



CONSTITUTION OF THE VETERINARY ASSOCIATION OF NAMIBIA¹

MEMORANDUM OF ASSOCIATION

1. The name of the Association is the "Veterinary Association of Namibia" (V.A.N.)
2. The objects for which the Association is established are:
 1. To promote, improve, support and protect the interest and status of the veterinary profession, and maintain the dignity of an honourable profession.
 2. To give to the legislature and others, facilities for ascertaining the views of persons engaged in the said profession, as regards matters directly or indirectly affecting such profession.
 3. To originate and promote improvements in the laws affecting the said profession, and to support or oppose alterations therein, and to effect improvements in administration, and for the purpose aforesaid to petition Parliament, and take such other steps and proceedings as may be deemed expedient.
 4. To afford advice and diffuse information on all matters affecting the said profession, and arrange for the printing, publishing, issuing, circulation of and to give access to such papers, periodicals, books, circulars and other literary undertakings, as may seem conducive to the attainment of any of the objects of the Association.
 5. To improve and elevate the technical and general knowledge of persons engaged in the said profession, or serving in any employment in connection therewith, and to promote just and honourable practice in the conduct of the profession, and to suppress malpractice.
 6. To consider and discuss all questions affecting the said profession, and to procure the delivery of lectures on subjects of interest to persons engaged in such profession.
 7. To establish, form and maintain, a library and a collection of articles of interest in connection with the said profession.

¹as amended by the 15th Annual General Meeting - 28th August 1998

8. To provide financial assistance to such members of the Association, or to such members of the profession who are not members of the Association, or to their dependants, or to veterinary students, as the Association may think fit.
3. The liability of the Members is limited.
4. Every member of the Association undertakes to contribute to the assets of the Association, in the event of the same being wound up during the time that he is a Member, or within one year afterwards, for the payment of the debts and liabilities of the Association, contracted before the time at which he ceases to be a Member, and of the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributors amongst themselves, such amount as may be required, not exceeding fifty cents.
5. The income and property of the Association, wheresoever derived shall be applied solely towards the promotion of the objects of the Association as set forth in the Memorandum of Association; and no portion thereof shall be paid or transferred directly or indirectly, by way of Dividend, Bonus or otherwise howsoever by way of profit to the Members of the Association; provided that nothing herein contained shall prevent the payment, in good faith, of remuneration to any officer or servant of the Association or to any Member thereof in return for any services actually rendered to the Association.

CLAUSES OF ASSOCIATION

6. In these Clauses the following words shall have the respective meanings assigned to them, unless there be something in the subject of context inconsistent therewith:

"**The Association**" means the Veterinary Association of Namibia.

"**These Clauses**" means the Clauses of Association of the Association, from time to time in force.

"**The Executive Committee**" means the Members for the time being of the Executive Committee hereby constituted.

"**in writing**" means written or printed, or partly written and partly printed.

"**Members**" means those persons who are for the time being Members of the Association.

"**The Office**" means the Registered Office of the Association for the time being.

"**Month**" means calendar month.

"**President**" shall include the person who presides at a meeting of the Association or at a Meeting of the Executive Committee in place of the President.

Words importing the **singular** number only, **include the plural** number and vice versa.

Words importing the **masculine gender include the feminine gender.**

MEMBERS

7. The number of members of the Association at the date of adoption of these Clauses is to be taken to be 30 (96 per cent) but the Executive Committee may from time to time register an increase of members.
8. Such persons as shall have been duly and regularly admitted to Membership and remain Members at the date of adoption of these Clauses and such other persons as shall be admitted hereafter in accordance with these Clauses and none other, shall be Members of the Association and shall remain or be entered in the Register of Members accordingly, as the case may require.

CLASSES OF MEMBERS

9. There shall be the following classes Members of the Association, *viz.*:
 1. Ordinary Members
 2. Life Members
 3. Cadet Members
 4. Honorary Members
 5. Associate Members

GENERAL QUALIFICATION FOR MEMBERSHIP

10. Every candidate shall satisfy the special regulations contained in these Clauses as to the qualifications for particular classes of Membership, and, in addition, before being elected to Membership of any class, the Executive Committee shall satisfy itself that the candidate is of good character and repute, of adequate educational attainments and by reason of his profession or intended profession or of the office which he holds, or of the services rendered to the profession is in all respects a fit and proper person to be admitted to Membership.

ORDINARY MEMBERS

11. Ordinary Members shall comprise every person, who, at the date of adoption of these Clauses is on the Register as an Ordinary Member of the Association, and every person thereafter elected or to be elected into the class of Ordinary Members.

Every candidate for election as an Ordinary Member shall hold such veterinary qualifications as shall be approved by the Executive Committee.

LIFE MEMBERS

12. Life Members shall comprise every person who, at the date of adoption of these Clauses, is on the Register as a Life Member of the Association, and every person admitted as an Ordinary Member who has paid **forty annual subscriptions** as an Ordinary Member, or who, notwithstanding the number of annual subscriptions paid by him to the Association, has attained the **age of 65 years**.

CADET MEMBERS

13. Cadet Members shall comprise those persons who, at the date of adoption of these Clauses are on the Register as Cadet Members of the Association, and every person hereafter elected as such.

Before election of a candidate as a Cadet Member, the Executive Committee shall be satisfied that he is a **registered student** in the Faculty of Veterinary Science at an approved University.

