the council under this section, a register of the names, addresses and approved qualifications, and of such other particulars as may be specified, of all persons who are entitled under the provisions of this Decree to be registered therein.

(4) Subject to the following provisions of this section, the council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular—

(a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;

(b) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;

(c) authorising a registered person to have any qualification which is, either an approved qualification or an accepted qualification for the purposes of section 8 (2) of this Decree, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;

(d) specifying the fees to be paid to the council in respect of the entry of names on the register and authorising the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid ;

(e) prescribing the fees to be charged in respect of the retention in the register of the name of a person in any year subsequent to the year in which he was first registered ;

(f) specifying anything falling to be specified under the foregoing provisions of this section ;

but rules made for the purposes of paragraphs (d) and (e) of this subsection shall not come into force until they are confirmed by order of the Federal Executive Council.

6.—(1) The registrar shall—

(a) correct, in accordance with the council's directions, any entry in the register which the council directs him to correct as being in the council's opinion an entry which was incorrectly made ;

(b) make from time to time any necessary alterations in the registered particulars of registered persons ;

(c) remove from the register the name of every deceased person.

(2) If a registered veterinary surgeon has ceased to practise, the registrar may at his request or with his consent remove his name from the register.

(3) If the registrar—

(a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct or whether he has ceased to practise and receives no reply to the letter within the period of six months from the date of posting of the letter ; and

(b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,
the registrar may remove the name and the other particulars relating to the person in question from the register.

(4) Where a person's name has been removed from the register under subsection (2) or (3) above, the council may on the application of that person, direct the registrar to restore the name or other particulars removed therefrom unless the original entry of his name or other particulars was incorrectly or fraudulently made.

7.—(1) It shall be the duty of the registrar—

(a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this subsection comes into force ; and

(b) in each year after that in which a register is first published under paragraph (a) above, to cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to the register since it was last printed ; and

(c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the council.

(2) The council shall cause the register to be printed and published in the Gazette as often as it thinks fit.

(3) A document purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year, or documents purporting to be prints of an edition of a register so published

Correction
of register
and removal
of certain
names from
the
register,
etc.

Publication
of register
and lists of
corrections.

in a previous year and of a list of corrections to that edition so published in the current year, or any publication of the register made in the Gazette in the current year shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together or, as the case may be, in that Gazette, as being registered as a veterinary surgeon is so registered, and that any person not so specified is not registered.

Qualification for Registration, etc.

Registration
of veteri-
nary
surgeons.

8.—(1) Subject to rules made under section 5 (4) of this Decree, a person shall be entitled to be registered as a veterinary surgeon if—

(a) he has attended a course of training approved by the council under section 9 of this Decree ; and

(b) the course was conducted at an institution approved by the council or partly at one such institution and partly at another or others ; and

(c) he holds a qualification approved by the council.

(2) Subject as aforesaid, a person shall be entitled to be registered as a veterinary surgeon if he satisfies the council—

(a) that he is of good character ; and

(b) that he holds a qualification granted outside Nigeria and for the time being accepted by the council for the purposes of this subsection ; and

(c) that he is by law entitled to practise (for all purposes) as a veterinary surgeon in the country in which the qualification was granted ; and

(d) if the council so requires, that he has had sufficient practical experience as a veterinary surgeon ;

and the council shall from time to time publish in the Gazette particulars of the qualifications for the time being accepted as aforesaid.

(3) Where any application for registration is received by the council from any person who is not entitled to registration under subsection (1) or (2) above, the council may refer the application to the Board of Examiners for investigation under section 11 of this Decree.

Approval
of courses,
qualifica-
tion and
institutions.

9.—(1) Subject to subsection (2) of this section, the Council may approve for the purposes of section 8 above—

(a) any course of training which is intended for persons who are seeking to become, or are already, veterinary surgeons and which the council considers is designed to confer on persons completing it sufficient knowledge and skill for efficient practice of veterinary surgery ;

(b) any institution which the council considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the council under this section ;

(c) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the council, that they have sufficient knowledge and skill for efficient practice of veterinary surgery.

