

GOVERNMENT OF ZAMBIA

ACT

No. 45 of 2010

Date of Assent: 24th November, 2010

An Act to establish the Veterinary Association of Zambia; continue the existence of the Board of Veterinary Surgery and re-name it as the Veterinary Council of Zambia; provide for the registration of veterinary and veterinary para-professionals and regulate their professional conduct; provide for the licensing of laboratories and animal health facilities; provide for the recognition and approval of training programmes for veterinary and veterinary para-professionals; repeal and replace the Veterinary Surgeons Act, 1964; and provide for matters connected with, or incidental to, the foregoing.

[29th November, 2010

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Veterinary and Veterinary Para-Professions Act, 2010, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title
and
commence-
ment

2. (1) In this Act, unless the context otherwise requires—

Interpretation

“animal” means any mammal, other than a human, bird, fish or reptile or amphibian which is a member of the phylum vertebrates, including the carcass of such animals;

“animal health care service” means a service provided by a veterinary surgeon or animal health facility for the prevention, diagnosis, treatment and management of any animal disease and the preservation of the well being of animals;

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- “ animal health facility ” means any site, fixed or mobile, providing services for the prevention, diagnosis and treatment of animal diseases and includes a diagnostic centre;
- “ Association ” means the Veterinary Association of Zambia established under section *three*;
- “ Board ” means the Board of Veterinary Surgery established under the repealed Act;
- “ certificate of registration ” means the certificate issued under section *fourteen*;
- “ Chairperson ” means the person elected Chairperson of the Association pursuant to section *six*; and
- “ Code of Ethics ” means the code of professional conduct adopted and published by the Council;
- “ constitution ” means the constitution of the Association adopted in accordance with section *five*;
- “ consulting room ” means a room used by a veterinary surgeon for consulting and diagnosis;
- “ Council ” means the Veterinary Council of Zambia referred to under section *eight*;
- “ diagnostic centre ” means a laboratory or any other related service;
- “ Disciplinary Committee ” means the Committee constituted under section *sixty-three*;
- “ inspector ” means a person appointed as an inspector under section *fifty-three*;
- “ member ” means a person registered as a member of the Association in accordance with the provisions of the constitution of the Association, and “ membership ” shall be construed accordingly;
- “ peer ” means a member of the same veterinary profession with similar specialisation, if any, and an equivalent number of years of veterinary practice;
- “ practising certificate ” means a certificate issued to a veterinary surgeon under section *twenty-two*;
- “ professional misconduct ” has the meaning assigned to it under section *sixty-one*;

**THE VETERINARY AND VETERINARY
PARA-PROFESSIONS ACT, 2010**

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FIRST SCHEDULE

SECOND SCHEDULE

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- “provisional certificate of registration” means the registration effected under section *fifteen*;
- “Register” means the Register of Veterinary Surgeons, Veterinary Para-Professionals and any other class of persons referred to under section *thirty-three*;
- “Registrar” means the person appointed as Registrar of the Association under section *eleven*;
- “repealed Act” means the Veterinary Surgeons Act, 1964; Cap. 243
- “scope of practice” means the range of knowledge expected of a particular veterinary or veterinary para-professional, and the preventive, diagnostic and treatment techniques which a veterinary surgeon or veterinary para-professional is allowed to perform, and the conditions under which the veterinary surgeon or veterinary para-professional may engage in those techniques;
- “speciality” means a special field of work or study that a veterinary surgeon specialises in or intends to specialise in;
- “specialist” means a person registered as a specialist under section *eighteen*;
- “student” means a person who is enrolled at an educational institution recognised by the Council and undergoing training in the veterinary and livestock field;
- “temporary certificate of registration” means the registration effected under section *sixteen*;
- “veterinary practice” means dispensing, performing, giving or providing any surgical operation, treatment, test, advice, diagnosis or attendance by a veterinary surgeon;
- “veterinary profession” means a profession whose member is required to register under section *fourteen*, and “veterinary professional” shall be construed accordingly; and
- “veterinary surgeon” means a person registered as a veterinary surgeon under section *fourteen*;
- “Vice-Chairperson” means the person elected Vice-Chairperson of the Association pursuant to section *six*.

(2) In this Act, any reference to the removal from, or the restoration to, the Register of the name of a veterinary professional, shall be construed as including a reference to the removal from, or the restoration to, the Register of any other registrable particulars relating to that veterinary professional.

PART II

THE VETERINARY ASSOCIATION OF ZAMBIA

Establishment
of Veterinary
Association
of Zambia

3. (1) There is hereby established the Veterinary Association of Zambia.

(2) The Association shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and shall, subject to the provisions of this Act, have power to do all such acts and things as a body corporate may, by law, do or perform.

(3) The provisions of the First Schedule apply to the Association.

Functions of
Association

4. (1) The functions of the Association are to---

- (a) register veterinary and veterinary para-professionals, and regulate their professional conduct;
- (b) register students of veterinary studies and veterinary para-professionals;
- (c) develop, promote, maintain and improve appropriate standards of qualification in the veterinary profession;
- (d) develop, promote and enforce internationally comparable veterinary profession practice standards in Zambia;
- (e) investigate allegations of professional misconduct and impose such sanctions as may be necessary;
- (f) advise the Government on matters relating to the veterinary profession;
- (g) promote the general advancement of the veterinary and veterinary para-profession and allied disciplines for the improvement of the quality of animal life;
- (h) maintain and improve the standards of conduct and learning of the veterinary and veterinary para-profession and allied professions in Zambia;
- (i) facilitate the acquisition of knowledge by veterinary and veterinary para-professionals through the establishment of technical libraries, and the provision of monetary grants, books, apparatus and any other facilities necessary to achieve this end;
- (j) hold meetings of the Association for the reading and discussion of papers for professional interest, to make awards to authors of papers of special merit and to arrange for other activities of interest or benefit to veterinary and veterinary para-professionals;

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- (k) raise the character and status of the veterinary and veterinary para-profession and allied disciplines, to promote honourable and good practice and increase the confidence of the community in those persons practising in the veterinary and veterinary para-profession and allied disciplines;
- (l) promote alternative dispute resolution mechanisms and to serve as an arbitral institution for disputes of a veterinary and veterinary para-profession nature;
- (m) in consultation with the Ministry responsible for education and the Technical Education Vocational and Entrepreneurship Training Authority, accredit universities, technical colleges, institutions and programmes of instruction leading to the award of qualifications of veterinary and veterinary para-professionals;
- (n) represent, protect and assist veterinary surgeons and veterinary para-professionals with regard to their conditions of practice, remuneration or otherwise; and
- (o) do all such other things as are necessary, or incidental, to the performance of its functions under this Act.
- (2) The Association may—
- (a) determine and levy fees that the Association considers necessary to finance its activities under this Act;
- (b) determine the fees payable for an inspection conducted for the purposes of this Act;
- (c) determine fees for the accreditation of local and foreign training institutions and qualifications; and
- (d) determine what portion of any fee is payable in respect of any part of a year and the date on which the fee or portion thereof is payable.
5. (1) The Association shall, by a vote of at least two-thirds of the members voting at a general meeting of the Association, adopt a constitution and may, in the like manner, amend it.
- (2) Subject to this Act, the constitution shall regulate the conduct of the affairs of the Association.
- (3) Subject to subsection (2), the constitution shall provide for the following matters:

Constitution
of
Association

- (a) the meetings of the Association, including the delivery and sufficiency of notices of the meetings, the quorum, voting, adjournment and other matters of procedure or conduct of the meetings;
- (b) the election, qualifications and tenure of the office bearers;
- (c) the composition, functions, powers and procedures of the committees of the Association;
- (d) the classes of membership and their rights, privileges and obligations; and
- (e) any other matter as the membership may determine.