A Cadet Member shall cease to be a Cadet Member on being elected as Ordinary Member or when ceasing to be qualified to be a Cadet Member.

Cadet Members shall enjoy such privileges as the Executive Committee may from time to time determine. Provided that a Cadet Member shall not be entitled to receive notice or attend or vote at Meetings of the Association or to be elected to the Executive Committee or to nominate candidates for election to the Executive Committee of the Association or to take part in the management of the affairs of the Association with the exception of meetings of Cadet Members arranged by or on behalf of the Association for the purposes of study.

HONORARY MEMBERS

14. Honorary Members shall be those elected as such. All candidates for Honorary Membership shall be nominated by Members of the Executive Committee and shall be elected by the Association in General Meeting by a two-thirds majority of the Members present.

Honorary Membership may be accorded to **veterinarians** who have rendered signal services to the veterinary profession. Honorary Members shall be entitled to the same privileges of Membership as Ordinary Members.

Honorary Members shall **not be required to contribute** to the funds of the Association.

ASSOCIATE MEMBERS

15. Associate Members shall comprise those persons, who, at the adoption of these Clauses, are on the Register as Associate Members of the Association, and every

person thereafter elected as such. All candidates for Associate Membership shall be nominated by the Executive Committee and shall be elected by the Association in General Meeting by a two-thirds majority of the Members present.

Associate Membership may be accorded to such persons who are **not veterinarians** and who occupy distinguished public office or are teachers, writers, scientific workers, discoverers or benefactors to veterinary science.

Associate Members shall be entitled to the same privileges of Membership as Ordinary Members, including the right to vote at Meetings of the Association and the right to nominate candidates for election to the Executive Committee of the Association and the right to nominate persons for admission as Members of the Association and they shall be entitled to receive notice of and to attend and to speak at such meetings.

Associate Members shall be **required to contribute** to the funds of the Association at the same rate as for Ordinary Members as laid down from time to time by the Association in General Meeting.

ELECTION AND WITHDRAWAL OF MEMBERS

16. Application for Ordinary Members shall be in writing on a form prescribed by the Executive Committee, and shall contain such particulars as shall be required by the Executive Committee, and shall be signed by the applicant and by any two Members of the Association as Proposer and Seconder, both of whom must be personally acquainted with the applicant.

No Cadet Member shall propose or second any candidate for membership.

The signature of the candidate to the application form for Membership shall be deemed an acknowledgement that he will, if elected, be bound by the Constitution of the Association.

17. Application for Ordinary Membership shall be considered by the Executive Committee and if the Executive Committee considers that the applicant is a suitable person to be admitted to Membership of the Association it shall duly elect said applicant. Notification of such election shall be given to the Association in such way as deemed fit by the Executive Committee.
18. At any General Meeting of the Association, on the recommendation of the Executive Committee, any person may be elected a Life Member, Honorary Member or Associate Member of the Association.
19. Any Member may withdraw from the Association by giving notice in writing of his intention to do so, and upon expiration of such notice, he shall remain liable for payment of arrears or subscriptions or other moneys (if any) due to the Association upon his ceasing to be a Member.

EXPULSION

20. Should any Member in the opinion of the Executive Committee commit any wilful breach of the Constitution of the Association, or be guilty of improper, dishonest conduct or conduct unworthy of the profession or fail to make payments of money due to the Association after due notice, or be guilty of conduct unbecoming or prejudicial to the interest of the Association, the Executive Committee shall have the power
1. To expel such Member;
 2. To deprive such Member of any or all the rights and advantages of his Membership during such time or period as the Executive Committee in its absolute discretion may deem fit or advisable;
 3. To call upon such Member, in writing, through the Secretary, to resign, and if he fails to resign within fourteen days of the date of such request, to expel such Member;
 4. To call upon such Member to appear before the Executive Committee and before the Members of the Executive Committee to explain his conduct, and should such Member fail to appear when called upon, to expel or otherwise deal with such Member as provided in these Clauses.

GROUPS OF THE ASSOCIATION

21. The Executive Committee of the Association may permit the formation of Groups of the Association in such places as it shall determine. The Constitution of a Group of the Association shall not become effective unless and until it is approved by the Executive Committee of the Association. Groups may elect a representative to the Executive Committee in an observational and advisory capacity.

MAKING OF BYE-LAWS

22. The Association shall, upon recommendation of the Executive Committee, but not otherwise, have power by Resolution, to make bye-laws for the regulation of the affairs of the Association, and for the furtherance of its objects, and from time to time, by like Resolution, to amend or revoke the same.

SUBSCRIPTIONS

23. An Ordinary, Associate or Cadet Member shall pay, on election, the sum as determined from time to time by the Association in General Meeting. After expiration of the first year or portion thereof, an annual subscription shall be payable by all Ordinary, Associate and Cadet Members. The annual subscription is due and payable annually, as of the **1st July in each year**, and shall be paid not later than the 1st September of that year. Executive Committee may, in its discretion, suspend the payment of the annual subscription, or any portion of it, of any individual Member, as it may determine.
24. If a Member makes default in the payment of any subscription, for more than one month after notice from the Secretary of the amount payable by him, his privileges of Membership may thereafter ipso facto be suspended until such payment be made.