(2) The council shall not, in pursuance of subsection (1) above, approve a qualification granted by an institution in Nigeria unless the qualification bears one of the following designations, that is to say—

- (a) bachelor of veterinary medicine ;
- (b) bachelor of veterinary medicine and surgery ;
- (c) bachelor of veterinary science ;
- (d) master of veterinary science ;
- (e) doctor of veterinary medicine.

(3) The council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution ; but before withdrawing such an approval the council shall—

(a) give notice that it proposes to do so to each person in Nigeria appearing to the council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be ; and

(b) afford each such person an opportunity of making to the council representations with regard to the proposal ; and

(c) take into consideration any representations made as respects the proposal in pursuance of the last foregoing paragraph.

(4) As respects any period during which the approval of the council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section ; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the council may specify in that instrument ; and the council shall—

(a) as soon as may be publish a copy of every such instrument in the Gazette ; and

(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Commissioner.

10.—(1) It shall be the duty of the council to keep itself informed of—

(a) the instruction given at any approved institution to persons attending approved course of training ; and

(b) the examinations as a result of which approved qualifications are granted,

and for the purpose of performing that duty, the council may appoint either from among its own members or otherwise persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of a visitor appointed under this section to report to the council on—

(a) the courses of study, staffing, accommodation and equipment available for training in veterinary surgery and the other arrangements and facilities for such training in any institutions visited by him ;

(b) the sufficiency of the instruction given to the persons attending approved courses at institutions visited by him ;

(c) the standard of the examinations attended by him ; and

Supervision
of instruction
and
examinations
leading to
approved
qualifications.

(d) any other matter relating to the institutions or examinations on which the council may, either generally or in a particular case, request him to report,

but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the council shall as soon as may be send a copy of the report to the person appearing to the council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the council within such period as may be specified in the requests, not being less than one month beginning with the date of the request.

Power of
Board of
Examiners
to investi-
gate certain
applications
etc.

11.—(1) There shall continue to be established a Board of Examiners (hereafter in this section referred to as "the Board") which shall consist of two or more registered veterinary surgeons appointed by the council.

(2) The persons who immediately before the appointed day were members of the Board shall on that date be deemed to constitute the Board until new appointments are made in pursuance of subsection (1) above.

(3) The Board shall investigate any application referred to it by the council under section 8 (3) of this Decree and shall—

(a) where it is satisfied that the qualifications of the applicant afford sufficient assurance of his suitability for registration, recommend him to the council for registration; or

(b) where it considers that further assurance is required as to the suitability of the applicant, examine the applicant in any manner it deems appropriate and thereafter make such recommendation to the council as the Board deems fit.

(4) Where any recommendation for registration of an applicant is made to the council pursuant to subsection (3) of this section, the council may, if it thinks fit, authorise and require the registrar to insert the name of such applicant in the register, on payment to the council by the applicant of such fee as may be prescribed or without the payment of any fee.

Professional Discipline

Establish-
ment of
disciplinary
tribunal and
investigating
panel.

12.—(1) There shall be a tribunal, to be known as the Veterinary Surgeons Disciplinary Tribunal (hereafter in this Decree referred to as "the tribunal"), which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this section and any other case of which the tribunal has cognisance under the following provisions of this Decree.

(2) Subject to the provisions of paragraph 7 (2) of Schedule 2 to this Decree, the tribunal shall consist of the President of the council and four other members of the council appointed by the council of whom at least one shall be an elected member of the council.

(3) There shall be a body, to be known as the Veterinary Surgeons Investigating Panel (hereafter in this Decree referred to as "the panel"), which shall be charged with the duty of—

(a) conducting a preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as a veterinary surgeon, or should for any other reason be the subject of proceedings before the tribunal; and

(b) deciding whether the case should be referred to the tribunal.

(4) The panel shall be appointed by the council and shall consist of four members of the council, of whom at least one shall be an elected member of the council.

(5) The provisions of Schedule 2 to this Decree shall, so far as applicable to the tribunal and the panel respectively, have effect with respect to those bodies.

13.—(1) Where—

(a) a registered person is judged by the tribunal to be guilty of infamous conduct in any professional respect ; or

(b) a registered person is convicted, by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the tribunal is incompatible with the status of a veterinary surgeon ; or

(c) the tribunal is satisfied that the name of any person has been fraudulently registered,

the tribunal, may, if it thinks fit, give a direction reprimanding that person or ordering the registrar to strike his name off the register.

