

LAWS OF MALAYSIA
Act 147

VETERINARY SURGEONS (AMENDMENT) BILL, 201x

Date of Royal Assent xx xxx xxxx

Date of Publication in Gazette xx xxx xxxx

LAWS OF MALAYSIA
Act 147
VETERINARY SURGEONS (AMENDMENT) BILL , 201x

An Act to amend the Veterinary Surgeons Act 1974

Enacted by the Parliament of Malaysia as follows:

Long title

The long title is amended as follows

An Act to make provision for the registration and practice of veterinary surgeons **and veterinary para-professionals** and for national purposes with regard to public service after registration; and to make provisions for purposes connected with the aforesaid matters.

Short title and commencement

1. (1) This Act may be cited as the Veterinary Surgeons (Amendment) 201x.

(2) This Act comes into operation on a date to be appointed by the Minister in the *Gazette*.

Amendment to Section 2

The Veterinary Surgeons Act [*Act 147*] which is referred to as the 'principal Act' in this Act is amended in Section 2

(a) by inserting before the definition of "annual practicing certificate" the following definition:

‘ "animal" means any living creature other than a human being and includes any amphibian, arthropod, beast, bird, cephalopod, crustacean, fish, insect, mammal or reptile whether wild or tame kept in captivity or under control or in the wild, including specimens collected in the course of practice of veterinary medicine;

(b) by inserting after ‘Council’ the following definition;

“degrees and additional qualifications” under Section 14(3) of the Act means, certificate, diploma, degree,, fellowship, internship, license, membership, post-graduate qualifications, titles by way of examination or coursework granted by a recognized institution, college, corporation or body by appointment, conferment or recognition in Malaysia or outside of Malaysia approved by the Council;

(c) by inserting after “Director General;” the following definition:

“food production animal” includes cattle, buffalo, sheep, goat, pig, chicken, fish, aquatic animals, and all animals domesticated or wild when reared and managed and whose body parts whole or in part or produce of destined as food for human consumption and excludes any animals that are reared or are for use in sport, equestrian pursuit, recreation and in competition;

(d) by substituting the definition of “practice of veterinary medicine” the following definition

- (a) to diagnose, treat, correct, change, relieve or prevent animal disease, deformity, defect, injury or other physical or mental conditions; including the prescription, administration or application of any drug, medicine, biologic, anaesthetic in **conventional, alternative or complementary medicine;**

- (b) the use of any apparatus, equipment, identification system, or therapeutic or diagnostic substance or technique, laboratory diagnostic testing or necropsy, pathological examination of specimens collected in the course of practice of veterinary medicine, any animal experimentation and research, any manual or mechanical procedure for artificial insemination/breeding or reproduction, for testing for pregnancy or other veterinary conditions for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above, animal health or production, or do any other act recognised to be a duty of a veterinary surgeon;
- (c) to represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in paragraph (a) above;
- (d) to use any title, words, abbreviation or letters in a manner or under circumstances which is likely to induce the belief that the person using them is a veterinary surgeon;

(e) by inserting after the definition of ‘practice of veterinary medicine” the following definitions:

“prescribed” means subject to the provisions of this Act, the Council may, with the approval of the Minister, make regulations to prescribe anything which under this Act is required to be prescribed, and generally to carry out the objects and purposes of this Act under Section 39(1) by order or regulations made under the Act;

‘premise” means a Council approved place of practice of veterinary medicine or a place where the practice of veterinary medicine is believed to have taken place;

“President” means the President of the Malaysia Veterinary Council appointed under subparagraph (1) of paragraph 1 of the First schedule;

(f) by inserting after the definition of “Registrar” the following definition:

“specimens” means items collected for the purpose of examination, laboratory diagnosis, pathological examination, research or for analysis in the course of practice of veterinary medicine;

(g) by inserting after the definition of “veterinary medicine” the following definition:

“veterinary para-professional” means a person who is registered with the Malaysian Veterinary Council and is allowed to assist in the performance of procedures and the usage of veterinary equipment in the practice of veterinary medicine approved by the Council under Section 37 of the Act;

(h) by substituting the definition of ‘veterinary surgeon’ the following definition:

“veterinary surgeon” means a person who holds any of the qualifications specified in the Second Schedule.’

Amendment to Section 3

Section 3 of the principal Act is amended the following

(a) in sub-section (2) the following:

“The Minister shall appoint the members of the council which shall consist of

- (a) the Director General ;
- (b) the Head of the Veterinary Department of Sabah or his nominee, who shall be a veterinary surgeon in the public service;

- (c) the Head of the Veterinary Department of Sarawak or his nominee, who shall be a veterinary surgeon in the public service ;
- (d) two veterinary surgeons, one each from among the members of the Faculty of Veterinary Medicine, Universiti Putra Malaysia and Faculty of Veterinary Medicine, University Malaysia Kelantan, nominated by the Council of the University;
- (e) two veterinary surgeons who are nominees of the Minister
- (f) four members nominated by veterinary surgeons resident in West Malaysia from among them;
- (g) one member nominated by veterinary surgeons resident in Sabah to from among them;
- (h) one member nominated by veterinary surgeons resident in Sarawak to from among them;
- (i) one veterinary surgeons from the public services to be appointed by the Minister
- (j) one veterinary para-professional to be appointed by the Minister ; and
- (k) The Registrar of Veterinary Surgeons.

(b) in sub-section (3), the following-

No person shall be nominated and appointed to be a member under paragraphs (d) to (j) of subsection (2) unless such a person is a citizen and is a registered veterinary surgeon and holds a valid and current annual practicing certificate.