Chairperson
and
Vice-
Chairperson
of
Association

6. The members shall elect the Chairperson and Vice-Chairperson of the Association in accordance with the constitution.

Meetings of
Association

7. (1) Subject to this Act, the Association may regulate its own procedure.

(2) The meetings of the Association shall be conducted in accordance with the provisions of the constitution of the Association.

(3) The validity of any proceedings, act or decision of the Association shall not be affected by any person's absence from any meeting of the Association or by reason that a person not entitled to do so took part in the proceedings.

PART III

THE VETERINARY COUNCIL OF ZAMBIA

Continuation
and re-
naming of
Board of
Veterinary
Surgery
Cap. 243

8. (1) The Board of Veterinary Surgery established under the repealed Act shall continue to exist as if established under this Act and is for purposes of this Act hereby re-named the Veterinary Council of Zambia.

(2) The provisions of the First Schedule apply to the Council.

X Composition
of Council

9. (1) The Council shall consist of the following part-time members appointed by the Minister:

- (a) the Chairperson;
- (b) the Vice-Chairperson;

16. (1) Subject to the provisions of this Act, a person who is trained outside Zambia and is not a holder of a qualification recognised by the Council, may apply for temporary registration. Temporary registration

(2) The Council shall, upon receipt of an application made under subsection (1), issue the applicant with a temporary certificate of registration if the applicant—

- (a) possesses such knowledge and training as may be prescribed;
- (b) has passed the prescribed assessment examination conducted by the relevant training institution in Zambia, recognised by the Council;
- (c) provides a certificate of good standing from the professional registration body in the country where the person is currently practising;
- (d) proves that the person is sufficiently knowledgeable in the English language; and
- (e) shall serve in Zambia at the request of the Zambian Government or an animal health facility licensed under this Act to provide specialist services.

(3) The Council shall not issue a person with a temporary certificate of registration for a period exceeding two years.

(4) The Council shall, where it rejects an application for temporary registration, inform the applicant accordingly and give the reasons therefor.

17. (1) The Council may, at the request of an animal health facility licensed under this Act, register a veterinary surgeon, qualified in another country, to provide veterinary services in Zambia for a limited period of time, at the animal health facility. Registration for limited period

(2) The Council shall register a veterinary surgeon for a limited period if the veterinary surgeon holds equivalent registration in the veterinary surgeon's country of origin and the veterinary surgeon is in good standing with the relevant professional body in the veterinary surgeon's country.

(3) The Council may specify the terms and conditions to which the registration under this section is subject, including the acts to be performed, or the nature of supervision required, by the veterinary surgeon.

(4) The Council shall register a veterinary surgeon under this section for a specified period of time not exceeding six months.

(5) The Council may, on the application of an animal health facility, renew the registration of a veterinary surgeon under this section, on such terms and conditions as the Council may determine.

Specialist
registration

18. (1) A veterinary surgeon who wishes to be registered as a specialist shall apply to the Council for registration, in the prescribed manner and form upon payment of the prescribed fee.

(2) The Council shall register a veterinary surgeon as a specialist, if the veterinary surgeon holds a post-graduate qualification approved by the Council.

Changes in
detail

19. A person registered under this Act, shall notify the Registrar of any change of that person's particulars relating to the registration, within seven days of the change.

Cancellation
of
registration

20. (1) The Council shall cancel the registration of a veterinary surgeon or veterinary para-professional where—

- (a) the Council has reasonable grounds to believe that the registration was obtained through fraud, misrepresentation or concealment of any material fact;
- (b) the veterinary surgeon or veterinary para-professional is found guilty of professional misconduct under this Act or the Code of Ethics;
- (c) the veterinary surgeon or veterinary para-professional has ceased to be employed by, or to practise at, an animal health facility for which the registration was obtained;
- (d) the period for which the registration of the veterinary surgeon or veterinary para-professional was issued has lapsed;
- (e) the veterinary surgeon or veterinary para-professional is convicted of an offence and sentenced to imprisonment for a period exceeding six months without the option of a fine; or
- (f) since the registration, circumstances have arisen disqualifying the veterinary surgeon or veterinary para-professional from registration.

(2) The Council shall, before cancelling the registration of a veterinary surgeon or veterinary para-professional under subsection (1), give the person an opportunity to be heard.

(3) The Council may, before cancelling the registration of a veterinary surgeon or veterinary para-professional, suspend the veterinary surgeon or veterinary para-professional for such period and on such terms and conditions as the Council may determine.

(2) The Council may determine different fees for different categories or classes of veterinary professionals.

(3) The Council shall, within thirty days of receipt of an application under subsection (1), grant or reject the application.

(4) The Council shall, where it rejects an application under subsection (3), inform the applicant accordingly and give the reasons therefor.

14. (1) The Council shall, where an application meets the requirements of this Act, register the applicant as a veterinary surgeon and issue the applicant with a certificate of registration.

Registration
of
veterinary
surgeons
and para-
veterinary
professionals

(2) The Council shall—

(a) enrol a diploma holder as a veterinary para-professional;

(b) enlist a certificate holder as a veterinary para-professional;
and

~~X~~ (c) register any other category or class of veterinary para-professionals as the Minister may prescribe, on the recommendation of the Council.

(3) A holder of a provisional certificate of registration or a temporary certificate of registration may apply to the Council for a certificate of registration in the prescribed manner and form upon payment of the prescribed fee.

(4) The Council shall, within thirty days of receipt of an application under subsection (3), grant or reject the application.

(5) The Council shall, where it rejects an application under subsection (4), inform the applicant accordingly and give the reasons therefor.

(6) Subject to the provisions of this Act, the Council shall issue a certificate of registration under this section—

(a) to a holder of a provisional certificate of registration, if the holder—

(i) has practised in an animal health facility approved by the Council for a period of not less than twelve months;

(ii) is of good character and good professional standing; and

(iii) meets such other requirements as may be prescribed; and

(b) to a holder of a temporary certificate of registration, if the holder—

- (i) has completed at least twelve months of continuous employment in an animal health facility; and
- (ii) submits a letter from the veterinary surgeon at the animal health facility referred to under subparagraph (i), stating that the person has performed satisfactorily and displayed skills and knowledge equivalent to those of veterinary professionals trained in Zambia.