(2) The tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under the foregoing subsection until a subsequent meeting of the tribunal ; but—

(a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate ; and

(b) no person shall be a member of the tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the tribunal when the decision was deferred.

(3) For the purposes of subsection (1) of this section a person shall not be treated as convicted as mentioned in paragraph (b) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the tribunal gives a direction under subsection (1) of this section, the tribunal shall cause notice of the direction to be served on the person to whom it relates.

(5) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Supreme Court ; and the tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the tribunal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(6) A direction of the tribunal under subsection (1) of this section shall take effect—

(a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time ;

(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal ;

Penalties for
unprof-
essional con-
duct, etc.

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(c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed ;
and shall not take effect except in accordance with the foregoing provisions of this subsection.

(7) A person whose name is removed from the register in pursuance of a direction of the tribunal under this section shall not be entitled to be registered in the register again except in pursuance of a direction in that behalf given by the tribunal on the application of that person ; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

Miscellaneous and General

Offences.

14.—(1) If any person who is not a registered veterinary surgeon—

(a) practises or holds himself out to practise as a veterinary surgeon ; or

(b) takes or uses the title of veterinary surgeon ; or

(c) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a veterinary surgeon,

he shall be guilty of an offence.

(2) If any person, for the purpose of procuring the registration of any name, qualification or other matter under this Decree—

(a) makes a statement which he believes to be false in a material particular ; or

(b) recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.

(3) If the registrar or any other person employed by the council wilfully makes any falsification in any matter relating to the register he shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable on conviction to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years, or to both.

(5) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Miscellaneous supplementary provisions.

15.—(1) Where any office in the public service of the Federation or of a state therein, or in the armed forces of the Federation or in a university therein, requires a veterinary qualification, a person shall not be appointed to that office, or hold or remain in that office unless he is a registered veterinary surgeon.

(2) A registered veterinary surgeon shall be entitled to practise as a veterinary surgeon throughout the Federation.

(3) Where any document is required by any law for the time being in force in the Federation or any part thereof to be issued or signed by a veterinary surgeon it shall, if issued or signed after this subsection comes into force, be invalid unless it is issued or signed by a veterinary surgeon registered under this Decree.

(4) Without prejudice to the rule of law whereby a contract may be void if it is inconsistent with the provisions of an enactment, no person other than a registered veterinary surgeon shall be entitled to bring any proceedings in any court of law for the purpose of recovering any fee or other consideration whatsoever payable in respect of services rendered or facilities or things supplied by him when purporting to act as a veterinary surgeon.

(5) It shall be the duty of the person in charge of each veterinary school, university or similar institution in the Federation at which there is held a course of training intended for persons who are seeking to become veterinary surgeons, to furnish to the registrar, not later than the thirty-first day of March in every year, a list of the names, and of such other particulars as the council may by order specify, of all persons who attended any such course at the institution in question at any time during the preceding year.

16.—(1) Any power to make regulations, rules or orders conferred by this Decree shall include power—

Regulations,
rules and
orders.

(a) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and

(b) to make different provision for different circumstances.

(2) The Commissioner shall lay a copy of all regulations before the Federal Executive Council as soon as may be after the regulations are made, and the regulations shall not come into force until approved by that Council.

(3) Nothing in this Decree shall be construed as indicating a contrary intention for the purposes of section 12 (1) of the Interpretation Act 1964 (which contains additional provisions with respect to powers to make subordinate legislation).

1964 No. 1.

17.—(1) Without prejudice to section 16 of this Decree, the Veterinary Council (Elections) Rules 1953 shall, until replaced by rules made under paragraph 8 of Schedule 1 to this Decree, remain in force as though made under the provisions of that paragraph and shall have effect subject to the amendment specified in subsection (2) of this section.

Amendment
of Veteri-
nary Council
(Election)
Rules 1953,
etc.
L.N. 1 of
1953.

(2) In rule 2 of the said Rules of 1953, for all words from the beginning to the words "Registrar shall", there shall be substituted the following—

"2. Subject to the provisions of Schedule 1 to the Veterinary Surgeon Decree 1969, whenever a vacancy occurs among the elected members of the council, and that vacancy is required under that Decree to be filled by a fresh election, the registrar shall".