GENERAL MEETINGS

25. The Annual General Meeting of the Members of the Association shall be held at such time and place as the Executive Committee may determine, but not later than six months after the close of the financial year of the Association.
26. The Executive Committee may, whenever it thinks fit, convene an Extraordinary General Meeting.
27. An Annual General Meeting and a Meeting called for the passing of a Special Resolution shall be called by twenty-one days' notice in writing at least, and a Meeting of the Association other than an Annual General Meeting or a Meeting for the passing of a Special Resolution shall be called by fourteen days' notice in writing at least. The notice shall be exclusive of the day for which it is given, and shall specify the place, the day and the hour of meeting and, in the case of special business, the general nature of that business, and shall be given, in a manner hereinafter mentioned or in such other manner, if any, as may be prescribed by the Association in General Meeting, to such persons as are, under the Clauses of the Association, entitled to receive such notices from the Association,

PROVIDED that a Meeting of the Association shall, notwithstanding that it is called by shorter notice than that specified in this Clause, be deemed to have been duly called if it is so agreed

1. In the case of a Meeting called as the Annual General Meeting, by all the Members entitled to attend and vote thereat; and
 2. In the case of any other Meeting, by a majority in number of the Members having a right to attend and vote at the Meeting, being a majority together representing not less than ninety-five per cent of the total voting rights at that Meeting of all Members.
28. The accidental omission to give notice of a Meeting to, or the non-receipt of notice of a Member by any person entitled to receive notice, shall not invalidate the proceedings of the Meetings.
 29. Notice of every General Meeting shall be given in any manner hereinafter authorised to every Member other than a Cadet Member.
 30. All business shall be deemed special that is transacted at an Extraordinary General Meeting and all that is transacted at an Annual General Meeting with the exception of the reading and approval of the Minutes of the previous Meeting; the consideration of the accounts, balance sheets and reports of the Executive Committee.
 31. The quorum for a General Meeting shall be ten Members personally present all of whom shall be Ordinary, Life, Honorary or Associate Members.
 32. If within fifteen minutes from the time appointed for a Meeting a quorum is not present, the Meeting, if convened upon the requisition of Members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next

week, at the same time and place or at such other time and place as the Executive Committee shall determine; and if at such adjourned Meeting a quorum (as above fixed) is not present within half an hour from the appointed time for the Meeting the Members present shall form a quorum and shall be empowered to deal with the business of the Meeting.

33. The President of the Executive Committee, and him failing, the Vice-President, shall preside at every General Meeting of the Association.
34. If there is no President or Vice-President, or if at any General Meeting none of them is present within fifteen minutes after the time appointed for holding of the Meeting, the Members present shall choose someone of their number to preside at the Meeting.
35. The President (or other Member presiding) may, with the consent of the Meeting, adjourn any Meeting from time to time and from place to place, but no business shall be transacted at any adjourned Meeting other than the business left unfinished at the Meeting from which the adjournment took place. When a Meeting is adjourned for thirty days or more, notice of the adjourned Meeting shall be given as in the case of an original Meeting.
36. At any General Meeting, unless a poll is demanded by at least five Members, a declaration by the President (or other Member presiding) that a Resolution has been carried or lost or carried and not carried by a particular majority, and an entry to that effect in the book of proceedings of the Association, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such Resolution. No poll shall be demanded on the appointment of a Member to preside at a Meeting or on a question of adjournment.
37. If a poll is duly demanded by five or more Members present in person, it shall be taken in such manner as the President (or other Member presiding) directs, and the result of such poll shall be deemed to be the Resolution of the Association in General Meeting. In the case of an equality of votes at any General Meeting, or at the poll, if a poll be demanded, the President (or other Member presiding) shall be entitled to a second or casting vote. The demand for a poll may be withdrawn.

VOTES OF MEMBERS

38. At a Meeting of the Association every Member entitled to vote shall have one vote, whether on a show of hands or upon a poll. Proxies will be permitted. Each Member present at the Meeting shall be entitled to hold three (3) proxies. Notice of proxy must be at the Association offices at least seven (7) days before the Meeting.

EXECUTIVE COMMITTEE

NUMBER, APPOINTMENT AND TENURE OF OFFICE OF EXECUTIVE COMMITTEE

39. There shall be an Executive Committee consisting of a President, a Vice-President, six (6) Ordinary Members, Group-elected Members (or alternate) and there shall be

co-opted to the Executive Committee the Editor of the Journal of the Association, as provided in Clause 36 hereof, and any other Member of the Association as is considered desirable by Executive Committee.

Every candidate for election as the President and the Vice- President at the Annual General Meeting in each year must be nominated in writing by a Member of the Association.

Candidates for election as Member of the Executive Committee shall be elected by ballot or from the floor as decided by the Members present at the Annual General Meeting of the Association.

Any member of the Executive Committee shall hold office for a period of two years and shall at the expiration of his or her period of office by effluxion of time be eligible for re-election.

The President shall hold the office of president for not longer than two consecutive terms of office.

At the First (15th) Annual General Meeting, the members of the Executive Committee elected, except the President, shall hold office until the Second (16th) Annual General Meeting, when half of them to be determined by lot shall retire. Thereafter at each Annual General Meeting one half of the Executive Committee members who have been longest in office shall retire by rotation and the retiring members shall be eligible for re-election.

No canvassing shall take place in connection with any election of the Executive Committee. Any candidate by whom or on whose behalf, whether with or without the knowledge of such candidate, canvassing shall take place, shall be liable to be disqualified for election at the election in connection with which the canvassing shall have taken place.