(c) in sub-section (5), the following-

A person may be nominated and appointed to be a member under paragraphs (d) and (i) of subsection (2) notwithstanding that he has previously been a member under any of the paragraphs of subsection (2)

(d) in sub-section (6), the following-

The members referred to in paragraphs (d) to (i) of subsection (2) shall hold office for a period not exceeding three years but shall be eligible for re-appointment if qualified under this Act.

(e) in sub-section (7), the following-

Any person who is a member by virtue of the provisions of any of the paragraphs (d) to (i) of subsection (2) may at any time resign his office by letter addressed to the President.

(f) in sub-section (8), the following-

Where any person who is a member by virtue of the provisions of any of the paragraphs (d) to (i) of subsection (2) dies before completion of his term of office, or resigns, or otherwise ceases to be a member by reason of any provision of this Act, a person shall be nominated and appointed in his place in accordance with the provisions applying in the case of the person dying or resigning or ceasing to be a member for the residue of the term for which such person might have held office if he had not died or resigned or ceased to be a member;

Provided that on the death or resignation of a member nominated under any of the paragraphs (d) to (i) of subsection (2) within twelve months before the date on which his term of office would have come to an end by effluxion of time, the vacancy shall not be filled for the residue of the term.

(g) in sub-section (9), the following-

If any of the bodies ~~of veterinary surgeons~~ referred to in paragraphs (d) to (j) of subsection (2) does not within a period of three months from the date on which the office falls vacant, nominate a person to be a member of the Council, the Minister shall appoint in his place as a member a person qualified to be so nominated and any person so appointed shall be deemed to be a member as if he had been duly nominated by such body of veterinary surgeons.

(h) In sub-section (10), the following-

Immediately upon the coming into force of this Act and until such time as the members referred to in paragraphs (d) to (j) of subsection (2) are nominated and appointed, the Minister shall appoint in their place respectively such persons as are qualified to be respectively so nominated and appointed and the persons so appointed shall be deemed to be members as if they had been duly nominated and appointed under the said paragraphs (d) to (j) of subsection (2) ~~unless the appointment has been revoked by the Minister at his absolute discretion .~~

(i) In sub-section (11), the following-

A ~~veterinary surgeon~~ person shall not be qualified to be nominated and appointed to be a member, under the provisions of any of the paragraphs (d) to (j) of subsection (2) –

- (a) if he has been found guilty by a court of any offence involving fraud, dishonesty or moral turpitude, or of any offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years; or
- (b) if he is an undischarged bankrupt.
- (c) ~~if his name has at any time been removed from the Register of Veterinary Surgeons or the Register of Veterinary Para-Professionals.~~

(j) In sub-section (12), the following-

If a member who has been nominated and appointed under the provisions of any of paragraphs (d) to (j) of subsection (2) ceases, by reason of any provision of this Act, to be qualified to be so nominated and appointed, he shall be deemed to have vacated his seat

(k) By addition after sub-sections (13) to (16) the following-

(13) A member ~~veterinary surgeon~~ whose name has been suspended or reprimanded from the Register of Veterinary Surgeons or the Register of Veterinary Para-Professionals, ~~or who has been~~ reprimanded under section 30 shall not be eligible to be nominated and appointed or elected or appointed, as the case may be, under the provisions of any of the paragraphs (b) to (i) of subsection (2)-

- (a) in the case of a suspension, for a period of six years after the expiration of the suspension; or
- (b) in the case of a reprimand, for a period of six years from the date of such reprimand; or

(14) (a) Where the council in the exercise of its disciplinary jurisdiction under the Act-

- (i) appoints a committee to conduct a preliminary investigation; or
- (ii) holds a disciplinary inquiry

in respect of any ~~veterinary surgeon who is~~ a member of the Council, such ~~veterinary surgeon~~ member shall be suspended. Such suspension shall in the case of a preliminary investigation take effect from the date of commencement of the investigation, or in the case of a disciplinary inquiry, with effect from the date of institution of the inquiry.

(b) Where at the conclusion of a preliminary investigation the Council determines that a disciplinary inquiry should be held the period of suspension of a member shall continue until the conclusion of the disciplinary inquiry.

(15) Any member of the council who has been suspended under paragraph (a) or (b) of subsection 14 shall forthwith be reinstated as a member if at the conclusion of the preliminary investigation or the disciplinary inquiry, as the case may be, the Council finds that no case has been made out in respect of the member.

(16) Any member of the Council who is to be reinstated pursuant to subsection (15) shall, if the reinstatement is to take effect before the expiration of his term of office, be reinstated to hold office for the unexpired portion of his term of office.”

Amendment to Section 8

Section 8 of the principal Act is amended by substituting the following:

“The Minister may, from time to time, issue general directions not inconsistent with the provisions of this Act **and on professional issues of veterinary surgeons and veterinary para-professionals** and the Council shall give effect to such directions.

PART III

REGISTRATION OF VETERINARY SURGEONS AND VETERINARY PARA-PROFESSIONALS: PRACTICE OF VETERINARY MEDICINE

Amendment to Section 10

Sections 10 of the principal Act is amended by substituting the following-

“(1) For the purposes of this Act there shall be a Registrar of Veterinary Surgeons **and Veterinary Para-Professional** to be appointed by the Minister.

(2) The Registrar shall be a veterinary surgeon from the public service in West Malaysia. “

Amendment to Section 11

Section 11 of the principal Act is amended by substituting in sub-section (3) the following sub-section:

“(3) The Register shall be keep in respect of persons who hold the qualifications specified in the third column of the Second Schedule granted by the institutions specified in relation to such qualifications in the second column of that Schedule.”