18.—(1) Subject to section 13 of this Decree and to subsection (2) of this section, a person shall be entitled to be registered as a veterinary surgeon if he has at any time been registered in the register maintained under section 8 of the Veterinary Surgeons Act; and the registrar shall accordingly, without any application in that behalf make the necessary entries in the appropriate list in the register maintained under this Decree.

Transitional
provisions
and repeals.

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Cap. 210.

(2) A person whose name is not on the register maintained under the Veterinary Surgeons Act by reason of its having been erased or removed in consequence of an inquiry into his conduct held under section 20 of that Act by the council established under that Act shall be deemed for the purposes of this Decree to have had his name removed, from the register maintained under this Decree, in pursuance of a direction of the tribunal which took effect on the date when this subsection comes into force; and the provisions of section 13 (7) of this Decree shall have effect accordingly as if the direction aforesaid prohibited applications under that subsection for the period of six months.

(3) Where—

(a) there is in any state in Nigeria an institution which was established before the 1st January, 1968 and which grants a qualification to persons who have completed a course of veterinary surgery or veterinary medicine conducted at the institution; and

(b) the institution, course and qualification are recognised by the council for the purposes of this subsection,

any such qualification granted before that day to such a person as aforesaid, or after that day to a person who on that day was engaged in such a course at the institution with a view to obtaining such a qualification, shall be deemed to be a qualification approved by the council under section 9 of this Decree; and subject to the provisions of section 13 and of rules made under section 5 of this Decree, a person shall, be entitled to be registered by reference to a qualification which is an approved qualification by virtue of this subsection.

(4) For the purpose of enabling persons to qualify for membership of the council at any time during the period of two years beginning with the date when section 2 of this Decree comes into force, a person entitled by virtue of subsection (1) of this section to be registered shall be deemed to be so registered notwithstanding that the register has not been established or that his name is not registered in it.

(5) Any proceedings under Part V of the Veterinary Surgeons Act (which relates to discipline) which, immediately before the date when the provisions of that Act relating to such proceedings are repealed, were pending before the council established by that Act or in the Supreme Court may be continued, and any right of appeal under that Act which was exercisable immediately before that date may be exercised, as if this Decree had not been passed; and for the purposes of the foregoing provisions of this section and of enabling effect to be given to any order made or judgement given in connection with any such proceedings or appeal, but not for any other purposes, the register maintained under that Act shall be deemed not to be abolished.

(6) The Veterinary Surgeons Act is hereby repealed; and, subject to the provisions of subsection (5) of this section, the register maintained under that Act is hereby abolished.

Interpretation, etc.

19.—(1) In this Decree, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“approved” means for the time being approved under section 9 of this Decree;

“approved qualification” means a qualification which is approved under section 9 of this Decree;

"Board of examiners" means the Board of Examiners established under section 11 of this Decree ;

"the council" means the Veterinary Council of Nigeria established under this Decree ;

"the Commissioner" means the Commissioner of the government of the Federation responsible for matters relating to veterinary surgery ;

"the Director" has the meaning assigned thereto by section 2 (1) (a) of this Decree ;

"elected member of the council" has the meaning assigned thereto by section 2 (1) (c) of this Decree ;

"the Gazette" means the Official Gazette of the Federation ;

"the panel" has the meaning assigned thereto by section 12 of this Decree ;

"prescribed" means prescribed by regulations ;

"register" means a register maintained under this Decree, and "registered" shall be construed accordingly ;

"the registrar" means the registrar appointed in pursuance of section 5 of this Decree ;

"regulations" means regulations made by the Commissioner ;

"state" means a state created under the States (Creation and Transitional Provisions) Decree 1967 ;

1967 No. 14.

"the tribunal" has the meaning assigned thereto by section 12 of this Decree ;

"the Supreme Court" means the Supreme Court of Nigeria ;

"veterinary surgery" means the art and science of veterinary surgery and medicine and, without prejudice to the generality of the foregoing, shall be taken to include—

(a) the diagnosis of diseases in, and injuries to, animals including tests performed on animals for diagnostic purposes ;

(b) the giving of advice based upon such diagnosis ;

(c) the medical or surgical treatment of animals ; and

(d) the performance of surgical operations on animals.