Any question arising as to whether any canvassing shall have taken place by or on behalf of any candidate and as to whether any candidate, by or on whose behalf such canvassing shall have taken place, ought to be disqualified, shall be determined by the Executive Committee, whose decision shall be final and binding on all parties. Any question (which is not directed by the Clauses to be dealt with by the Executive Committee) arising upon the scrutineer's report or otherwise in connection with the election of the Executive Committee shall be determined by the Association in General Meeting.

The Executive Committee may at any time appoint any Ordinary, Life, Honorary or Associate Member as a Member of the Executive Committee as well as an Editor to fill a vacancy and any Member so appointed shall remain in office until the next Annual General Meeting.

EDITOR OF THE JOURNAL AND CO-OPTED MEMBERS

40. The Executive Committee shall forthwith after each Annual General Meeting, co-opt to the Council an Editor of the Journal of the Association. The Editor, and any other person co-opted, shall hold office until the next Annual General Meeting of

the Association and shall be entitled to the same rights as regards voting or otherwise as the other Members of the Executive Committee.

EXECUTIVE COMMITTEE AND COMMITTEES

41. The business of the Association shall be managed by the Executive Committee, who may exercise all such powers of the Association and do on behalf of the Association all such acts as may be exercised and done by the Association and as are not by these Clauses required to be exercised or done by the Association in General Meeting; subject nevertheless to the provisions of these Clauses and to such regulations being not inconsistent with the aforesaid provisions as may be prescribed by the Association in General Meeting; but no regulations made by the Association in General Meeting shall invalidate any prior act of the Executive Committee which would have been valid if such regulation had not been made.
42. In addition and without prejudice to the provisions hereinafter contained with reference to the Disciplinary Committee, the Executive Committee may delegate any of its powers to Committees consisting of such Members of the Association as may from time to time be determined by the Executive Committee. The President and Vice-President(s) for the time being of the Association shall be ex officio Members of every Committee of the Executive Committee other than the Disciplinary Committee. Every such Committee shall elect a Chairman who need not necessarily be the President or Vice-President of the Association. Every such Committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the Executive Committee.
43. The Meeting and proceedings of any such Committee shall be governed by the provisions of these Clauses regulating the Meetings and proceedings of the Executive Committee so far as the same are applicable and are not superseded by any regulations made by the Executive Committee under the last preceding Clause.

DISCIPLINARY PROVISIONS

44. There shall be appointed in each year by the Executive Committee from among its Members, a Disciplinary Committee consisting of not less than five Members, of whom three shall form a quorum, for the purpose of investigating and considering questions of professional practice generally and cases of alleged misconduct. No Member of the Veterinary Council of Namibia shall be eligible for appointment on the said Disciplinary Committee.
45. Members shall be responsible to Executive Committee for the acts and defaults of any members of their respective staffs so far as such acts and defaults relate to matters within the scope of their practices as veterinarians.
46. If any Member
 1. Is convicted of an offence by a competent Court of Law or by the Veterinary Council of Namibia, which, in the opinion of the Disciplinary Committee, unfits him to be a Member of the Association;

2. has been found guilty by the Disciplinary Committee of conduct which is detrimental to the honour and interests of the Profession or the Association or calculated to bring the Profession into disrepute, the Executive Committee, at a Meeting convened with notice of intention to consider the case, at which not less than three-quarters of the elected or co-opted Members of the Executive Committee shall be present, shall be at liberty by Resolution, specifying which of the above mentioned disqualifications constitute the ground of the Resolution, passed by a majority of not less than three-quarters of those present and voting, to expel him from Membership or to suspend all or any rights of Membership or to call for and accept his resignation, or to reprimand him without prejudice to the right of the Association to recover any arrears of subscriptions or other moneys due from him to the Association, **PROVIDED** that if the Resolution is not passed by the requisite majority, the Executive Committee shall be at liberty to direct that no Minute thereof be recorded and any reference thereto already entered in any Minutes be expunged.
47. In the case of a Member whose conduct is called in question under paragraphs (1) and (2) of the last preceding Clause, the Disciplinary Committee before reporting the case to the Executive Committee for disciplinary action under the said Clause, shall give to the Member concerned notice of a Meeting of the Disciplinary Committee at which his case will be considered and he shall also be given notice of the Meeting of the Executive Committee convened under the said Clause and he shall be entitled, either by himself or by some other Member appointed by him in writing or by or with an attorney of the Supreme Court and/or Counsel requesting him, to appear at such Meetings of the Committee and Council respectively, and to be heard or to have persons as aforesaid (if any) representing him heard thereat or to have the persons as representations in explanation of his conduct. The Disciplinary Committee and the Executive Committee may appoint an attorney of the Supreme Court and/or Counsel to attend and advise the said Committee and the Executive Committee both before and at their respective Meetings.
48. The Executive Committee may in their absolute discretion and in such manner as they think fit, notify or cause to be notified to the public that any Member has been expelled or has ceased to be a Member and the name of such Member. No action or other proceedings shall under any circumstances be maintainable by the persons referred to in such notification against any person publishing or circulating the same and this Clause shall operate as leave to any person to publish and circulate such notification and be pleadable accordingly.

