

GOVERNMENT NOTICE NO 239 published on 9/7/2004

**THE VETERINARY ACT, 2003
(No 16 of 2003)**

RULES
(Made under Section 46)

THE VETERINARY COUNCIL OF TANZANIA (INQUIRIES) RULES, 2004

- | | |
|--|--|
| Citation | 1. These Rules may be cited as the Veterinary Council of Tanzania (Inquiries) Rules, 2004. |
| Interpretation | 2. In these Rules unless the context otherwise requires
"Act means the Veterinary Act, 2003.

"Council" means the Veterinary Council of Tanzania established under section 3;
"Registrar" means a registered veterinarian appointed under section 8;
"enrolled Para professional and enlisted Para professional Assistant" have the meanings ascribed to them respectively in the Act;
"Complainant", subject to the provisions of rule 9(3) hereof, means a person who makes a complaint or gives information to the Council. |
| Preliminary examination | 3. When a complaint is made to or information received by the Council or any member thereof, that registered veterinary, paraprofessional or a paraprofessional assistant has been guilty of conduct an offence which prima facie constitutes infamous or disgraceful conduct in a professional respect, the Registrar shall make a preliminary examination of the case to decide whether or not the complaint or information shall be inquired into by the Council. |
| Complaints to be in writing and accompanied by statutory declaration | 4. Where a complaint is made by a person or body charging a registered veterinarian, enrolled paraprofessional or enlisted paraprofessional assistant with infamous or disgraceful conduct in a professional respect, such complaint shall be formulated in writing and addressed to the Registrar stating the grounds thereof and shall be accompanied by one or more statutory declarations verifying the facts of the case, provided that if the complaint is made by or on behalf of the Government, such complaint need not be accompanied by any statutory declarations. |
| Contents of statutory declaration | 5. Every statutory declaration shall state the address and description of the declarant and where any fact stated in the declaration is not within the personal knowledge of the declarant the source of his information and the ground of his belief in its truth must be accurately and fully stated. |
| Powers of Registrar | 6. (1) In the course of his preliminary examination the Registrar shall have power to ask the registered veterinarian or registered supervising veterinarian with the paraprofessional whom complaint is made, or in respect of whom the information is received, any explanation and may cause such further investigation to be made or such further evidence to be |

obtained as he may think fit, and may take the opinion of any member of the Council and obtain such advice and assistance as he may think fit.

(2) The Registrar may, in any case in which a complaint is made or information received, and shall in any case where he asks a registered veterinarian for any explanation as aforesaid, and supply the registered veterinarian with copies of the complaint or a summary of the information, as the case may be, and such particulars thereof as will enable the registered veterinarian to make answer thereto.

Procedure where no *prima facie* case established

7. (1) If the Registrar is of opinion that no *prima facie* case for inquiry is made out against the registered veterinarian or registered supervising veterinarian with the paraprofessional, he shall report to the Council and the Council shall determine whether or not to hold an inquiry.

(2) The Council may either direct the Registrar to inform the registered veterinarian or registered supervising veterinarian with the paraprofessional and the complainant of the Council's intention not to hold an inquiry in which case no further proceedings before the Council shall lie in respect of that information, or may direct an inquiry to be held.

Procedure where *prima facie* case is established

8. (1) If the Registrar is of the opinion that a *prima facie* case for inquiry is disclosed, he shall recommend an inquiry to be held by the Council and the Council shall appoint an Inquiry Committee

(2) The Registrar shall, at least three days before an inquiry, provide to the member of the Inquiry Committee and the legal adviser (if appointed) with a copy of all material documents appertaining to the inquiry, which have been lodged with him.

(3) If the member of the Council appointed by the Attorney-General shall not sit on the Committee at such inquiry, the Registrar shall so inform the Attorney-General and the Attorney-General shall appoint another member of the Attorney-General's Chambers (hereinafter called "the legal adviser") who shall advise the Committee with regard to law and procedure.

Representation by an advocate

9. (1) A complainant of any registered veterinarian or registered supervising veterinarian with the Paraprofessional may each be represented by an advocate.

(2) If there is no complaint, the Council may appoint an advocate or with the consent of the Attorney General, a State Attorney, to present the case against the registered veterinarian or registered supervising veterinarian with the paraprofessional.