* (7) The Minister may, by statutory instrument, on the recommendation of the Council, prescribe—

- (a) the qualifications for registration of a person as a veterinary surgeon or veterinary para-professional;
- (b) the categories or class of veterinary para-professionals to be registered under this Act; and
- (c) the scope of practice for veterinary surgeons or veterinary para-professionals registered under this Act.

Provisional
registration

15. (1) A person who holds a qualification from a training institution recognised by the Council, or a holder of a temporary certificate of registration, may apply for provisional registration in the prescribed manner and form upon payment of the prescribed fee.

(2) Subject to the provisions of this Act, the Council shall, where a person makes an application under subsection (1), issue the person with a provisional certificate of registration if—

- (a) the person meets the requirements for provisional registration; and
- (b) the Council determines that the training previously received by the person is equivalent to that required for provisional registration.

(3) The Council shall, where it rejects an application for provisional registration, inform the applicant accordingly and give the reasons therefor.

(4) A person holding a provisional certificate of registration may engage in employment as a veterinary surgeon or veterinary para-professional in Zambia.

(5) The Council shall not issue a person with a provisional certificate of registration for a period exceeding two years.

* (6) The Minister may, by statutory instrument, on the recommendation of the Council, make regulations to regulate the scope of practice of holders of provisional certificates of registration.

- (c) the Director responsible for veterinary services;
- (d) the Dean of the School of Veterinary Medicine at the University of Zambia;
- (e) a representative of the Attorney-General;
- (f) one farmer nominated by the Zambia National Farmers Union;
- (g) two veterinary professionals; and
- (h) one veterinary para-professional.

(2) The members of the Council who are veterinary professionals shall be elected by the membership of the Association.

(3) A person shall not be eligible for appointment or election as a member of the Council if—

- (a) that person is under any written law, adjudged or otherwise declared to be of unsound mind;
- (b) that person is adjudged or declared bankrupt under any written law in Zambia; or
- (c) that person has been convicted of an offence under this Act or any other law.

(4) The Association shall publish the names and designation of the members of the Council in a daily newspaper of general circulation in Zambia.

10. (1) The functions of the Council are to—

- (a) promote an understanding of professional ethics amongst veterinary and veterinary para-professionals;
- (b) participate in the development of veterinary practice standard setting;
- (c) maintain appropriate practice standards among veterinary and veterinary para-professionals that are consistent with the principle of self-regulation and the promotion of high standards of veterinary services;
- (d) promote the integrity, and enhance the status, of the veterinary profession, including the declaration of any particular veterinary practice to be undesirable for all, or a particular category of, veterinary surgeons;
- (e) license public and private animal health facilities and monitor quality control and assurance of animal health facilities and services;

Functions of
Council

- (f) represent, coordinate and develop the veterinary and veterinary para-profession and promote its interest;
- (g) protect and assist the public in all matters relating to the practice of the veterinary profession;
- (h) make recommendations affecting, or relating to, the veterinary profession to the general meeting of the Association;
- (i) promote continuing professional development among veterinary professionals; and
- (j) do all such things as are necessary, or incidental, to the performance of its functions under this Act.

Registrar
and other
staff

11. (1) The Council shall appoint a Registrar, who shall be the chief executive officer of the Council, on such terms and conditions as the Council may determine.

(2) The Registrar shall be the Secretary to the Council and shall be responsible for the day-to-day administration of the affairs of the Council, under the supervision of the Council.

(3) The Council may, whenever the Registrar is absent or is for any other reason unable to discharge the functions of the Registrar's office, appoint an acting Registrar to discharge the Registrar's functions.

(4) The Council shall appoint, on such terms and conditions as the Council may determine, such other staff as may be necessary for the purposes of this Act.

PART IV

REGISTRATION OF VETERINARY PROFESSIONALS

Prohibition
of practising
without
registration

12. (1) A person shall not practise as a veterinary surgeon or veterinary para-professional, unless that person is registered as a veterinary surgeon or veterinary para-professional in accordance with this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

Application
for
registration

13. (1) A person who wishes to be registered as a veterinary surgeon or veterinary para-professional, shall apply to the Council for registration in the prescribed manner and form upon payment of the prescribed fee.

(4) Where the Council cancels the registration of a person under this section, the person's name shall be removed from the Register and shall not be restored except on such conditions as may be prescribed by the Council and upon payment of the prescribed fee.

21. (1) A person shall not practise as a veterinary surgeon, unless that person holds a practising certificate issued by the Council under this Act.

Prohibition of practise without practising certificate

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both.

22. (1) A veterinary surgeon shall apply for a practising certificate in the prescribed manner and form upon payment of the prescribed fee.

Application for practising certificate

(2) The Registrar shall, upon receipt of an application under subsection (1) and where the application meets such requirements as may be prescribed, issue the veterinary surgeon with a practising certificate.

23. A holder of a practising certificate shall display the practising certificate in a conspicuous place at the place of practise.

Display of practising certificate

24. (1) A practising certificate shall be renewed annually in the prescribed manner and form upon payment of the prescribed fee.

Renewal of practising certificate

(2) A practising certificate that is not renewed in accordance with subsection (1) is void.

(3) A veterinary surgeon who practises during any period in which the veterinary surgeon's practising certificate is void commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

25. (1) The Council shall cancel a practising certificate if the holder—

Cancellation of practising certificate

(a) is found guilty of any professional misconduct;

(b) is declared to be of unsound mind;

(c) is an undischarged bankrupt;

(d) contravenes the provisions of this Act, or any other relevant law;

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- (e) is a proprietor, or in charge of, an animal health facility which is closed or whose licence is cancelled by the Council under this Act;
- (f) obtained the practising certificate through fraud, misrepresentation or concealment of a material fact; or
- (g) commits an offence under this Act or contravenes the Code of Ethics.

(2) Where the registration of a veterinary surgeon is cancelled under this Act, the practising certificate held by the veterinary surgeon shall be void and shall be surrendered to the Council.

(3) The Council shall, before cancelling the practising certificate of a veterinary surgeon under this section, give the veterinary surgeon an opportunity to be heard.

(4) The Council may, before cancelling the practising certificate of a veterinary surgeon, suspend the veterinary surgeon for such period and on such terms and conditions as the Council may determine.

 Regulations relating to practising certificates

26. The Minister may, by statutory instrument, on the recommendation of the Council, make regulations to provide for—

- (a) the terms and conditions for the issuance of practising certificates;
- (b) the type of continuing professional development and training and any other information required for the issuance of a practising certificate; and
- (c) any other matter necessary for purposes of this Act.

Conditions of certificate

27. A certificate issued under this Part shall contain such terms and conditions of the certificate as the Council may determine.

Prohibition of transfer of certificate

28. A certificate issued under this Part shall not be transferred to a third party.

Removal and restoration of name on Register

29. (1) The Minister may, on the recommendation of the Council, make regulations prescribing the circumstances and manner in which a veterinary surgeon or veterinary para-professional—

- (a) may be removed from the Register; and
- (b) who is removed from the Register, may be restored on the Register and the fee to be paid for the restoration.