(2) Anything required by this Decree to be done by or to the registrar may be done by or to any assistant registrar appointed by the council.

(3) Any approval, consent, direction, notice, observation, report, representation or request authorised or required to be given or made by or under this Decree shall be in writing and may, without prejudice to any other method of service but subject to the provisions of rules made under Schedule 2 to this Decree, be served by post.

20.—(1) This Decree may be cited as the Veterinary Surgeons Decree 1969, and shall apply throughout the Federation.

(2) The provisions of this Decree shall come into operation on such date as the Commissioner may by order appoint, and different dates may be appointed for the purposes of different provisions and any reference in this Decree to the commencement of any provision thereof shall be construed as a reference to the day appointed under this subsection for the coming into operation of that provision.

Citation,
extent and
commence-
ment.

SCHEDULES

SCHEDULE 1

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Tenure of office of members and of President

1.—(1) Subject to the provisions of section 2 (1) (d) of this Decree and of this Schedule, a person shall not be a member of the council unless he is a registered veterinary surgeon.

(2) Subject to the provisions of this Schedule, the term of office of any person, who is a member of the council otherwise than by virtue of section 2 (1) (a) or (b) of this Decree, shall be, as near as may be, five years and the day on which a member of the council ordinarily retires shall be the day immediately before the annual general meeting of the council.

2. A member of the council other than an ex-officio member may at any time by notice in writing addressed to the registrar, resign his office as a member.

3. An elected member of the council shall cease to hold office if he ceases to be a registered veterinary surgeon.

4. If any university ceases to be an approved institution for the purposes of this Decree, any member representing that university on the council shall thereupon cease to hold office.

Elections, appointments and casual vacancies

5. Elections or appointments to fill any vacancy occurring under paragraph 1 of this Schedule shall be held or made before the annual general meeting of the council at which the vacancy occurs.

6.—(1) Where a casual vacancy occurs among the elected members of the council, the vacancy shall be filled—

(a) by the unsuccessful candidate at the previous ordinary election of such members who at that election received the greatest number of votes and has not since become a member, or

(b) if two or more such candidates received an equal number of votes, by the candidate who has been registered longest on the register or, if two or more such candidates have been registered longer than any other but for the same period as each other, by one of them chosen by lot, or

(c) if there were no unsuccessful candidates at that election by a person elected from among themselves by registered veterinary surgeons at a special election: Provided that no such election need be held if an ordinary election of elected member will take place within twelve months after the casual vacancy occurred.

(2) Where a casual vacancy occurs among members of the council appointed by the Federal Executive Council the vacancy shall be filled by the Federal Executive Council.

(3) A person filling a casual vacancy among the elected members of the council shall hold office until the date on which the person whose vacancy he fills would have regularly retired.

7. A person ceasing to be a member of the council shall be eligible to be re-elected or re-appointed.

8. Elections of elected members of the council shall be conducted in accordance with rules made by the council and approved by the Federal Executive Council.

9. When in the opinion of the council the President is temporarily unable to perform the functions of his office, a person elected by the council shall perform those functions.

Powers of the council

10.—(1) Subject to the following sub-paragraph and to any directions of the Commissioner under this Decree, the council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

(2) The council shall not have power to borrow money or to dispose of any property except with the prior consent of the Federal Executive Council, and shall not have power to pay remuneration (including pensions), allowances or expenses to any member, officer or servant of the council or to any other person except in accordance with scales approved by the Federal Executive Council.

Proceedings of the council

11.—(1) The council shall hold an annual general meeting in January in each year, and may hold such other meetings as the President of the council may determine.

(2) Subject to sub-paragraph (1) above, the meetings of the council shall be held on such days and at such place and time as the President may determine: Provided that if the President is required so to do by notice in writing given to him by not less than four other members of the council, he shall summon a meeting of the council to be held within thirty days from the date on which the notice is given.

(3) Every member of the council shall be entitled to vote on any question coming or arising before the council, and all such questions shall be determined by a majority of the members present and voting thereon.

(4) The President of the council shall be the chairman at all meetings of the council when he is present; and when he is not present such other member of the council present at the meeting as the council may appoint for that meeting, shall be the chairman at that meeting.