PROCEEDINGS OF THE EXECUTIVE COMMITTEE AND COMMITTEES

49. The Executive Committee may meet together for the despatch of business, adjourn or otherwise regulate their Meetings as the Members thereof may think fit. Meetings of the Executive Committee shall be held at the discretion of the President, or on the written request of three Members of the Executive Committee. The quorum at Meetings of the Executive Committee for the transaction of business shall be a majority of all the members of the Executive Committee. Unless otherwise fixed by Executive Committee the quorum at the Meetings of every Committee of the Executive Committee shall be a majority of all the members

of such a Committee. Questions arising at any Meeting shall be decided by a majority of votes. Only elected members, group-elected (or alternate) and co-opted Members named in Clause 39 shall have the right to vote. In the case of an equality of votes at Meetings of the Executive Committee, the President, and at Meetings of any Committee, the Chairman shall have a second or casting vote. The continuing Members of the Executive Committee may act notwithstanding any vacancy in their body.

50. The President of the Association shall preside at all Meetings of the Executive Committee; but if at any time there be no President, or if at any Meeting the President be not present within five minutes after the time appointed for holding the same or be not willing to act, the Vice-President shall preside at such Meeting, or if there be no Vice-President present and willing to act, the members present shall choose someone of their number to preside at such Meeting and the person so chosen shall preside at such meeting accordingly.
51. All acts bona fide done by Executive Committee or by any Committee of the Executive Committee shall be valid notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Executive Committee, or Committee or of some Member or Members thereof, or that any Member of such Executive Committee or Committee was not duly qualified to act.
52. The Executive Committee shall cause Minutes to be duly entered in books, provided for the purpose:
 1. Of all appointments of such officers;
 2. Of the names of the Members present or absent from (specifying with or without special leave) each Meeting;
 3. Of all Resolutions and proceedings of General Meetings and of Meetings of the Executive Committee, and any such Minutes of the Meeting of the Executive Committee, or the Association if purporting to be signed by the Chairman of such Meeting, or by the Chairman of the next succeeding Meeting, shall be sufficient evidence, without any further proof of the matters stated in such Minutes.

DISQUALIFICATION OF MEMBERS OF THE EXECUTIVE COMMITTEE AND COMMITTEES

53. A Member of the Executive Committee shall vacate office:
 1. If he ceases to be a Member of the Association;
 2. If he becomes bankrupt or insolvent or makes a conveyance or assignment of his property for the benefit of, or executes any deed of arrangement in favour of, or makes any composition or arrangement with his creditors generally, or any class of his creditors;
 3. If he is certified to be of unsound mind;
 4. If he is absent from three consecutive Meetings of the Executive Committee without special leave of absence and he is requested to resign by a resolution passed by a majority of the Members of the Executive Committee of which special notice have been given of intention to propose the Resolution;

5. If by notice in writing to the Association he resigns his office;

ACCOUNTS, AUDITORS AND AUDIT

54. The Executive Committee shall cause true accounts to be kept giving full particulars:
 1. Of all moneys invested and assets and liabilities of the Association;
 2. Of all moneys received and expended by the Association and of the matters in respect of which such receipts and expenditure arise; and
 3. Of all sales and purchases of goods by the Association.

Proper books shall not be deemed to be kept if there are not kept such books of account as are necessary to give a true and fair view of the state of the Association's affairs and to explain its transactions.

55. The books of account shall be kept at the office, or at such other place or places as the Executive Committee may from time to time determine and shall at all times be open to the inspection of Members of the Executive Committee.
56. The Association in General Meeting may impose reasonable restrictions as to the time and manner in which the accounts and books of the Association or any of them shall be open to the inspection of Members of the Association, and subject thereto such accounts and books shall be open to the inspection of the Members at all reasonable time during business hours.
57. The Association shall cause to be prepared and laid before the Association at every Annual General Meeting of the Association such income and expenditure accounts, balance sheets, group accounts (if any) and reports as are referred to in these sections.
58. All such income and expenditure accounts, balance sheets, group accounts shall be checked and certified by a person or persons who have sufficient knowledge of accounting. These certified documents must be submitted to the Association in General Meeting.

NOTICES

59. A notice may be served by the Association upon any Member either personally or by sending it through the post in a prepaid letter addressed to such Member at his last registered place of abode.
60. Any notice, if served by post, shall be deemed to have been served on the day following that on which it is posted, and in proving such service it shall be sufficient to produce a certificate under the hand of the Secretary or other officer of the Association, stating that the letter containing the notice was properly addressed and put into the post office as prepaid letter and such certificate shall be evidence also of the contents of such notice.

INDEMNITY OF OFFICIALS

61. Every Member of the Executive Committee and every Committee and Sub-Committee shall be indemnified by the Association against all costs, losses and expenses which any such Member may incur or become liable for in any way in the execution of his office or trusts, except the same shall be incurred or occasioned by his own wilful act or default; and subject as aforesaid, none of the said Members shall be answerable for any act or default of any other of them or for joining in receipts for the sake of conformity or for any loss, misfortune or damage which may happen in the execution of his office or in relation thereto, except the same shall happen by his own wilful act or default.

AMENDMENT OF THE CONSTITUTION OF THE ASSOCIATION

62. The Constitution of the Association may be amended provided that at least twenty-one days (21) days' notice is given of such a proposed amendment and provided that it is approved by two-thirds of the Members present and entitled to vote by the Association in General Meeting.
63. If upon winding up or dissolution of the Association there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the Members of the Association, but shall be given or transferred to the Master of the Supreme Court to keep in safe custody until such time as another Association with similar aims may be reconstituted. Upon the reconstitution of a second Association with similar aims as this Association the Master of the Supreme Court shall transfer the assets and documents in his possession to the Secretary of such second Association in full and final ownership.