(2) Subject to subsection (1), a veterinary surgeon or veterinary para-professional who is removed from the Register ceases to be a registered veterinary surgeon or veterinary para-professional.

(3) The Council may, where a veterinary surgeon informs the Registrar that the veterinary surgeon does not intend to practise for a specified period of time, maintain the name of the veterinary surgeon on the Register, in a non-practising category, for that period of time.

30. Where the registration of a veterinary surgeon or veterinary para-professional has been cancelled or suspended, the veterinary surgeon or veterinary para-professional affected may, subject to such terms and conditions as the Council may determine, apply for re-registration.

Re-
registration

31. (1) A person whose certificate of registration is destroyed or lost may apply to the Registrar for a duplicate certificate in the prescribed manner and form upon payment of the prescribed fee.

Duplicate
certificate of
registration

(2) The Registrar may, upon receipt of an application under subsection (1), issue a duplicate certificate of registration to the applicant.

32. (1) A person may apply to the Registrar for a certificate of status, containing particulars relating to the registration of a veterinary surgeon or veterinary para-professional, in the prescribed manner and form and upon payment of the prescribed fee.

Certificate of
status

(2) Upon receipt of an application under subsection (1), the Registrar may issue a certificate of status to the applicant in the prescribed form.

33. (1) The Registrar shall keep and maintain a Register of all persons registered under this Act in which the Registrar shall enter the details and particulars relating to—

Register

- (a) fully registered veterinary surgeons or veterinary para-professionals;
- (b) the holders of—
 - (i) practising certificates;
 - (ii) provisional certificates of registration; and
 - (iii) temporary certificates of registration;
- (c) holders of degrees, diplomas, certificates or other qualifications in veterinary medicine;
- (d) persons registered for a limited period;

- (e) persons registered as specialists;
- (f) the applications rejected and the reasons therefor; and
- (g) any other information as the Council may determine.

(2) The Register shall be kept in the custody of the Registrar at the offices of the Council, and shall be open for inspection by members of the public during normal office hours upon payment of such fee as the Council may determine.

(3) The Registrar may, upon application by any person, issue to the person a certified extract from the Register, or a copy of a certificate of registration, upon payment of such fee as the Council may determine.

Publication
of copies of
Register

34. (1) The Registrar shall, on the direction of the Council, cause copies of the Register and any alterations thereof, or additions thereto, to be printed and published in such manner and form as the Council may direct.

(2) Subject to this Act, a copy of the last published and printed Register shall be evidence admissible in all legal proceedings of what is contained in that Register and the absence of the name of a veterinary surgeon or veterinary para-professional from that copy, shall be *prima facie* evidence that the veterinary surgeon or veterinary para-professional is not registered.

Appeals

35. A person aggrieved with a decision of the Council may, within thirty days of receiving the Council's decision, appeal to the High Court.

Holding out
as veterinary
surgeon

36. (1) A person shall not, unless the person is registered as a veterinary surgeon under this Act—

- (a) practise as, be employed as, offer animal health care services as, be engaged as an agent of, or hold out to be, a veterinary surgeon;
- (b) adopt, use or exhibit the term "veterinary surgeon" or any other term of like description; or
- (c) do anything likely to lead persons to infer that the person is a registered veterinary surgeon.

(2) A person or animal health facility shall not employ any person who is not registered under this Act as a veterinary surgeon or veterinary para-professional.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both.

(4) A veterinary surgeon who permits that veterinary surgeon's name to be used by a person who is not a registered veterinary surgeon commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both.

(5) Nothing in this section shall prevent a trainee, undergoing training for the purpose of qualification for registration as a veterinary professional, from employment or performance of veterinary services under the direct supervision of a registered veterinary surgeon in accordance with such guidelines for training programmes as the Council may determine.

37. (1) A person shall not—

- (a) make or cause to be made an unauthorised entry, alteration or erasure in the Register or a certified copy of an entry in the Register or a certificate of registration or other certificate issued under this Act;
- (b) impersonate or use the title of a registered veterinary surgeon or veterinary para-professional while not registered as such under this Act;
- (c) procure, or attempt to procure, registration under this Act, by fraud, false representation or the concealment of a material fact;
- (d) forge a certificate of registration or other certificate issued under this Act; or
- (e) undertake to provide animal health care services in excess of the scope of practise permitted for the registered veterinary profession.

Offences regarding registered veterinary surgeons and veterinary para-professionals

(2) A person who contravenes subsection (1), commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both.

PART V

TRAINING OF VETERINARY PROFESSIONALS

38. (1) A training institution shall not provide, or hold out as providing, training to prepare students for the veterinary profession, unless the training programme is approved by the Council.

Prohibition of provision of unauthorised training programme

(2) A training institution that contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units, and to a fine of forty thousand penalty units for each day during which the offence continues.

Application
for approval
of training
programme

39. (1) A training institution that intends to offer training in the veterinary profession shall apply to the Council for approval of the training programme in the prescribed manner and form upon payment of the prescribed fee.

(2) The Council may, after review of a proposed training programme, approve the training programme if the training programme meets the requirements of this Act and if the training programme shall adequately prepare students for the provision of veterinary services.

(3) The Council may accept the successful completion of a training programme approved under subsection (2), as meeting some or all of the requirements for provisional registration in the veterinary profession.

(4) The Council shall not, where a training institution uses a training programme in the training of the veterinary profession which is not approved under this section, accept the training as meeting the training requirements for registration in the veterinary profession.

Review of
approved
training
programme

40. (1) The Council shall, at least every five years from the date of the approval of a training programme under section *thirty-nine*, review the approved training programme, including the performance of the graduates of the programme.

(2) The Council shall withdraw the approval of a training programme, where it determines that—

- (a) the training programme no longer meets the requirements of this Act; or
- (b) the graduates of the training programme consistently fail to meet the standards required by the veterinary profession.

Continuing
professional
development
and training

41. (1) The Minister may, by statutory instrument, on the recommendation of the Council, make regulations to provide for continuing professional development and training to be undertaken by veterinary professionals.

(2) Notwithstanding the generality of subsection (1), the regulations may provide for—

- (a) the nature and extent of continuing professional development and training to be undertaken by veterinary professionals;
- (b) the criteria for recognition by the Council of continuing professional development, training programmes and training institutions for purposes of this Act;

- (c) the minimum professional and technical training to be provided by a training institution to a person who is to be registered in the veterinary profession; and
- (d) the requisite infrastructure of training institutions, appropriate educational and training curricula, qualifications of faculty personnel, suitable training equipment and staffing levels of personnel.

PART VI

LICENSING OF ANIMAL HEALTH FACILITIES

42. (1) A person shall not operate an animal health facility without a licence issued in accordance with the provisions of this Part.

Prohibition of operating animal health facility without licence

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

43. A person who intends to operate an animal health facility shall apply to the Council for a licence in the prescribed manner and form upon payment of the prescribed fee.