Amendment to Section 12

Section 12 of the principal Act is amended:

- “(a) in sub-section (1) by substituting the following ‘A person holding any of the qualifications specified in the third column of the Second Schedule granted by the institutions specified in relation to such qualifications in the second column of that Schedule shall on application to the Registrar in the prescribed form be entitled to be registered in the Register, provided he has passed a qualifying examination determined by the council, to be conducted at a prescribed institution by the Minister or shown to be competent to practice veterinary medicine by the Council.
- (b) In sub-section (2) by substituting the following ‘A person who is a veterinary surgeon registered elsewhere not specified in the third column of the Second Schedule may apply for registration if he has passed a qualifying examination determined by the council to be conducted by the prescribed institution by the Minister.’”

Amendment to Section 13

Section 13 of the principal Act is amended by substituting in sub-section (1) the following:

“(1) Notwithstanding anything to the contrary contained in this Act, the Council, may upon application in writing, issue to a person who is a veterinary surgeon registered anywhere outside Malaysia a temporary permit to practice as a veterinary surgeon **subject to such conditions and restrictions as well as a requirement to pass a qualifying examination at such times determined by the Council in a prescribed institution by the Minister. The temporary permit to practice shall not exceed a period of six months.**”

New Section 13A. Register of Veterinary Para-Professionals, Registration and Licensing

“13A (1). The Registrar shall cause to be kept in the prescribed form a register of veterinary para-professionals to be known as the Register of Veterinary Para-Professionals, Malaysia which shall contain such particulars as may be prescribed.

(2). The Registrar shall be responsible for the maintenance and custody of the Register and matters related to the Register;

(3). The Register shall be kept in respect of persons who hold qualifications specified in the third column of the Third Schedule granted by institutions specified in relations to such qualifications in the second column of the Schedule;

(4). The Register shall be deemed to be a public document within the meaning of the Evidence Act 1950 [Act 56];

(5) A person holding any of the qualifications specified in the third column of the Third Schedule granted by the institution specified in relation to such qualification in the second column of that Schedule shall on application to the Registrar in the prescribed form be entitled to be registered as a Veterinary Para-Professional.

(6) The Minister may from time to time, after consulting the Council, add to, delete from or amend the Third Schedule, by order published in the *Gazette*”

Amendment to Section 14

Section 14 of the principal Act is amended by substituting in sub-section (3) and inserting sub-section (4) the following:

“(3) The council shall have power to decide what degrees and additional qualifications may be entered in the Register and may determine, if required, what qualifying examinations are required to be passed at such times in a prescribed institution or conditions of acceptance or recognition of such degrees and additional qualifications of prior to admission into the Register.

(4) Notwithstanding the provisions of sub-section (3), the council will have the power to determine

- (a) a register of veterinary surgeon specialists who have been accorded the position of Veterinary Surgeon Specialist or Consultant;
- (b) the manner for degrees and qualifications not listed in the Second Schedule to be registered as Veterinary Surgeons;
- (c) the manner for the processing of applications for persons applying for a temporary permit to practice and a register of persons holding a temporary permit to practice under Section 13 (1);
- (d) the manner for degrees and qualifications not listed in the Third Schedule to be registered as Veterinary Para-Professionals and
- (e) issues on any professional issues which the Minister should act on the advice or in consultation of the Council.”

Amendment to Section 17

Section 17 of the principal Act is amended as follows:

- (a) in sub-section (1) the following- “Any registered veterinary surgeon who desires to practise veterinary medicine after the thirty-first day of December

of any year shall, not later than the first day of **November** of that year, make an application in the prescribed form, **provide evidence of continuous professional development** and shall pay the prescribed fee for a certificate to practise veterinary medicine during the ensuing year.”

- (b) In sub-section (9) the following- “A registered veterinary surgeon who practises veterinary medicine and who —
- (a) has not had an annual practising certificate in respect of himself in force;
 - (b) is in partnership with a registered veterinary surgeon not having such a certificate **or any other person not having such a certificate;**
 - (c) has in his employ a registered veterinary surgeon **or any person** not having such a certificate; or
 - (d) is employed to carry on the business of a veterinary surgeon on behalf of a person not having such a certificate,

shall be guilty of an offence against this Act and he shall not be entitled to recover any fee, reward, disbursement or cost incurred during the time when he or any other person as aforesaid has not had an annual practising certificate.”

Amendment to Section 18

Section 18 of the principal Act is amended for sub-section (1) the following sub-section

“(1) The Registrar shall as soon as may be after the first day of January of every year prepare and publish a list or lists of the names, **address(es) of practice(s)**, qualifications, dates of the qualifications and dates of registration of all veterinary surgeons to whom annual practising certificates have been issued for that year and such list or lists may be amended at anytime during the year.

Amendment to Section 19

Section 19 of the principal Act is amended for by substituting the following-

“Notification of change in address of practice

19. Every registered veterinary surgeon shall notify any change in the address(es) of practice(s) to the Registrar within thirty days of such change.”

Amendment to Section 23

Section 23 of the principal Act is amended for sub-section (1) by the following sub-section-

“(1) Every veterinary surgeon who is registered and holds a valid annual practising certificate shall be entitled, according to his qualifications to practise veterinary medicine in accordance with the provisions of this Act and to recover in due course of law reasonable charges for professional aid, advice, visit, operation or attendance and the value of any appliances rendered, made or supplied by him to his patient and in relation to a veterinary surgeon accorded additional qualifications as veterinary surgeon specialist or consultant under Section 14(3), specialist or consultant fees for services rendered in the practice of veterinary medicine,”

Amendment to Section 26

Section 26 of the principal Act is amended for by substituting the following and in sub-section the following sub-section-

“Exhibition of certificate of registration, annual practising certificate and temporary permit to practice

(1) Every registered veterinary surgeon shall cause to be exhibited in a conspicuous place in any premises in which he practises veterinary medicine, otherwise than as an officer in the public services, the current annual practising certificate or temporary permit to practice issued to him.”

