
GOVERNMENT GAZETTE NO. 39380

DEPARTMENT OF AGRICULTURE, FORESTRY & FISHERIES

No. R1081

09 NOVEMBER 2015

VETERINARY AND PARA-VETERINARY PROFESSIONS ACT, 1982

(ACT NO 19 OF 1982)

REGULATIONS RELATING TO SUSPENSIONS, INSPECTIONS & APPEALS

The Minister of Agriculture, Forestry & Fisheries, has after consideration and approval of a relevant recommendation by the South African Veterinary Council, made the following regulations under sections 12A, 28A(2)(c), and 31A(6)(c) respectively, read with section 43, of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No 19 of 1982), as amended by the Veterinary and Para-Veterinary Professions Amendment Act, 2012 (Act No 16 of 2012), as set out in the Schedule.

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PART 2
REGULATIONS RELATING TO INSPECTIONS

7. Appointment of persons

- (1) The Investigation Committee must make a recommendation to the Executive Committee to appoint an investigating officer on a case by case basis based on that person's knowledge and experience of the following:
 - (a) Investigative skills;
 - (b) Relevant legislation;
 - (c) Law of evidence; and
 - (d) Legal procedure in a criminal court or civil proceedings.
- (2) The Executive Committee must consider the recommendation and approve or disapprove it.
- (3) Should the recommendation from the Investigation Committee be approved by the Executive Committee, the decision must be ratified at the next Council meeting.

8. Duties of persons appointed

- (1) The investigating officer, in investigating persons registered or authorised in terms of the Act, must -
 - (a) collaborate with other regulatory bodies, as and when required;
 - (b) inspect the premises or veterinary facility and records in accordance to the Rules promulgated under the Act;

- (c) submit regular written reports to the registrar regarding progress in the investigation;
 - (d) collate all the substantive and admissible evidence, including witness statements under oath, as well as all data relating to the alleged matter;
 - (e) submit a written report to the registrar in respect of all the evidence gathered during the investigation; and
 - (f) obtain a warrant for the search of premises in terms of section 31B (4) of the Act, if required.
- (2) The investigating officer, when investigating a lay person allegedly contravening the Act, must -
- (a) collaborate with other regulatory bodies, as and when required;
 - (b) inspect the premises or veterinary facility and records in accordance to the Rules promulgated under the Act;
 - (c) submit regular written reports to the registrar regarding progress in the investigation;
 - (d) collate all the substantive and admissible evidence, including witness statements under oath, as well as all data relating to the alleged matter;
 - (e) submit a written report to the registrar in respect of all the evidence gathered during the investigation;
 - (f) submit a charge against the person investigated, should circumstances warrant it;
 - (g) render assistance to the South African Police Services, should it be required; and
 - (h) meet with the National Prosecuting Authority to work towards a successful criminal prosecution.

9. Fees payable to persons appointed

The fees payable to persons appointed in terms of these regulations must be determined by Council annually at its first meeting of each consecutive year.

10. Service of report

- (1) A report that does not reveal any prima facie information must be served on the respondent by registered mail to the registered address, or may be delivered by hand to the physical address of the respondent, or may be sent by telefax to the telefax address, or may be forwarded by electronic mail to the relevant address, as recorded by the registrar.
- (2) The report is deemed to have been properly served, received and to have come to the notice of the addressee -
 - (a) within ten (10) days after the day on which the notice or document was sent by pre-paid registered post, if posted;
 - (b) within one (1) day after the date and at the time (if any) which appears on the acknowledgement of receipt of the notice or document, if delivered by hand;

- (c) within three (3) days after the date appearing on the telefax control sheet of the sender, if sent by telefax; or
- (d) within three (3) days after the date appearing on the electronic mail message, if sent by electronic mail, provided that the person sending the electronic mail message confirmed receipt of such electronic mail by telephone.

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