Application for licence to operate animal health facility

44. (1) The Council shall, where a health facility meets the requirements of this Act, issue the applicant with a licence.

Issue of licence

(2) A licence issued under subsection (1) shall be renewed annually in the prescribed manner and form and upon payment of the prescribed fee.

~~X~~(3) A licence shall be issued on such terms and conditions as the Minister may, by statutory instrument, on the recommendation of the Council, prescribe.

45. (1) The Council shall reject an application for a licence to operate an animal health facility if—

Refusal to issue licence

- (a) the proprietor or person in charge of the facility is in violation of a provision of this Act;
- (b) where a veterinary surgeon is in charge of the facility, that veterinary surgeon is not registered and is not in possession of a valid practising certificate;

(c) if the facility does not meet the physical, staffing, equipment or organisational requirements for the licence; or

(d) the veterinary surgeon to be in charge of the animal health facility has not held a certificate of registration for a period of at least three years before the date of the application, unless the Council determines that the veterinary surgeon is properly registered and has the relevant experience in another country equivalent to that acquired after three or more years of full registration in Zambia.

(2) The Council shall, where it rejects an application under subsection (1), inform the applicant accordingly and give the reasons therefor.

Display of
licence

46. A licensed animal health facility shall display a copy of the licence in a prominent place at the animal health facility.

Variation of
licence

47. A holder of a licence may, at any time during the validity of the licence, apply to the Council for variation of the terms and conditions of the licence.

Surrender of
licence

48. Where a holder of a licence decides not to continue operating the animal health facility to which the licence relates, the holder shall surrender the licence to the Council.

Transfer of
licence

49. A licence shall not be transferred to a third party without the prior approval of the Council.

Amendment
of licence

50. The Council may amend a licence where—

(a) some other person has succeeded to the interest in the animal health facility belonging to the holder of the licence, by substituting the name of the holder with the name of the successor; or

(b) the name of the animal health facility has changed, by substituting the name so changed.

Renewal of
licence

51. (1) The Council shall renew a licence issued under this Part, if—

(a) the animal health facility remains in full compliance with the rules for animal health facilities;

(b) the animal health facility provides information that the Council may require as a condition of the renewal of the licence; and

(c) the proprietor or person in charge of the animal health facility pays an annual fee as may be prescribed by the Council.

52. (1) Subject to the other provisions of this Act, the Council may suspend or cancel a licence if the holder—

Suspension
or
cancellation
of licence

(a) obtained the licence by fraud or deliberate or negligent submission of false information or statements; or

(b) contravenes this Act or any terms and conditions of the licence.

(2) The Council shall, before suspending or cancelling a licence in accordance with subsection (1), give written notice to the holder thereof of its intention to suspend or cancel the licence and shall give the reasons for the intended suspension or cancellation and require the holder to show cause, within a period of not more than thirty days, why the licence should not be suspended or cancelled.

(3) The Council shall not suspend or cancel a licence under this section if the holder takes remedial measures to the satisfaction of the Council within the period of thirty days referred to in subsection (2).

(4) The Council may, if a holder who is notified under subsection (2) fails to show cause to the satisfaction of the Council, or does not take any remedial measures to the satisfaction of the Council, within the time specified in that subsection, suspend or cancel the licence, and issue the holder with an order to that effect.

(5) The Council shall, where it cancels the licence under subsection (4), publish the order of cancellation in a newspaper of daily circulation in Zambia.

(6) An animal health facility shall, where the proprietor or person in charge of the animal health facility receives a copy of the order under subsection (4), close the animal health facility within fourteen days of receiving the order.

(7) Notwithstanding this section, the Council may, where the Council determines that the continued operation of an animal health facility presents a clear and present danger of imminent harm to animals, order the closure of the animal health facility.

53. (1) The Council shall appoint inspectors to ensure compliance with this Act.

Inspection
of animal
health
facility

(2) The Registrar shall issue an identity card to an inspector, which shall be produced by the inspector when a person requires it to be produced.

(3) An animal health facility shall be inspected prior to the issuance of a licence and at least every twenty-four months thereafter.

Entry and
inspection

54. (1) An inspector may, by authorisation made under the hand of the Registrar, at all reasonable times, enter and inspect premises which are being used, or which the inspector has reasonable cause to believe are being used as an animal health facility.

(2) An inspector may inspect the practising certificate of a veterinary surgeon working in an animal health facility and other records required to be kept under this Act.

(3) An inspector may inspect an animal health facility and equipment in the animal health facility to ensure compliance with this Act.

(4) A person who—

(a) delays or obstructs an inspector in the performance of the inspector's functions;

(b) refuses to give an inspector such reasonable assistance as the inspector may require for the purpose of exercising the inspector's powers; or

(c) gives an inspector false or misleading information in answer to an inquiry made by the inspector;

commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Report of
inspection

55. An inspector shall furnish the Council with a written report and any other information relating to an inspection, as the Council may direct.

Closure of
animal health
facility

56. (1) The Council may order the closure of an animal health facility where—

(a) the animal health facility is violating the licence requirements in a manner that presents danger or imminent harm to animals;

(b) the animal health facility is not licensed under this Act; or

(c) the animal health facility contravenes the provisions of this Act or any other law.

(2) The Council shall, where the Council receives an inspection report indicating that an animal health facility is not in compliance with the requirements of its licence, or is offering services in excess of those permitted under its licence, give the animal health facility written notice of the violation.

(3) An animal health facility shall, where it receives a notice under subsection (2), within fourteen days of receipt of the notice, provide the Registrar with a written plan of correction of the violation, indicating a schedule of dates by which corrective actions shall be taken.

(4) An animal health facility shall, where the plan of correction submitted under subsection (3) is accepted by the Registrar, meet the schedule contained in the plan.

(5) The Council shall, where the plan of correction is rejected by the Registrar, revoke the animal health facility's licence and order the closure of the animal health facility.

57. (1) Subject to subsection (2), an animal health facility shall not offer or give consultation, treatment or diagnosis, except by, or under, the supervision of a veterinary surgeon or the authority of a registered veterinary surgeon.

Prohibition of treatment or diagnosis without registered veterinary surgeon

(2) Subsection (1) shall not apply to the continuation of treatment previously prescribed by a veterinary surgeon for a prescribed period.

(3) The Minister may, by statutory instrument, on the recommendation of the Council, prescribe the qualifications and professional experience required of a registered veterinary surgeon who is to supervise the operations of an animal health facility.

58. The Council shall publish annually a list of all licensed animal health facilities showing their location, in a daily newspaper of general circulation in Zambia.

Publication of licensed animal health facilities

59. (1) A person who—

(a) contravenes any practise standards, procedures or guidelines for animal health facilities issued by the Council;

(b) being a holder of a licence under this Part, breaches any terms and conditions of the licence;

(c) performs an act or omits to act, thereby endangering animal health or any animals receiving health care services at an animal health facility;

(d) without a licence, operates an animal health facility, practises as, or holds out an animal health facility as, licenced under this Act;

(e) without a licence, uses the terms “ animal health centre ” or any other similar term;

Offences relating to animal health facilities

(f) engages or employs persons who are not qualified or registered under this Act at a licensed animal health facility; or

(g) contravenes any provision of this Act or any other law; commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding than five years, or to both, and to fifty thousand penalty units for each day during which the offence continues.