Amendment to Section 27

Section 27 of the principal Act is amended for by substituting the following-

“A registered veterinary surgeon operating the practice of veterinary medicine shall furnish to the Registrar the name, address, qualifications and particulars of the certificate of registration and of the current annual practising certificate and such other information as may be prescribed in respect of the persons practising veterinary medicine at his place of practice, **on the renewal of an annual practicing certificate under Section 17 or application of a temporary permit to practice under Section 13 or of other persons practicing veterinary medicine within 30 days of commencing practice** and if he fails to do so he shall be guilty of an offence against this Act.”

Amendment to Section 28

Section 28 of the principal Act is amended for sub-section (1) by substituting subsection the following-

“(1) It shall be lawful for –

- (a) the Director General;
- (b) the officer responsible for the administration of the Veterinary Services in any State; or
- (c) such other authority as the Minister may approve for the purpose of this section,

to appoint inspectors or **registered veterinary surgeons or suitably qualified officers in the public services and in private sector** for the purpose of this Act and to give such inspectors authority, in writing –

- (i) to enter and inspect at any time any premises which are used or proposed to be used or in respect of which there is reasonable cause to believe that they are being used for the practice of veterinary medicine; and

- (ii) to inquire into and to report to the person or authority by whom they were appointed on the conditions under which veterinary medicine is being or is proposed to be practised.”

Amendment to Section 30

Section 30 of the principal Act is amended

“(a) for sub-section (1) by substituting –the following-

The Council may, in the exercise of its disciplinary jurisdiction, impose any of the following punishments –

- (a) order the name of such registered veterinary surgeon **or veterinary para-professional** to be removed from the Register;
- (b) order the name of **such registered veterinary surgeon or veterinary para-professional** to be suspended for such a period as it may think fit;
- (c) order the registered veterinary surgeon **or veterinary para-professional** to be reprimanded; or
- (d) make any such order as aforesaid but suspend the application thereof, subject to such conditions as the Council may think fit, for a period, or periods in the aggregate, not exceeding two years.

and may in any case, make such order as the council thinks fit with regard to the payment of the costs **to the Council** and of any complainant of the registered veterinary surgeon **or veterinary para-professional**, and any costs awarded maybe recovered as a civil debt.”

(b) for sub-section (4) by substituting the following-

“The Registrar shall publish in a **circular or directive as the Council sees fit** the name of the person removed from the Register or suspended from practice under the provisions of this section either

- (a) on the expiry of the period of one month laid down in section 31, if that person does not enter an appeal against the decision of the Council; or
- (b) immediately after the decision of the High Court upholding the decision of the Council if that person enters an appeal against the decision of the Council,

as the case may be.”

Amendment to Section 31

Section 31 of the principal Act is amended with the following

31. (1) Any veterinary surgeon **or veterinary para-professional** who is aggrieved by any order made in respect of him by the Council in the exercise of its disciplinary jurisdiction or by any decision of the Council in proceedings relating to him under the provisions of subsection (1) of section 16 or subsection (1) of section 30 or by the removal of his name from the Register under any of the provisions of this Act ~~other than Part VII~~ or by any refusal or failure of the Council to register or re-enter his name in the Register (except where such removal, refusal or failure is in consequence of such person’s failure to obtain a practising certificate or the cancellation of such certificate) may appeal to the High Court, and the High Court may thereupon affirm, reverse or vary the order or decision appealed against or may give such direction in the matter as it thinks proper; the costs of the appeal shall be in the discretion of the High Court.

Amendment to Section 32

Section 32 of the principal Act is amended with the following

“Fraudulent registration **and certificates**

Every person who fraudulently procures or attempts to procure himself or any other person to be registered **or uses an expired or cancelled or fraudulent annual practicing certificate or temporary practice to permit or** by making or

produced, any false or fraudulent representation or declaration, either orally or in writing, shall be guilty of an offence against this Act”

Amendment to Section 33

Section 33 of the principal Act is amended with the following

“(a) in sub-section (1) (e) substituting the following-

(e) practises veterinary medicine in any form and in any premise not recognized by the Council for the practice of veterinary medicine including any conveyance, vehicle or structure or dwelling;”

(b) in sub-section (1) (f) substituting the following-

(f) uses the term “veterinary clinic” or “veterinary dispensary” or “veterinary hospital” or “veterinary laboratory” or “animal testing facility” or “animal research facility” or “animal breeding facility” or “zoo” or “bird park” or “animal facility or holding facility” or the equivalent of any of these terms in any other language in the signboard over his place of practice or premise including any conveyance, vehicle or structure or dwelling in purported practice of veterinary medicine as a person registered under this Act; or”

(c) in sub-section (2) (a) the following-

(a) the taking or using by any person of the term “veterinarian” or “veterinary practitioner” or “veterinary surgeon” or “doctor of veterinary medicine” or “bachelor of veterinary science” or “bachelor of veterinary surgery” or “veterinary clinic” or “veterinary dispensary” or “veterinary hospital” or “veterinary laboratory” or “animal testing facility” or “animal research facility” or “animal breeding facility” or “zoo” or “bird park” or “animal facility or holding

facility” or the equivalent of any of these terms in any other language in relation to the practice of veterinary medicine shall be deemed, unless the contrary be proved, to be the taking or using of a name, title, addition or description calculated to induce any person to believe that he is qualified to practise veterinary medicine;”

(d). in sub-section (2) (b) the following-

(b) the using by any person in the practice of veterinary medicine **or surgery of any medical, veterinary or surgical instrument, stethoscope, hypodermic syringe or** any other instrument or material used exclusively by persons qualified to practise veterinary medicine **or surgery** shall be deemed unless the contrary be proved to be the using of an instrument calculated to induce a person to believe that he is qualified to practise veterinary medicine; and”

(e) inserting after sub-section 2 (c) the following sub-section 2 (d)-

(c) Unless exempted by the Council, where any partner, director, shareholder, owner or manager of a business or charitable entity which is not owned by registered veterinary surgeons employs a veterinary surgeon(s) or is in partnership or in business to carry on the business of a veterinary surgeon for the practice of veterinary medicine in a premise practicing veterinary medicine and who does not possess an annual practicing certificate or on behalf of a person not having such a certificate, he shall be deemed, unless the contrary be proved, to willfully and falsely pretend to be registered under this Act and to be qualified to practise veterinary medicine.”