(3) References to either party hereinafter in these Rules shall be deemed to include, wherever the context so admits, their respective advocates, and reference to the complainant shall be deemed to include advocate or State Attorney appointed by the Council to present the case against the registered veterinarian or registered supervising veterinarian with the paraprofessional.

Notification of inquiry

10. (1) Where an inquiry has to be held;

(a) a notice of the inquiry in the form set out in the First Schedule to these Rules shall be served on the registered veterinarian or registered supervising

veterinarian with the paraprofessional concerned, by the Registrar.

(b) The notice shall specify the charge or charges in respect of which the inquiry will be held, and shall inform the registered veterinarian or registered supervising veterinarian with the paraprofessional of the time and place appointed for holding the inquiry.

(c) A notice in the form set out in the Second Schedule to these rules shall be served on the complainant by the Registrar, requiring his attendance and notifying him of the place and time appointed for holding the inquiry.

(2) A copy of section 46 of the Act and a copy of these rules shall be:

- (a) deemed to have been served to any person:
- (b) served on him personally; or
- (c) left for him at his last known address; or
- (d) sent by registered post addressed to him at his last known address.

- | | | |
|-------------------------------|-----|---|
| Right of parties to documents | 11. | Either party shall for the purpose of his defence or reply, as the case may be, and upon request in writing for that purpose to the Registrar be entitled to be supplied by the Registrar on demand therefore with a copy of any statutory declaration, explanation, answer or other document given or sent to the Committee by or on behalf of the other party. |
| Notice to admit facts | 12. | The complainant and the registered veterinarian or registered supervising veterinarian with the paraprofessional concerned may at any time before the date of holding the inquiry, served upon the other party thereto a notice in writing calling on him to admit in writing any facts or to produce any documents which are specified in such notice and are material to the complaint, information or defence, as the case may be. |
| Summoning of witness | 13. | The Registrar may summon any person to attend as a witness at any inquiry and to produce any books or documents as may be required at such inquiry. |
| Form of summon | 14. | A summons issued under these Rules shall be in the form set out in the Third Schedule to these Rules and shall be issued in duplicate. |
| Service of summons | 15. | Any summons issued under these Rules shall be deemed to have been served on any person:
(a) personally;
(b) at his last known address; or
if sent by registered post addressed to him at his last known address |
| Receipt of summons | 16. | The recipient of a summons issued under these Rules shall sign the original summons and:
(a) where the summons has been served on him personally, return it to the person serving it; or
(b) where the summons has been left for him at his last known address or has been sent by registered post addressed to him at his last known address, return it by registered post to the Registrar. |
| Production of documents | 17. | Any books or documents required to be produced by a summons issued under these Rules shall be delivered to the Registrar on or before the day and hour specified in the summons. |
| Witness expenses | 18. | Witness expenses shall be such as are set out in the Fourth schedule to these Rules and shall be paid:
(a) where the witness is called by or on behalf of the Council by the Registrar; and;
(b) where the witness is called by or on behalf of the registered veterinarian or |

registered supervising veterinarian with the paraprofessional concerned by such registered veterinarian or registered supervising veterinarian with the paraprofessional.

(c) any person who, having been paid (or tendered by the party calling him) the prescribed witness expenses, fails when summoned by the Council to attend as a witness or to produce any book or documents which he is required to produce shall be guilty of an offence against this Act and shall be liable on conviction to a fine of two hundred thousand Tanzanian shillings or imprisonment for a period not exceeding six months or both such fine and imprisonment.