PART VII

DISCIPLINARY COMMITTEE

Code of
Ethics

60. The Council shall adopt and publish a Code of Ethics for veterinary professionals which shall bind all veterinary professionals regulated under this Act.

Professional
misconduct

61. A veterinary professional commits professional misconduct if the veterinary professional—

- (a) contravenes the provisions of this Act;
- (b) unlawfully discloses or uses to the veterinary professional's advantage any information acquired in the veterinary professional's practise;
- (c) engages in conduct that is dishonest, fraudulent or deceitful;
- (d) engages in any conduct that is prejudicial to the veterinary profession or is likely to bring it into disrepute; or
- (e) breaches the Code of Ethics or encourages another veterinary professional to breach or disregard the principles of the Code of Ethics.

Initiation of
disciplinary
action

62. (1) A person may lodge a complaint with the Disciplinary Committee against a veterinary professional where the person alleges that the veterinary professional has contravened the Code of Ethics or any provision of this Act.

(2) The Council may initiate disciplinary action under this section where the Council has reasonable grounds to believe that a veterinary professional has contravened the Code of Ethics or any provision of this Act.

(3) A complaint or allegation under subsection (1) shall be made to the Registrar in the prescribed manner and form.

63. (1) The Council shall establish a Disciplinary Committee which shall comprise the following members: Disciplinary
Committee

- (a) a Chairperson;
- (b) a Vice-Chairperson;
- (c) the Chairperson of the Council;
- (d) a peer of the veterinary professional against whom a complaint of professional misconduct is made; and
- (e) a legal practitioner.

(2) The Chairperson shall be a registered veterinary surgeon of high standing and long practice in the veterinary profession.

(3) A person shall not be appointed as a member of the Disciplinary Committee if the person—

- (a) has committed or been convicted of any professional misconduct;
- (b) is in lawful custody or the person's freedom of movement is restricted under any law in force within or outside Zambia; or
- (c) has been convicted of an offence under any law.

(4) A member of the Disciplinary Committee shall hold office for three years and may be re-appointed for a further term of three years.

(5) A member of the Disciplinary Committee shall not serve for more than two terms.

(6) The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, shall preside at every meeting and every sitting of the Disciplinary Committee

64. (1) The functions of the Disciplinary Committee are to hear and determine— Functions of
Disciplinary
Committee

- (a) any disciplinary action initiated by the Council against a veterinary professional who has contravened any provision of the Code of Ethics or any provision of this Act; or
- (b) any complaint or allegation made by any person against a veterinary professional.

(2) The Disciplinary Committee may publicise, as the Disciplinary Committee may consider appropriate, the facts relating to any veterinary professional who is found guilty of, and punished for, professional misconduct.

Proceedings
of
Disciplinary
Committee

65. (1) Three members of the Disciplinary Committee shall form a quorum.

(2) Any question at a sitting or meeting of the Disciplinary Committee shall be decided by a majority of the votes of the members of the Disciplinary Committee at the sitting or meeting and in the event of an equality of votes, the person presiding at the sitting or meeting shall have a casting vote in addition to that person's deliberative vote.

(3) All proceedings of the Disciplinary Committee shall be in camera.

(4) The Disciplinary Committee shall cause to be kept a record of its proceedings.

(5) A party to a hearing of the Disciplinary Committee may be represented by a legal practitioner or, if the party so elects, by any other person or in person.

(6) A decision of the Disciplinary Committee shall be in the form of a reasoned judgment and a copy thereof shall be supplied to each party to the proceedings and to every person affected by the decision.

(7) If a person is present at a meeting of the Disciplinary Committee at which any matter is the subject of consideration, and in which matter the person or that person's spouse is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting, disclose the interest and shall not, unless the Disciplinary Committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

(8) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Powers of
Disciplinary
Committee

66. (1) The Disciplinary Committee may, for the purposes of any hearing, hear and receive evidence and may, under the hand of the Chairperson of the Disciplinary Committee or the Registrar, summon witnesses and require the production of any book, record, document, electronic record or anything required for the purposes of the proceeding and may through the Chairperson or Vice-Chairperson of the Disciplinary Committee administer an oath to any witness.

(2) A person summoned to attend before the Disciplinary Committee who, without sufficient cause—

- (a) refuses or fails to attend at the time and place specified in the summons or, having attended, leaves without the permission of the Disciplinary Committee;
- (b) having attended, refuses to be sworn or to affirm;
- (c) refuses, without lawful excuse, to answer fully and satisfactorily to the best of that person's knowledge and belief, any question lawfully put to that person; or
- (d) refuses to produce any book, record, document or thing which that person has been required by summons to produce;

commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding six months.

(3) A person shall not be compelled to answer any question or produce any book, record or document which that person would not be compelled to answer or produce on the trial of an action in the High Court.

(4) A hearing before the Disciplinary Committee shall, for all purposes, and in particular for the purposes of Chapter XI of the Penal Code, be deemed to be a judicial proceeding.

Cap. 87

(5) Where the Disciplinary Committee, after due inquiry, finds a veterinary professional guilty of professional misconduct, it may impose one or more of the following penalties:

- (a) order the cancellation of the veterinary professional's practising certificate or certificate of registration;
- (b) censure the veterinary professional;
- (c) caution the veterinary professional;
- (d) impose a fine, not exceeding three hundred thousand penalty units to be paid to the Council;
- (e) order the veterinary professional to pay to the Council or to any other party to the hearing any costs of, or incidental to, the proceedings;
- (f) order the veterinary professional to pay any party to the hearing or other person, as restitution, the amount of loss caused by that person's negligence; or
- (g) impose any reasonable conditions for the suspension, for a period not exceeding one year of, the veterinary professional's certificate of registration or practising certificate.

(6) In any hearing before the Disciplinary Committee, any finding of fact which is shown to have been made by any court in Zambia shall be conclusive evidence of the fact so found:

Provided that the finding is not the subject of an appeal or the time for filing an appeal has not lapsed.

(7) The Disciplinary Committee shall, where it has reasonable grounds to believe that a veterinary professional is, or has become mentally unsound to the extent that the continued practising by the veterinary professional is prejudicial to animal health, refer the matter for determination by a medical practitioner.

(8) The Disciplinary Committee shall, where a medical practitioner determines that a veterinary professional is of unsound mind, suspend the practising certificate of the veterinary professional.

(9) The Disciplinary Committee shall, whereafter due inquiry, it finds a veterinary professional not guilty of professional misconduct, record a finding that the veterinary professional is not guilty of such conduct in respect of matters of which the charge relates.

(10) The Disciplinary Committee may, for the purpose of any proceedings, use such assessors or experts as the Disciplinary Committee may determine.