ETHICAL CODE OR PROFESSIONAL CODE OF CONDUCT

As accepted as part of the Constitution of this Association in 1983 and to be read in conjunction with the relevant sections of the Veterinary and Para-Veterinary Professions

Proclamation, 1984 (Proclamation AG 14 of 1984). Although some of the facts and statements made here are not binding, they are thought to be correct and an example of the type of behaviour expected of a professional person, and should be accepted as such.

1. INTRODUCTION

Ethics has been defined as "the science which treats of the nature and grounds of moral obligation; moral philosophy which teaches men their duty and reason for it." Veterinary ethics would thus set out a standard of conduct or behaviour for veterinarians with particular reference to their calling.

It must be acknowledged that there are certain customs or forms of etiquette which although not always in writing, yet constitute conduct which is right and proper for a veterinarian and a gentleman to observe.

In notifying all registered veterinarians of the acts and omissions which will constitute **conduct of which the Veterinary Council will take cognisance**, the Veterinary Council desires to emphasise that it must be clearly understood by all concerned that the acts and omissions specifically enumerated in the Guide to Professional Conduct are not, nor are they intended to constitute, a complete list of the acts and omissions of which the Veterinary Council may take cognisance under section 31 of the Veterinary and Para-Veterinary Act of 1984, or which may be punishable by reprimand and caution, suspension or erasure from the register as provided by section 33 of that Act.

It should also be noted that it is obviously impossible for the Council to envisage each and every circumstance or act or omission which is or might reasonably be regarded as professional misconduct or a break of professional etiquette on the part of a registered veterinarian. Should such a circumstance arise it shall be dealt with by the Council as set out in the regulations.

The Council may either as a result of a complaint or charge or allegation lodged with it, or of its own accord, institute an inquiry into the conduct of a person registered or deemed to be registered in terms of the Act. In such a case the person shall be notified in writing by the registrar of the matter to be inquired into and such person may furnish the Council with a written explanation, in the form of a affidavit, concerning it.

If such conduct forms or is in the opinion of the Council likely to form the subject of criminal or civil proceedings in a court of law, the Council may postpone an inquiry until such proceedings have taken place. The acquittal or conviction by a court of law shall not however bar an inquiry as mentioned above.

At such an inquiry the Council may appoint one or more persons to advise it on matters pertaining to law, procedure or evidence. The Council may also summon any person who, in the opinion of the Council is able to furnish information of material importance to the inquiry. At the same time, the person against whom an inquiry is instituted, shall be entitled either in person or through his legal representative to answer the charge and to be heard in his/her defence.

Note: For a more detailed description of the procedure at an inquiry and the disciplinary powers of the Council, members are advised to refer to the regulations pertaining to the Act.

2. ETHICAL RELATIONSHIPS BETWEEN VETERINARIANS

A guide to professional conduct can never be so comprehensive that it covers every possible contingency which may arise in the future regarding the relationships between individual members of the profession. In establishing a sound relationship with a colleague, a member's behaviour and attitude towards a colleague should be that which is expected from a fellow member of an honourable profession.

It is undesirable that professional relationships should lead to disputes which may harm the reputation of the profession. Veterinarians must attempt by every means to settle a dispute within the profession. The Association will be glad to do what it can to help in such matters and will, if requested, nominate a mediator or arbitrator to aid such circumstances.

Every registered veterinarian has a right to practice. It is essential that one protects this right to practice by means of correctly drawn up legal documents relating to partnerships, assistantships or locum tenens. It is important that such documents, amongst others, makes appropriate provision for a reasonable restrictive covenant or binding out clause so that in the event of a dissolution of a partnership or in the event of an assistant or locum resigning from a practice or leaving a practice at the termination of the contract, no dispute can arise with regards this right to practice. A fixed period of restriction must be stated. When fixing this period regard must be made to the density of the population of the said area and thus the need for another practice in that area and whether you are dealing with a rural or urban practice. This period must not be so unreasonable so as to have the contract cancelled by a court of law.

In the same light, when one is **negotiating for a practice, partnership or assistantship**, it would not be correct for the individual to use knowledge gained from such negotiations and set up practice in opposition. In order to protect oneself from this happening, a written agreement should be signed by the veterinarians concerned during these negotiations in which the interested party is restrained from doing such for a fixed period of time, taking into account the previously mentioned considerations, should the negotiations fall through. This agreement should also prevent the seller, in the case of a practice, from doing the same.

Where a veterinarian who has held a full time public or private appointment wishes to enter private practice, it is advisable that he should discuss this with those colleagues presently engaged in private practice within that area, as it is possible that he has gained knowledge about these practices as a result of his previous work and may use this to his advantage. By having these discussions any dispute can be clarified and agreement can be reached on any restrictions of practice, if any.

When one does set up in practice, it would be correct and proper of the veterinarian concerned to advise his other colleagues in the area of this fact and to furnish them with his address and telephone number.

It is essential that all veterinarians practising for gain are registered with the Registrar of Veterinarians as set out in the Act. It is also essential that a veterinarian employing another veterinarian ensures that the latter is registered in terms of the said Act.

In the case of **second opinions**, it is also essential that a veterinarian acts in a professional manner. No veterinarian should decline a request by a client to obtain a second opinion. The veterinarian involved should aid the client in this respect, and if asked to do so, should make the necessary arrangements with a colleague to obtain such a second opinion. Where a client prefers to take the case to a veterinarian of his own choice, this should not be denied. In both cases the veterinarian in attendance must supply his colleagues with the full history of the patient and any information which may be of importance to the case. At the same time, should a veterinarian be confronted with a second opinion without having been approached by the attending veterinarian, or without the attending veterinarian's knowledge, he should not attend to such a case, except in an emergency, without the prior consent of the attending veterinarian.