- | | | |
|---|-----|---|
| Inquiry to be public | 19. | The place where the inquiry is held shall be open to the public so far as the same can conveniently contain them; provided that the Committee, if it thinks fit, may at any inquiry exclude the public generally or any particular person. |
| Council to be satisfied that notice of inquiry served | 20. | At the opening of the inquiry the charge or charges shall be read, and if the registered veterinarian or registered supervising veterinarian with the paraprofessional concerned or the complainant is not present the Committee shall satisfy itself that notice of the inquiry was duly served on him as prescribed by these Rules. |
| Procedure | 21. | (1) The complainant shall open the case and produce his evidence in support thereof.
(2) The Committee shall then call upon the registered veterinarian or registered supervising veterinarian with the paraprofessional to state his case and produce evidence in support thereof.
(3) At the conclusion of the case on behalf of the registered veterinarian or registered supervising veterinarian with the paraprofessional the complainant may address the Committee in reply:
Provided that if the registered veterinarian or registered supervising veterinarian with the paraprofessional have not produced evidence in support of the case the complainant shall not, without the consent of the Committee, make an address in reply. |
| Evidence and examination of witnesses | 22. | (1) Evidence may be taken by the Committee by oral or by written statement. If by oral statement it shall be given upon oath or affirmation, and if by written statement it shall be in the form of an affidavit or statutory declaration.
(2) Where a witness is produced by a party he shall be first examined by the party which produced him and then cross-examined by the other party and then re-examination, by the party which produced him, and if a deponent to a document is present at the inquiry and refuses to submit himself to cross-examination, the Committee may refuse to admit his evidence. |
| Council may question witnesses | 23. | Members of the Committee may through the Chairman put such questions to the parties or witnesses as they may think desirable. |
| Adjournments and deliberations | 24. | (1) At any stage of the inquiry the Committee may adjourn to consider any matter arising therefrom.
(2) At the conclusion of the hearing the Committee shall deliberate thereon in camera.
(3) No person other than a member of the Inquiry Committee shall be entitled to be present at any meeting of the Committee during an adjournment or during its deliberations under the provisions of these Rules. |
| Record | 25. | The Chairman of the Committee, or if the Chairman so directs, the Secretary, shall take down in writing a record of the inquiry and of the substance of the evidence of the witnesses and shall certify the said record. |
| Finding | 26. | The decision of the Committee shall be submitted to the Council, which if approved will announce in public, in such terms as the Council may think fit. |

FIRST SCHEDULE

(NOTICE TO A REGISTERED VETERINARIAN/REGISTERED SUPERVISING VETERINARIAN WITH THE PARAPROFESSIONAL OF AN INQUIRY UNDER SECTION 46 OF THE VETERINARY ACT)

To:.....

Sir,

On behalf of the Tanzania Veterinary Council, I give you notice 1* that information and evidence have been laid before the Council by..... in which the complainant makes the following charge against you, namely.....and or 1* that information and evidence have been received by the Council from which it appears that (a)* being a registered veterinarian / registered supervising veterinarian and the paraprofessional you.....

.....and (2) that in relation to the facts so alleged you have been guilty of infamous/disgraceful* conduct in a professional respect; and I am directed to give you notice that on theday of 20.....at..... a meeting of the Inquiry Committee of the Tanzania Veterinary Council will be held ata.m./p.m. to consider the above-mentioned charge or charges against you and to decide whether or not they should direct that your name be removed from the register of veterinarian pursuant to section 46 of the Veterinary Act).

You are requested to answer in writing the above charge or charges and to appear before the Committee at the above-named place and time to establish any denial or defence that you may have to make, and you are hereby informed that if you do not attend as required the Inquiry Committee may proceed to hear and decide upon the said charge or charges in your absence.

Any answer, document or other communication or application, which you may desire to produce or make respecting the said charge or charges, on your defence thereto, should be addressed to me and dispatched so as to reach me not later thandays before the date appointed for the hearing of this matter.

The name and full postal address of any person you may desire to summon as a witness and the name and full postal address of any person holding any books or documents which you may require to be produced in evidence should be notified to me not later than.....days before the date appointed for the inquiry.

A copy of section 46 of the Veterinary Act, and of the Veterinary Council of Tanzania (Inquiry) Rules, 2004, is enclosed for your information.

Registrar
Veterinary Council of Tanzania
(*Strike out whichever does not apply)

SECOND SCHEDULE

(NOTICE TO BE ISSUED TO A COMPLAINANT IN CONNECTION WITH AN INQUIRY MADE UNDER SECTION 46 OF THE VETERINARY ACT

To:.....

Sir,

Whereas having made a preliminary examination into the complaint made by you against.....contained in your letter.....dated.....and being of the opinion that a prima facie case for inquiry has been disclosed, I have directed that an inquiry shall be held by the Inquiry Committee of the Council.