Reports by
Disciplinary
Committee

67. The Disciplinary Committee shall, as soon as practicable after the completion of each hearing, submit to the Council a report of the proceedings together with a copy of the record.

Appeals to
High
Court

68. (1) A person aggrieved with a decision of the Disciplinary Committee may, within thirty days of receiving the decision, appeal to the High Court.

(2) The Council shall be the respondent on any appeal under this section.

(3) A decision of the Disciplinary Committee under this Part shall not take effect until the expiration of the time for lodging an appeal against the decision or, if an appeal is lodged, until the time the appeal is disposed of, withdrawn or struck out for want of prosecution, as the case may be.

(4) The High Court may, on any appeal under this section—
(a) confirm, vary or set aside any finding made, penalty imposed or direction given by the Disciplinary Committee;

(b) remit the matter to the Disciplinary Committee for further consideration in accordance with such directions as the High Court may give; or

(c) make such other order as to costs or otherwise as it considers appropriate.

(5) Proceedings of the Disciplinary Committee shall not be set aside by reason only of some irregularity in those proceedings if such irregularity did not occasion a substantial miscarriage of justice.

69. (1) The Chief Justice may, by statutory instrument, on the recommendation of the Council, make rules relating to—

Rules
relating
to
disciplinary
proceedings

(a) the manner and form for lodging of complaints and appeals under this Part;

(b) the mode of summoning persons before the Disciplinary Committee;

(c) the form and manner of service of a summons requiring the attendance of a witness before the Disciplinary Committee and the production of any book, record, document or thing;

(d) the procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee; and

(e) the functions of the assessors to the Disciplinary Committee.

(2) Rules made under this section may, in particular, provide—

(a) that before any matters are referred to the Disciplinary Committee they shall, in such manner as may be provided by the rules, have been brought before and investigated by the Council in this respect;

(b) for securing notices for the proceedings and specifying the time and manner of the proceedings; and

(c) for securing that any party to the proceedings shall, if that person requires, be entitled to be heard by the Disciplinary Committee.

PART VIII

GENERAL PROVISIONS

70. (1) A court of competent jurisdiction shall have jurisdiction over veterinary professionals for any act committed outside Zambia which, if it had been committed in Zambia, would have been an offence or professional misconduct under this Act.

Jurisdiction
over acts
committed
outside
Zambia

(2) Any proceedings against a veterinary professional under this section which would be a bar to subsequent proceedings against the veterinary professional, for the same offence, if the offence

had been committed in Zambia, shall be a bar to further proceedings against the veterinary professional under any written law relating to the extradition of persons, in respect of the same offence outside Zambia.

Cap. 98 (3) The Mutual Legal Assistance in Criminal Matters Act shall apply to proceedings under this Act.

Presumption of non-registration 71. In any criminal proceedings against a veterinary professional upon a charge of having performed an act which constitutes an offence if performed by an unregistered veterinary professional, the veterinary professional charged shall be presumed to be unregistered unless that veterinary professional proves the contrary.

General penalty 72. A person who contravenes a provision of this Act for which a specific penalty is not provided is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

Offences by body corporate or unincorporate body 73. If a body corporate or unincorporate body is convicted of an offence under this Act, every person who—
(a) is a director of, or is otherwise concerned with the management of, the body corporate or unincorporate body; and
(b) knowingly authorised or permitted the act or omission constituting the offence;

shall be deemed to have committed the same offence and may be proceeded against and punished accordingly.

Authority to issue guidelines 74. (1) In the exercise of its functions under this Act, the Association may make such guidelines as are necessary for the better carrying out of the provisions of this Act.

(2) The Association shall publish the guidelines issued under this Act in a daily newspaper of general circulation in Zambia, and the guidelines shall not take effect until they are so published.

(3) The guidelines issued by the Association under this Act shall bind all persons regulated under this Act.

 Regulations

75. (1) The Minister may, on the recommendation of the Council, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations under that subsection may make provision for—

- (a) the forms, fees payable and the procedure for applications to be made under this Act;
- (b) the information and documents to be submitted in support of applications to be made under this Act;
- (c) the form and conditions of the Register, and the particulars to be entered on the Register;
- (d) the form of the certificate of registration and the conditions under which the certificate of registration is issued;
- (e) the form of the practising certificate and the conditions under which the practising certificate is issued;
- (f) the qualifications for registration under this Act;
- (g) the scope of practice for registered veterinary surgeons and veterinary para-professionals;
- (h) the issuance of duplicates and certified copies of certificates of registration, certified copies of entries on the Register, certificates by the Registrar, and the fees payable to the Council therefor;
- (i) the circumstances and manner in which a veterinary professional may be removed from the Register or restored on the Register;
- (j) the type of continuing professional development and training required as a pre-requisite for the issuance of a practising certificate;
- (k) the licensing procedures and the forms for any licence needed to be obtained under this Act;
- (l) the requirements and conditions relating to the licences for animal health facilities; and
- (m) generally the carrying into effect of the purposes of this Act.

76. (1) The Veterinary Surgeons Act, 1964, is hereby repealed.

Repeal of
Cap. 243

(2) Notwithstanding subsection (1), the provisions of the Second Schedule shall apply in respect of the matters specified therein.

(3) Notwithstanding subsection (1), a person who immediately before the commencement of this Act, held office as a member of the Board shall hold office as a member of the Council for a period of three months after which the Minister shall appoint the members of the Council in accordance with the provisions of this Act.

Cap. 243 (4) After the commencement of this Act, a person registered as a veterinary surgeon under the repealed Act shall continue to practise as a veterinary surgeon for a period of three months, after which the person shall apply for registration in accordance with the provisions of this Act.

(5) After the commencement of this Act, an animal health facility registered by the Board shall continue to operate for a period of one year, after which the animal health facility shall apply for a new licence under this Act.

FIRST SCHEDULE (Section 3 (3))

PART I

ADMINISTRATION OF ASSOCIATION

Seal of
Association

1. (1) The Seal of the Association shall be such device as may be determined by the Council and shall be kept by the Registrar.

(2) The Chairperson or the Vice-Chairperson, the Registrar or any other person authorised by a resolution of the Council to so act, shall authenticate the affixing of the seal.

(3) Where a contract or instrument is not required to be under seal, the Registrar or a person authorised by the Council in that behalf, may execute the contract or instrument on behalf of the Council without seal.

(4) A document purporting to be a document under the seal of the Association or issued on behalf of the Association, shall be received in evidence and shall be executed or issued, as the case may be, without further proof, unless the contrary is proved.

Tenure of
office and
vacancy of
member

2. (1) A member of the Council shall, subject to the other provisions of this Schedule, hold office for a term of three years and may be re-appointed or re-elected for a further term of three years.

(2) Upon the expiration of the term for which a member is appointed, the member shall continue to hold office until another member is appointed, but in no case shall any extension of the period exceed three months.