Amendment to Section 34

Section 34 of the principal Act is amended by substituting sub-section (2) with the following sub-section

“(2) Nothing in this section shall operate to prevent an authorized public servant to **assist a veterinary surgeon in public service** in the carrying out of procedures in falling within the meaning of practice of veterinary medicine **for official government duties only.**”

Amendment to Section 36

Section 36 of the principal Act is amended with the following

“ No prosecution for an offence under this Act or any regulations made under this Act shall be instituted except by or with the written consent of the Public Prosecutor.”

Amendment to Section 37

Section 37 of the principal Act is amended with the following

“(a) by amending sub-section (a) by substituting sub-section (a) with sub-section sub-section (aa) with the following-

(aa) the training of **veterinary para-professionals and** veterinary students **involving** the practice of veterinary medicine under the supervision of a registered veterinary surgeon in a veterinary hospital, veterinary clinic, or veterinary school **or veterinary laboratory or “animal testing facility” or “animal research facility” or “animal breeding facility”;**

(i) **any University or University College established in accordance with the provisions of the Universities and University Colleges Act 1971; or**

(ii) **any educational institution specified in the Third Schedule,**

To carry out, in pursuance of the course of study, any investigation, examination or treatment of animals in any hospital, clinic, health centre, laboratory or other institution which is approved by the Minister for the purposes of this section by notification in the Gazette; provided that the investigation, examination or treatment is carried out by the person under the control and supervision of a registered veterinary surgeon who holds a current and valid annual practicing certificate.

(b) by inserting sub-section (ab) with the following:

(ab) For the purposes of paragraph (a) (ii), no educational institution shall be specified in the Fourth Schedule unless –

- (i) it is an educational institution registered under the Education Act 1961 [*Act 550*] or any law in connection with the registration of an educational institution; and
- (ii) it is affiliated with any institution specified in the second column of the Second Schedule for the purpose of granting to the students of the educational institution the specified qualification appearing against the institution.

(c). by inserting sub-section (ac) with the following-

(ac) Any veterinary hospital, clinic, health centre, laboratory or other institution managed and operated by the Government and approved by the Minister under sub-section (i) shall not be liable for any injury, loss or damage of a civil nature occasioned to any animal or other person solely in consequence of any investigation, examination or treatment of an animal under subsection (i) by a person pursuing a course of study in veterinary medicine specified under paragraph (a) (i) or (ii); provided that nothing in this subsection shall be construed

as conferring on the person or on the University or University College or educational institution who is pursuing the course of study or any officer or employee of the University or University College or educational institution any immunity from any liability for such injury, loss or damage.

(c) by inserting sub-section (ad) the following sub-section-

(ad) The Minister may amend the Fourth Schedule by a notification in the *Gazette*.

(d) by substituting sub-section (b) the following sub-section-

(b) the owner of food production animals and the owner's full time regular employee from caring for or treating the animal belonging to such owner, under the supervision of a registered veterinary surgeon with a current and valid annual practicing certificate except where the ownership of the animal was transferred for the purpose of circumventing this Act;

(e) by substituting sub-section (c) the following sub-section-

(c) any person engaged in bona fide scientific research and in the operation of laboratory animal facilities for the purpose of veterinary or medical research under the supervision of a registered veterinary surgeon with a current and valid annual practicing certificate in an institution or educational institution approved for the purpose by the Minister which requires reasonable experimentation involving animals from carrying on acts which otherwise are prohibited or restricted by this act or any regulations made thereunder and subject to any laws in Malaysia and requirements on ethical requirements in animal research, animal welfare and the prevention of cruelty to animals;

(f) by substituting sub-section (d) the following sub-section-

(d) employees of the government from performing his official duties and;

(g) by substituting sub-section (e) the following sub-section-

(e) a person from advising **or consulting** with respect to or performing acts which the Council has prescribed as accepted livestock **or animal** management practice;

(h) by substituting sub-section (f) the following sub-section-

(f) any **veterinary para-professional person or person** approved by Council from performing **specified procedures and the usage of veterinary equipment in the practice of veterinary medicine in an approved premise.**

New section 37A

The principal Act is amended by inserting after Section 37 the following section-

“Liability of the Government for torts committed by non-Government practitioners while attending to animals at the request of or by arrangement with the Government

37A. A registered veterinary surgeon who holds a current and valid annual practicing certificate, who is not a public officer and who, at the request of or by arrangement with the Government, carries out any investigation, examination, treatment or management of any animal in any Government hospital, clinic, health centre, laboratory or in any similar institution of the Government shall, while carrying out such investigation, examination, treatment or management,

be deemed to be a public officer for the purpose of section 5 of the Government Proceedings Act 1956 [Act 356]; and notwithstanding section 6 (4) of the Act, proceedings may be brought against the Government in respect of any act, neglect or default for such practice done or committed in the course of or in connection with such investigation, examination, treatment or management.

Veterinary surgeon authorized by Director General to be deemed a Government Veterinary Officer.

37B. (a) The Director General may authorize in writing any veterinary surgeon who is a registered veterinary surgeon under Section 12 and not being a veterinary officer in the public service to undertake any of the following functions, that is-

- (i) investigation, examination, treatment or management of any animal; or
- (ii) perform an autopsy, or post-mortem investigation of any deceased animal, in any hospital, clinic, health centre or laboratory or in any other similar institution.