I give you notice therefore that your attendance and/or that of your advocate is required to present evidence in support of your complaint at the inquiry to be held

at.....at.....a.m/p.m. on.....day of.....20.....

Registrar
Veterinary Council of Tanzania

THIRD SCHEDULE

SUMMONS TO WITNESS

(Issued under section 46 of the Veterinary Act and under rule 14 of the Veterinary Council of Tanzania (Inquiries) Rules, 2004)

To:.....

WHEREAS your attendance is required to give evidence/the production of the books and/or documents listed below is required, on behalf of in an inquiry to be held by the Veterinary Council of Tanzania under section 46 of the Veterinary Act, you are hereby required:

*personally to appear before the Veterinary Council in.....on theday of20..... at.....o'clock in thenoon, and

*(b) to produce to the Registrar of the Veterinary Council, on or before.....o'clock in thenoon of the.....day of..... 20....., the

following books or documents, which are stated to be in your possession:

.....
.....
.....

in accordance with the Fourth Schedule to the Veterinary Council of Tanzania (Inquiries) Rules, 2004

If you fail to comply with this order without lawful excuse you will be subject to the consequences of non-attendance laid down under rule 18 (c) of the Veterinary Council of Tanzania (Inquiries) Rules, 2004).

A duplicate copy of this summons is enclosed. The original summons if not served personally must be signed by you and returned by registered post to the Registrar of Veterinary Council, Ministry of Water and Livestock Development, P.O. Box 9152, Dar Es Salaam, without delay.

Given under my hand this.....day of.....20....., at Dar Es Salaam.

.....
Registrar of the

Veterinary Council of Tanzania

(* Strike out whichever does not apply)

I hereby acknowledge receipt of a duplicate of this summons.

Signature.....

Date.....

The affidavit of

I,make oath/affirm and say as follows:

I am the process server of the Veterinary Council. On the.....day of.....

.....20....., I received a summons issued by the Registrar of the Veterinary Council of Tanzania dated theday of.....20.....,

for service on.....The said.....was at the time personally known to me and I served the said summons on him on the.....

.....day of20....., at

o'clock in thenoon, by tendering a copy thereof to him and requiring a signature from him to the original summons.

The said.....signed this summons in the presence of.....

.....Signature of process server.....Sworn/affirmed by the

said.....at.....this.....

.....day of.....20....., Before

me,.....Magistrate.

FOURTH SCHEDULE

WITNESS EXPENSES

1. No expenses other than those normally paid whilst on duty shall be paid to any person employed in the service of the Government or of the Common Services Organisation.

2. Witness expenses to other persons shall be-

(a) Transport Expenses

(i) Travelling expenses by Railways, Harbours, road services and/or by air on a scheduled passenger service, at the discretion of the Registrar, shall be paid for by the Government

(ii) Government Transport allowances at the rate in force for the grade of vehicle used for the return journey from the place of residence of witness to the nearest rail, road or air service embarkation points; or for the whole journey to the place at which the inquiry will be held if the use of road, rail or air services is not possible or is not, in the opinion of the Registrar, practicable.

(b) Subsistence Allowance

Hotel and subsistence charges at the rate in force for Government servants of equivalent status for the minimum period required for the witness to travel from his place of residence to the place at

which the inquiry is being held and for the minimum period it is necessary for the witness to remain at the place where the inquiry is being held, at the discretion of the Registrar and upon the production of receipts and bills or other evidence should the Registrar so require.

(c) Expenses for loss of Income

- (i) Employed persons. A sum not exceeding the daily salary paid to an employed person by his employer for each full working day the witness is necessarily absent from his employment, or if the witness is resident at the place at which the inquiry is held, a sum not exceeding the hourly salary for the number of completed hours during which he is required to attend the inquiry, in either case not exceeding TShs. 20,000/= per day. Evidence of salary received may be obtained from the employer at the discretion of the Registrar.

- (ii) Self-Employed persons. A sum not exceeding TShs 20,000/= per day for each day that the witness is necessarily absent from his business, subject to the witness producing evidence to the Registrar in substantiation of any claim he may make.

Dar es Salaam,
15th June, 2004

EDWARD N. LOWASSA, (MP),
*Ministry of Water and Livestock
Development*