(5) At any meeting of the council, the President of the council and four other members of the council, of whom at least two shall be elected members, shall form a quorum.

(6) Where the council desires to obtain the advice of any person upon any particular matter, the council may co-opt that person to be a member for any meeting or meetings of the council, and that person while so co-opted shall have all the powers of a member, save that he shall not be entitled to vote on any question and his presence at any meeting shall not count towards the constitution of a quorum.

(7) Subject to the foregoing provisions of this Schedule and to section 26 of the Interpretation Act 1964 (which provides for decisions of a body to be taken by a majority of the members of the body and for the chairman to have a second or casting vote), the council may make standing orders regulating the proceedings of the council or any of its committee.

Committees

12.—(1) The council may appoint one or more committees to carry out, on behalf of the council, such of its functions as the council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the council, and not more than one-third of those persons may be persons who are not members of the council; and a person other than a member of the council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee of the council shall be of no effect until it is confirmed by the council.

Supplementary

13.—(1) The fixing of the seal of the council shall be authenticated by the signature of the President or of some other member authorised generally or specially by the council to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the council by any person generally or specially authorised to act for that purpose by the council.

(3) Any document purporting to be a document duly executed under the seal of the council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

14. The powers of the council and of any of its committee may be exercised notwithstanding any vacancy, and no proceedings of the council or any of its committee shall be invalidated by any defect in the election or appointment of a member or by reason that a person not entitled to do so took part in the proceedings.

15. The additional elected member of the council required to bring the number of such members up to four shall be elected before, and shall come into office at, the annual general meeting of the council in January 1969.

16. A person shall not, by reason only of his membership of the council, be treated as holding an office of emolument under the Federal Military Government or the government of a state.

SCHEDULE 2

Section 12

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY
TRIBUNAL AND INVESTIGATING PANEL.*The Tribunal*

1. The quorum of the tribunal shall be four of whom at least two shall be elected members of the council.

2.—(1) The Chief Justice of Nigeria shall make rules as to the selection of members of the tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the tribunal.

(2) The rules shall in particular provide—

(a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;

(b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings ;

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the tribunal :

(d) for enabling any party to the proceedings to be represented by a legal practitioner ;

(e) subject to the provisions of section 13 (5) of this Decree, as to the costs of proceedings before the tribunal ;

(f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the tribunal adjudges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates ;

(g) for publishing in the Gazette notice of any direction of the tribunal which has taken effect providing that a person's name shall be struck off a register.

3. For the purposes of any proceedings before the tribunal, any member of the tribunal may administer oaths and any party to the proceedings may sue out of the registry of the Supreme Court writs of subpoena ad testificandum and duces tecum ; but no person appearing before the tribunal shall be compelled—

(a) to make any statement before the tribunal tending to incriminate himself ; or

(b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4.—(1) For the purpose of advising the tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the tribunal who shall be appointed by the council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.

(2) The Chief Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing—

(a) that where an assessor advises the tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered ;

(b) that every such party or person as aforesaid shall be informed if in any case the tribunal does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

5. Any three members of the panel, of whom one shall be an elected member of the council shall constitute the quorum.

6.—(1) The panel may, at any meeting of the panel attended by not less than six members of the panel including not less than two who are members of the elected members, make standing orders with respect to the panel.

(2) Subject to the provisions of any such standing orders, the panel may regulate its own procedure.

Miscellaneous

7.—(1) A person ceasing to be a member of the tribunal or the panel shall be eligible for reappointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the tribunal and the panel; but no person who acted as a member of the panel with respect to any case shall act as a member of the tribunal with respect to that case.

8. The tribunal or the panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 7 (2) above) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

9. The tribunal and the panel may each sit in two or more divisions.

10. Any document authorised or required by virtue of this Decree to be served on the tribunal or the panel shall be served on the registrar.

11. Any expenses of the tribunal or the panel shall be defrayed by the council.

12. A person shall not, by reason only of his appointment as a legal assessor to the tribunal or as a member of the panel, be treated as holding an office of emolument under the Federal Military Government or the government of a state.

MADE at Lagos this 12th day of September 1969.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*