(3) The office of a member shall be vacated—
(a) upon the member's death;
(b) if the member is adjudged bankrupt;

- (c) if the member is absent from three consecutive meetings of the Council, of which the member has had notice, without the prior approval of the Council;
- (d) upon the expiry of one month's notice of the member's intention to resign, given by the member in writing to the Minister;
- (e) if the member becomes mentally or physically incapable of performing duties as a member;
- (f) in the case of members of the Council registered under this Act, if the member's registration is cancelled; or
- (g) if the member is convicted of an offence under this Act or any other law.

(4) Whenever the office of a member becomes vacant before the expiry of the term of office, the Minister may appoint another member in place of the member who vacates office but that member shall hold office for the unexpired part of the term.

3. (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.

Proceedings
of Council

(2) The Council shall meet for the transaction of business at least once in every three months at such places and times as the Council may determine.

(3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairperson and shall be called if not less than one-third of the members so request in writing:

Provided that if the urgency of a particular matter does not permit the giving of notice, a special meeting may be called upon giving a shorter notice.

(4) Five members of the Council shall constitute a quorum.

(5) There shall preside at a meeting of the Council—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson;
or

(c) in the absence of the Chairperson and the Vice-Chairperson, a member of the Council as the members present may elect from amongst themselves for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

(7) Where a member is for any reason unable to attend a meeting of the Council, the member may, in writing, nominate another person from the same organisation to attend the meeting in that member's stead and such person shall be deemed to be a member for the purpose of that meeting.

(8) The Council may invite any person whose presence, in its opinion, is desirable to attend and participate in the deliberations of a meeting of the Council, but that person shall have no vote.

(9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.

(10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and committee established by the Council.

Committees

4. (1) The Council may, for the purpose of performing its functions under this Act, constitute a committee and delegate to the committee such functions of the Council as it considers necessary.

(2) The Council may appoint as members of a committee constituted under sub-paragraph (1), persons who are or are not members of the Council and such persons shall hold office for such period as the Council may determine.

(3) Subject to any specific or general direction of the Council, any committee constituted under this paragraph may regulate its own procedure.

Allowances

5. A member of the Council or any committee thereof shall be paid such allowances as the Council may, with the approval of the Minister, determine.

**Disclosure
of interest**

6. (1) If any person is present at a meeting of the Council or a committee of the Council at which any matter, in which that person or the person's spouse is directly or indirectly interested in a private capacity, is the subject of consideration, that person shall, as soon as practicable after the commencement of the meeting, disclose

that interest and shall not, unless the Council or the committee otherwise directs, take part in any consideration or discussion of, or vote on any question relating to that matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which the disclosure is made.

7. (1) A person shall not, without the consent in writing given by or on behalf of the Council, publish or disclose to any unauthorised person, otherwise than in the course of that person's duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of that person's duties under this Act.

Prohibition
of
publication
of, or
disclosure of
information
to
unauthorised
person

(2) A person who contravenes subparagraph (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(3) A person who, having information which to the knowledge of that person has been published or disclosed in contravention of subparagraph (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(4) Nothing in this section shall be interpreted to prohibit the publication and dissemination of final decisions of the Council with respect to the revocation of registration, practising certificates, licences or accreditation.

8. An action or other proceeding shall not lie or be instituted against a member of the Council, a committee of the Council or a member of staff of the Council, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of any of the powers, functions or duties conferred under this Act.

Immunity
of member
and staff

PART II

FINANCIAL PROVISIONS

9. (1) The funds of the Association shall consist of such moneys as may—

Funds of
Association

(a) be appropriated by Parliament;

(b) be paid to the Council by way of fees, levy, grants or donations; or

(c) vest in or accrue to the Council.

- (2) The Association may—
- (a) accept moneys by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;
 - (b) raise by way of loans or otherwise, moneys as the Association may require for the discharge of the Association's functions; or
 - (c) in accordance with the regulations made under this Act, charge and collect fees for services provided by the Association.
- (3) There shall be paid from the funds of the Association—
- (a) the salaries, allowances and loans of members of staff of the Council;
 - (b) reasonable travelling, transport and subsistence allowances for members of the Council or members of any committee of the Council when engaged in the business of the Association, at such rates as the Council may, with the approval of the Minister, determine; and
 - (c) any other expenses incurred by the Council in the performance of the Association's functions.
- (4) The Council may invest, in such manner as the Council thinks fit, funds that the Association does not immediately require for the performance of the Association's functions.

Financial
year

11. The financial year of the Association shall be the period of twelve months ending on 31st December in each year.

Accounts
and audit

12. (1) The Association shall cause to be kept proper books of accounts and other records relating to the Council's accounts.

(2) The accounts of the Association for each financial year shall be audited by one or more persons who publicly carry on the profession of accountants in Zambia, and who shall be appointed auditors to the Association with the approval of the Auditor-General.

(3) The Association shall, not later than six months after the end of each financial year of the Institution, submit to the Minister a report of its activities together with a copy of its audited accounts for that financial year, and the Minister shall not later than fourteen days after the first sitting of the National Assembly next after the receipt of the report, lay it before the National Assembly.

SECOND SCHEDULE

(Section 76 (2))

SAVINGS AND TRANSITIONAL PROVISIONS

1. (1) For the avoidance of doubt, a person who, before the commencement of this Act, was an officer or employee of the Board, shall continue to be an officer or employee of the Council, as the case may be, as if appointed or elected under this Act.

Staff of
Board

(2) The service of the persons referred to, in subparagraph (1) shall be treated as continuous service.

(3) Nothing in this Act, affects the rights and liabilities of any person employed or appointed by the Board before the commencement of this Act.

2. (1) On or after the commencement of this Act, there shall be transferred to, vest in and subsist against the Council by virtue of this Act and without further assurance, all assets, rights and obligations which immediately before that date were the assets, rights, liabilities and obligations of the Board.

Transfer of
assets and
liabilities

(2) Subject to subparagraph (1), every deed, bond and agreement, other than an agreement for personnel service, to which the Board was a party immediately before the commencement of this Act, whether or not of such a nature that rights, liabilities and obligations could be assigned, shall, unless its subject matter or terms make it impossible that it should have effect as modified, as provided under this paragraph, have effect as if—

(a) the Council had been party to it;

(b) for any reference to the Board there was substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to the Council; or

(c) for any reference to any officer of the Board, not being a party to it and beneficially interested, there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to such officer of the Council as the Council shall designate.

(3) Where under this Act, any assets, rights, liabilities and obligations of the Board are deemed to be transferred to the Council in respect of which transfer a written law provides for registration, the Council shall make an application, in writing, to the appropriate registration authority for registration of the transfer.

(4) The registration authority, referred to in subparagraph (2), shall make such entries in the appropriate register as shall give effect to the transfer and, where applicable, issue to the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register and shall endorse the deeds relating to the title, right or obligation concerned and no registration fees or other duties shall be payable in respect of the transaction.

Legal
proceedings

3. (1) Any legal proceedings or application of the Board pending immediately before the commencement of this Act by or against the Board may be continued by or against the Council.

(2) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the Board, may be instituted by or against the Council.