There must also be good **co-operation between colleagues in private practice and those employed by commercial and industrial firms**. When the latter veterinarians are involved in feed trials, medicinal tests or investigations of any other nature on farms which are normally served by another veterinarian, it is recommended that the veterinarian involved be informed of this prior to the commencement of such trials or tests. Where the above mentioned work is carried out by lay staff, it should still be the duty of the veterinarian under whose control the lay staff work, to inform the attending veterinarian of the same. After such tests or investigations are completed, should facts arise that are of specific importance to the health and or productivity of the animals on that farm, it is desirable that the veterinarian in attendance on that farm be notified of these facts. Any opinion related to the farmer should also be passed on to the attending veterinarian. It must be remembered by the veterinarian that although he may service a client's animals, this does not acquire him the sole rights of entry to his clients premises as against all other veterinarians.

The client has his right to choose his professional advisers and if he wishes to collaborate in the above mentioned tests or take advantage of disease control schemes for example, it is the duty of the veterinarian to co-operate with him in all proper proposals.

Where a client wishes to stop using the services of a veterinarian and wishes to make use of another veterinarian, the latter should insist that the client informs the former of such. Also, the latter veterinarian should contact the former veterinarian so as to ascertain the case history of the patient, failure to do this may be regarded as negligence.

3. ETHICAL RELATIONSHIPS BETWEEN VETERINARIANS AND THE PUBLIC

The veterinarian must remember at all times that in carrying out his profession it is the welfare of the animals which is of utmost importance. In carrying out his duties he must be courteous and considerate to his clients and appreciate their relationship with their animals.

A client is free to select the veterinarian of his choice to attend to his animals. In the same light a veterinarian is free to accept or refuse a person as a client, except in such

cases as an emergency or where he is the only source of veterinary assistance in the immediate area.

Once a veterinarian has undertaken a case he should not abandon the case without a good reason. Where veterinary services can not be provided in any practice for whatever reason, alternative arrangements must be made to ensure the welfare of the patients and these arrangements must be conveyed to the clients.

Where a veterinarian is confronted with a species of animal with which he normally does not deal with, for treatment, he should, unless such a case is an emergency, refer the case to a colleague who is more conversant with such a species.

When a veterinarian has a certain expertise in a field of veterinary science he may be called upon to advise a client or treat the animals of a client many kilometres distant from his practice or work. It is essential in such circumstances that the veterinarian involved discusses the possibility of his unavailability in emergencies with the client due to this distance from the client's premises or due to the nature of his work. Alternative arrangements must be made in advance. Where possible a colleague in that area should be approached so that he may be able to help in such circumstances.

The maintenance of proper records is essential in the carrying out of practice. All records of consultations, visits, treatments, vaccinations, operations and laboratory results must be kept for a minimum of five years. During this period, should a client or colleague require information in this regard, it should be readily available.

The issuing of certificates, be it certificates of health, vaccination certificates, certificates of soundness or certificates of any other nature, must be approached conscientiously by the veterinarian. He must ensure that all the information on such documents are to the best of his knowledge correct and all such certificates must bear his signature, qualifications and address. A certificate signed on his behalf by a third party, who is not a veterinarian, shall be regarded as invalid.

Veterinary Fees, necessary as they are, is the one area where the veterinarian must give his full consideration. In charging out his fees, the veterinarian must be able to justify the charging of such fees. Charges must always be discussed with the client, especially in the case of expensive procedures or long-term therapy. The fee charged for a procedure or therapy must also be weighed up against the value of the animal, especially when dealing with economic units such as cattle. Only if this is done can the veterinarian answer to such complaints such as exorbitant fees or the carrying out of unnecessary procedures.

4. ADVERTISING

The quality of a veterinarian's work is his only means of advertising and enhancing his image. A veterinarian may not attempt to attract clients to himself by such means as newspaper reports, radio and television exposure or any other means which would give him unfair advantage over his colleagues.

Canvassing, touting and tending are definitely not permissible and is regarded as unethical behaviour. In view of this, and especially the latter, when advertising a professional post it is essential that a minimum salary be stated.

Radio, press and television interviews on professional matters should always be referred to those bodies who have been elected to deal with such matters e.g. National or Group elected public relation committees. It is up to these bodies to make the necessary arrangements to satisfy the media. The veterinarian involved in such interviews may allow his name to be used, but it must be stressed that he is representing the Association or Group and is not involved as an individual as such. Where the veterinarian concerned is in private practice, he should ensure that the location of his practice is not mentioned, and where he is connected with industry, that the company or business with which he is associated, is not mentioned. Where an interview has taken place for printing in the press, the veterinarian should ensure that such features are published in a professionally acceptable form and where possible obtain such for approval first.

When a veterinarian is asked to address a **lay organisation** on veterinary subjects, he must abide by the code of ethics and not use such opportunities to advertise and promote himself or his company. In giving such an address he must ensure that he does not appear to give the impression in any way that he knows more about a certain subject than his colleague. It should be understood that the responsibility of self-advertisement rests with the veterinarian concerned if he is called upon to answer such allegations.

The owning of a grooming parlour, pet shop, boarding kennel or any similar establishment by a registered veterinarian is not permissible.