(b) A veterinary surgeon who is so authorized under sub-section (a) to perform any of the functions referred to in paragraphs (i) and (ii) thereof shall be deemed to be Government Veterinary Officer for the purposes of the Criminal Procedure Code [Act 593] and any other relevant laws in Malaysia.”

Amendment to Section 38

Section 38 of the principal Act is amended with the following

“(a) in sub-section (1) by substituting the following sub-section-

- (1) Any person guilty of an offence against this Act shall be liable on conviction –

(a) in respect guilty of an offence to a fine not exceeding **one hundred thousand** ringgit; and

(b) in respect of the second or subsequent offences to a fine not exceeding two **hundred** thousand ringgit or imprisonment for a term not exceeding **six years** or both such fine and imprisonment.

(b) in sub-section (2) by substituting the following sub-section-

(2) In the case of continuing offence such person shall be liable to a further penalty of **five** hundred **ringgit** for each day during the continuance of such offence in addition to the respective penalty under paragraphs (a) and (b) of subsection (1)."

Amendment to Section 39

Section 39 of the principal Act is amended by substituting the following

"(a) in sub-section (2) (a) the following sub-section-

(a) the ~~power~~, duties ~~and functions~~ of the Registrar;

(b) in sub-section (2) (d) the following sub-section-

(d). the form and manner in which applications for registration and for annual practising certificates and the requirements for the renewal of annual practicing certificates shall be made, **the continuing professional development and education of veterinary surgeons for the renewal of annual practicing certificates, including the nature and extent of that education;**

(c) in sub-section (2) (f) the following sub-section-

(fa). the manner of proof of qualifications in veterinary medicine **holding of examinations for registration and/or additional qualifications and the**

persons required or eligible to sit for them; appointment of examiners and fees payable by examinees;

New sub-section

(fb). the manner of proof of qualifications for veterinary para-professionals and their Registration;

(d) in sub-section (2) (g) the following sub-section-

(e) the management of the property of the Council, the common seal of the Council and the attesting of documents by or on behalf of the Council, ~~and~~ the audit of its accounts, proceedings of the Council and any tribunal or committees formed by the Council;

(e) in amending sub-section (2) (h) the following sub-section -

(ha) the appointment of and the ~~power~~, duties ~~and functions~~ to be performed by the Secretary;

(hb) the appointment of and the duties to be performed by inspectors;

(f) in amending sub-section (2) (i) the following sub-section-

(ia) the issue of veterinary certificates of illness or soundness;

(ib) with respect to animals on which veterinary surgery has been done or performed;

(ic) the circumstances in which and the purposes for which those certificates may be issued and

(id) the persons who may sign them;

(g) in sub-section (2) (k) the following sub-section-

(k). the guide to professional conduct and ethics and infamous conduct for veterinary surgeons and the manner in which and the extent to which a veterinary surgeon-

- (i) may advertise himself or herself as qualified to practise and the place where that practice takes place;
- (ii) may make multimedia communications, radio broadcasts or telecasts;
- (iii) may write articles for or give statements to the press;

and the receipt of complaints or information touching any disciplinary matter that maybe inquired into by the Council and the establishment of a Committee to be known as the Preliminary Investigation Committee to make a preliminary investigation into complaints or information touching any disciplinary matter that may be inquired into by the Council and to determine whether or not there shall be an inquiry by the Council;

(h) in sub-section (2) (l) the following sub-section-

(l). The prohibition of a member of such Preliminary Investigation Committee who is also a member of the Council from attending any meeting of the Council whilst it is inquiring into a complaint or information, in the preliminary investigation of which he took part;
~~and~~

(i) in sub-section (2) (m) the following sub-section-

(m) The procedure to be followed in relation to –

- (i) the submission of complaints and information to the Preliminary Investigation Committee;
- (ii) the preliminary investigation of any complaint or information by the Preliminary Investigation Committee;

- (iii) the formulation of charges arising out of complaints and information;
 - (iv) the reference to the council by the Preliminary Investigation Committee of cases arising out of complaints and information;
 - (v) disciplinary inquiries held by the Council and
 - (vi) proceedings in connection with complaints or charges against veterinary surgeons in respect of prohibited practices or for alleged misconduct in a professional respect;
- (j) addition of sub-sections (2) (n) to 2(r) after sub-section 2 (m) the following sub-sections-
- (n) the manner in which and the extent to which an approved corporation or a firm or association consisting wholly of persons who are veterinary surgeons may advertise the provision of professional services by its members, the place at which those services are offered and the qualifications of its members to practise veterinary medicine;
 - (o) inspection, operation, control and management of veterinary practice in veterinary premises, laboratories, animal research, breeding and holding facilities and the animals therein;
 - (i) layout, design and standards of construction of buildings used in connection therewith;
 - (ii) equipment and staff thereof;
 - (iii) methods of hygiene and standards of cleanliness, conduct of research and breeding therein;
 - (iv) maintenance of records in connection therewith;

- (v) care, use, testing, study, intervention, procedures, welfare and attention of animals accommodated therein; the manner in which and
- (vi) the extent to which they may be advertised;
- (p) veterinary equipment and their usage and regulations and control thereof;
- (q) any matter, requirement and conditions related to the practice of veterinary medicine and on approved premises in practice of veterinary medicine by persons exempted under the Act and
- (r) rules, regulations, orders, directives, guidelines and circulars for all matters that can be prescribed or issued by the Council under the Act”

Amendment to Section 41

Section 41 of the principal Act is amended by substituting sub-section (2) the following sub-section

(2) This part shall cease to be in force if Parliament, by resolution passed by each of the houses of Parliament and published in the *Gazette*, provides that this Part shall no longer continue to remain in force.

Amendment to Section 42

Section 42 of the principal Act is amended-

“ (a) sub-section (1) is substituted the following

Every person who obtains registration under section ~~12 15?~~ and 13A may be liable immediately upon being so registered or at any time thereafter to be served with a written notice issued by or on behalf of the Director General requiring such person to assume an appointment appropriate to his qualification in the public service **as a veterinary surgeon or veterinary para-professional** and on such date, as may, in each of these respects, be specified in the notice **for national purpose. The purpose, terms and conditions shall be determined by the Director-General.**

(b) sub-sections (2) to sub-section (6) are deleted.”

Amendment to Section 43

Section 43 of the principal Act is amended-

“A person **who agrees** to commences to serve in a post in public service in pursuance of a notice issued under section 42, shall continue to serve in the said post or in such other subsequent post or posts in the same or such other public service as determined **under section 42** and any person who without reasonable cause fails to be complete such period shall be guilty of an offence against this Act.”

Amendment to First Schedule

The First Schedule is amended-

“(a) sub-section 2 (1) is substituted with the following sub-section-

(1) The Council shall meet at such time and such places as the President may appoint, provided that there shall be held at least **three** meetings in a year.

(2) The quorum for a meeting of the Council shall be **eight** and the decision of the Council shall be a simple majority of the members present and voting.

(b) Sub-section 3(1) is substituted with the following sub-section-

(1) The council may from time to time constitute out of its membership one or more committees, as it thinks fit, and may delegate to them such of the Council’s functions as the Council thinks fit. **In addition, the council may appoint other registered veterinary surgeons and veterinary para-professionals to these committees as it thinks fit.**

(c) Sub-section 5 is substituted with the following sub-section-

5. The office of the Council shall be at as such place as the Director General may appoint.

Amendment to Second Schedule

The Second Schedule is amended-

SECOND SCHEDULE (Section 11)

Country in which Qualification is granted	Institution granting Qualification	Description of qualification
Australia	University of Melbourne	Bachelor of Veterinary Science
	University of Queensland	Bachelor of Veterinary Science
	University of Sydney	Bachelor of Veterinary Science
	Murdoch University	Bachelor of Veterinary Medicine and Surgery P.U. (A) 172/2013
Bangladesh	Bangladesh Agricultural University	Doctor of Veterinary Medicine
Canada	Ontario Veterinary College University of Guelph	Doctor of Veterinary Medicine
	Western College of Veterinary Medicine, University of Saskatchewan	Doctor of Veterinary Medicine
India	Bengal Veterinary College	Graduate in Veterinary Science
	University of Calcutta	Bachelor of Veterinary Science
	Bidhan Chandra Krishi Viswaridyalaya (Bengal Veterinary College)	Bachelor of Veterinary Science and Animal Husbandry
	Bihar Veterinary College, Magadh, University	Bachelor in Veterinary Science and Animal Husbandry
	Rajendra Agricultural University, Bihar (Bihar Veterinary College)	Bachelor in Veterinary Science and Animal Husbandry
	Bombay Veterinary College	Graduate of the Bombay Veterinary College
	Bombay Veterinary College (Mahatma Phule Krishi Vidyapeeth Agricultural University)	Bachelor in Veterinary Science and Animal Husbandry
	Bombay Veterinary College (Konkan Krishi Vidyapeeth, Dapoli)	Bachelor in Veterinary Science and Animal Husbandry
	University of Bombay	Bachelor of Veterinary Science

	Orissa College of Veterinary Science and Animal Husbandry, Utkal Univerity	Bachelor in Veterinary Science and Animal Husbandry
	Utkal University, Orissa State	Bachelor of Veterinary Science
	University of Agra	Bachelor of Veterinary Science
	Andra Pradesh Agricultural University, Hyderabad	Bachelor of Veterinary Science
	University of Mysore	Bachelor of Veterinary Science
	University of Agricultural Sciences, Mysore	Bachelor of Veterinary Science
	Kerala Veterinary College and Research Institute	Bachelor of Veterinary Science
	Kerala Agricultural University, Mannuthy	Bachelor of Veterinary Science
	Uttar Pradesh Agricultural University, Pantnagar	Bachelor of Veterinary Science
	Govind Ballabh Pant University of Agriculture and Technology Pantnagar	Bachelor of Veterinary Science and Animal Husbandry
	University of Udaipur, Rajasthan	Bachelor of Veterinary Science
	Madras Veterinary College	Graduate of the Madras Veterinary College
	University of Madras	Bachelor of Veterinary Science
	Tamil Nadu Agricultural University(Madras Veterinary College)	Bachelor of Veterinary Science
	University of Agricultural Science, Bangalore	Bachelor of Veterinary Science
	Jawaharlal Nehru Krishi Vishwa Vidyalaya Jabalpur	Bachelor of Veterinary Science and Animal Husbandry
	Assam Agricultural University	Bachelor of Veterinary Science and Animal Husbandry
Indonesia	Fakultas Kedokteran Hewan dan Penternakan, Bogor (Institut Pertanian, Bogor)	Doktor Haiwan
	Universiti Gadjah Mada, Jogjakarta	Doktor Haiwan
	Universitas Air Langga	Doctor of Veterinary Medicine P.U. (A) 416, P.U. (A) 172/2013 Recognized on 23 Dec 2011
Malaysia	Universiti Pertanian Malaysia/Universiti Putra Malaysia	Doctor of Veterinary Medicine P.U. (A) 229 02 May 1978 P.U. (A) 416 22 Dec 2011