5. ETHICAL RELATIONSHIPS BETWEEN VETERINARIANS AND LAY PERSONNEL

A veterinarian must understand that **veterinary nurses** are also bound by regulations and a code of conduct. These regulations set out the type and nature of work a veterinary nurse is permitted to carry out. In view of this a veterinarian must ensure that the nurse:

1. Does not undertake anything in relation to veterinary work except under direct supervision of a registered veterinarian;
2. Shall not under any circumstances advertise the employer or the practice or products of the employer;
3. Regards any information acquired during the course of employment as confidential; and
4. Maintains the highest standard of conduct and efficiency

Furthermore a veterinary nurse may not:

1. Evaluate or make a diagnosis;
2. Communicate diagnoses or treatment to the public except under specific instruction; and
3. Dispense any unregistered products.

Veterinary students when seeing practice with a veterinarian may however do a number of things which the ordinary lay person is not permitted to do, by virtue of the Veterinary Act. It must be understood that it is not permissible for students or non-registered veterinarians to practise for gain, even if they are under the supervision of a registered veterinarian.

The carrying on of a private veterinary practice by a lay person or persons (which includes a company) through a veterinarian as manager, director, partner or employee is unacceptable and any veterinarian so employed or so acting will have to answer charges of disgraceful conduct in a professional respect. At the same time it is also unacceptable that any veterinarian in the conduct of a practice should be subject to the directions or control of a lay person or persons. It is however permissible for a lay person to own a veterinary hospital, clinic or consulting room and lease the same to a veterinarian as long as the terms of the lease are not on a profit sharing basis.

Although only persons registered in the Register of Veterinary Surgeons may practice veterinary science, it is permissible for veterinarians to turn themselves into limited companies in order to practice through such companies. In such cases however, the veterinarians involved still remain responsible for their own acts and omissions.

6. THE PRESCRIBING, USE AND SALE OF VETERINARY MEDICINES

The prescribing, administering and selling of veterinary medicines are largely controlled by the Medicines and Related Substances Control Act of 1965 (Act 101 of 1965) together with the relevant regulations and it is incumbent on every veterinarian to be fully conversant with the requirements of this Act, its amendments and its regulations.

The privileges and obligations under which a veterinarian may handle veterinary medicines are contained in section 22A (15)(9) of the Act. Amongst other things inter alia, according to this section, a veterinarian may sell, use, administer or prescribe (literally authorise the sale of) Schedule 1 to Schedule 7 substances in the course of the lawful execution of his professional activities for an animal under his care or treatment.

A veterinarian may thus only sell or prescribe a medicine to a **bona fide client** for a patient under his professional care. In this context a "client" could be defined as "the owner of, or his fully authorised representative in charge of, an animal or group of animals being examined, or being treated for a specific condition". Similarly, "a patient" would be "an animal or group of animals under examination or treatment for a specific condition."

When a veterinarian accepts an animal(s) as his patient(s) it can only be done on the basis of a **consultation**. This entails:

1. A full **ante or post-mortem examination** of the animal(s); and/or
2. The examination of specimens from such animal(s) e.g. blood smears, faecal or milk samples; and/or
3. An interview with the client where his particular problem(s) are discussed. Usually the interview will be a personal one but in exceptional cases it may be conducted by telephone or even by correspondence.

During such a consultation the veterinarian will either:

1. Make a diagnosis of some unwanted condition in the animal or group of animals; or
2. Determine a need for specific medication or treatment e.g. the preventative use of drugs or vaccines or the use of drugs for management purposes like oestrus synchronisation or game capture.

Only now can the veterinarian institute treatment, supply medicines or issue a prescription. He now fully accepts responsibility for the advice given regarding the treatment, prophylaxis or care as well as the consequences thereof. He must be satisfied that:

1. The use of the drug is justified after the risk-benefit ratio in relation to the following has been assessed:
 - 1.1 The animal under treatment;
 - 1.2 The person applying the medication; and
 - 1.3 Residues for the consumer (in the case of food animals)
2. If a prescription is given or medicines are supplied that the client has been fully informed regarding:
 - 2.1 The use of the drug; and
 - 2.2 Any precautionary measure affecting the animal(s), the client or the public. It is particularly important that the client be pertinently warned as to withdrawal period after the use of any medical substances used in food animals where meat, milk or other products from them are intended for human consumption.

In general the veterinarian's conduct in relation to the prescribing and sale of medicines should be such that he could reasonably justify and defend his actions before the Veterinary Council or in a court of law.

Irresponsibility in handling medicinal substances may lead to the veterinarian losing his privilege to obtain and handle them in addition to facing disciplinary proceedings.

Veterinarians who advise the use of medicinal products for a racehorse or greyhound which might conceivably in any way affect its performance, or falls into any of the categories of prohibited substances listed by the controlling authorities, are under an obligation to give instructions that the product should be discontinued at such a period prior to the race that the residue of the medicament has been eliminated.

The same general principles are applicable to the use of drugs and tranquillisers for certain show animals.

Veterinarians are asked to comply strictly with the advice contained in the above paragraphs and should not administer listed stimulants or tranquillisers to any racing or show animals unless they are absolutely certain that the residues will be eliminated prior to the race or show. With some drugs the elimination times are far from certain, and if they are to be administered to an animal without the certain knowledge that all residues will have been eliminated before the race or show, the owner should be advised in writing that the animal should not be raced or shown on the occasion in question.