	Universiti Malaysia Kelantan	Doctor of Veterinary Medicine P.U. (A) xxx xx xxx 201x
New Zealand	Massey University	Bachelor of Veterinary Science
Pakistan	Eastern Pakistan Veterinary College, University of Decca	Licentiate in Veterinary Science
	Eastern Pakistan Veterinary College, University of Decca	Diploma of Veterinary Medicine and Surgery
	East Pakistan Agricultural University, Mymensingh	Licentiate in Veterinary Science
	East Pakistan Agricultural University, Mymensingh	Bachelor of Science (Veterinary Science and Animal Husbandry)
	East Pakistan Agricultural University, Mymensingh	Diploma of Veterinary Medicine and Surgery
	East Pakistan College of Veterinary Science and Animal Husbandry	Doctor of Veterinary Medicine
	Punjab Veterinary College	Licensed Veterinary Practitioner, Punjab
	College of Animal Husbandry, Lahore, University of Punjab	Bachelor of Veterinary Science and Bachelor of Science (Animal Husbandry)
	College of Animal Husbandry, Lahore, University of Agriculture, Lyallpur	Doctor of Veterinary Medicine
	University of Agriculture, Lyallpur	Doctor of Veterinary Medicine
Sri Lanka/Ceylon	University of Ceylon/Sri Lanka/Peradeniya	Bachelor of Veterinary Science
Taiwan	National Taiwan University	Bachelor of Veterinary Medicine P.U. (A) 416/2011, P.U. (A) 172/2013 Recognized on 23 Dec 2011
	National Chung Hsing University	Bachelor of Veterinary Medicine P.U. (A) 416/2011 P.U. (A) 172/2013 Recognized on 23 Dec 2011
United Kingdom	Royal College of Veterinary Surgeons	Membership
	University of Bristol	Bachelor of Veterinary Science
	University of Cambridge	Bachelor of Veterinary Medicine

	University of Edinburgh	Bachelor of Veterinary Medicine And Surgery
	University of Glasgow	Bachelor of Veterinary Medicine And Surgery
	University of Liverpool	Bachelor of Veterinary Science
	University of London	Bachelor of Veterinary Medicine
United States of America	Colorado State University	Doctor of Veterinary Medicine P.U. (A) 172/2013 Recognized on 15 Apr 2013

New Third Schedule**THIRD SCHEDULE
(Section 13A)****Para-Professional Veterinary Persons Qualifications**

Country awarding qualification	Education/ Institute/ Organisation	Program offered
Malaysia	Department of Veterinary Services Veterinary Institute Veterinary Management Institute	Certificate – Veterinary Assistant Certificate – Veterinary Nurse Certificate – Competency in Artificial Insemination in Ruminants Certificate – Veterinary Laboratory Assistant
	Universiti Kelantan Malaysia	Diploma in Animal Science
	Universiti Pertanian Malaysia /Universiti Putra Malaysia	Degree in Animal Science Diploma in Animal Health and Production Diploma in Animal Husbandry
	Universiti Sabah Malaysia	Bachelor in Agricultural Science (Livestock Production)
	Universiti Sultan Zainal Abidin	Bachelor of Science (Animal Production and Health) with Honours
	Veterinary Association Malaysia	Certificate – Veterinary Nurse
Australia	Animal Industries Resource Centre and Provet - Australia	Certificate in Veterinary Nursing Diploma in Veterinary Nursing
	TAFE NSW Sydney Institute of Australia	Veterinary Nursing Program

New Fourth Schedule

FOURTH SCHEDULE (Section 37)

Educational institutions exempted under the Act

Country awarding education	Education/ Institute/ Organisation	Program offered
Malaysia	Department of Veterinary Services Veterinary Institute Veterinary Management Institute	Certificate – Veterinary Assistant Certificate – Veterinary Nurse Certificate – Competency in Artificial Insemination in Ruminants Certificate – Veterinary Laboratory Assistant
	Universiti Kelantan Malaysia	Diploma in Animal Science
	Universiti Pertanian Malaysia Universiti Putra Malaysia	Degree in Animal Science Diploma in Animal Health and Production Diploma in Animal Husbandry
	Universiti Sabah Malaysia	Bachelor in Agricultural Science (Livestock Production)
	Universiti Sultan Zainal Abidin	Bachelor of Science (Animal Production and Health) with Honours
	Veterinary Association Malaysia	Certificate – Veterinary Nurse

LAWS OF MALAYSIA
Act 147
VETERINARY SURGEONS ACT 1974

LIST OF AMENDMENTS

Amending Law	Short title	Effective date
Act 160	Malaysia Currency Act 1975	29-08-1975
P.U. (A) 284/1976	Veterinary Surgeons Order (Revision Second Schedule) 1976	01-07-1975
P.U. (A) 229/1978	Veterinary Surgeons Order (Revision Second Schedule) 1978	02-05-1978
P.U. (A) 199/1980	Veterinary Surgeons Order (Revision Second Schedule) 1980	01-05-1980
P.U. (A) 416/2011	Veterinary Surgeons (Amendment of Second Schedule) Order 2011	22-11-2011
P.U. (A) 172/2013	Veterinary Surgeons (Amendment of Second Schedule) Order 2013	04-06-2013
P.U. (A) xxx/201x	Veterinary Surgeons (Amendment of Second Schedule) Order 201x	0x-0x-201x

LAWS OF MALAYSIA
Act 147
VETERINARY SURGEONS ACT 1974

LIST OF SECTIONS AMENDED

Section	Amending Power	Effective date
Second Schedule	P.U. (A) 284/1976	01-07-1975
	P.U. (A) 229/1978	02-05-1978
	P.U. (A) 199/1980	01-05-1980
	P.U. (A) 416/2011	22-12-2011
	P.U. (A) 172/2013	04-06-2013
	P.U. (A) xxx/201x	xx-xx-201x