

VETERINARY MEDICAL ACT

An Act to make provision for the licensing and regulation of the practice of Veterinary Medicine and related purposes in the Commonwealth of The Bahamas

Enactment ENACTED by the Parliament of the Commonwealth of The Bahamas as follows:

Short Title 1. This Act may be cited as the Veterinary Medical Act, 2010.

PART I DEFINITIONS

Interpretation 2. In this Act-

“animal” means any animal other than human.

““Association” means the Veterinary Medical Association of The Bahamas;

“the Board” means the Veterinary Medical Board established in section of this Act;

“certificate of registration” means a certificate issued by the Association confirming that a person is entered on the register

“client” means the patients owner, owner’s agent, or other person responsible for the patient

“direct supervision” means a licensed veterinarian is readily available on the premises where the patient is being treated.

“indirect supervision” means a licensed veterinarian has given either written or oral instructions for treatment of the patient and is readily available by telephone or other form of communication

“license” means an annual license to practice veterinary medicine issued under section of this Act;

“licensed member” means a person who holds a current and valid license to practice veterinary medicine;

“member” means a person who holds a certificate of registration under this Act;

“Minister” means the Minister to whom responsibility for veterinary services is assigned;

“patient” means an animal that is examined or treated by a veterinarian

“Veterinarian-client-patient relationship” means that all of the following are required:

- a. The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions.
- b. The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal either by virtue of an examination of the animal, or by medically appropriate and timely visits to the premises where the animal are kept.
- c. The veterinarian is readily available or has arranged for emergency coverage for follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen.

““veterinary facility” means any premises or facility where the practice of veterinary medicine occurs, including but not limited to a mobile clinic, outpatient clinic, satellite clinic, or veterinary hospital or clinic, but shall not include the premises of a veterinary client, research facility or an accredited college of veterinary medicine;

“veterinary prescription drug” means a drug that may not be dispensed without the prescription of a veterinarian;

“veterinary technician” means a person who graduates from at least a two year program from an accredited

program in veterinary technology and meets the requirements of the Board;

“veterinary technologist” means a person who graduates from at least a four year program from an accredited program in veterinary technology and meets the requirements of the Board;

“Register” means the Register required to be kept under section 30.

PART II

Practice of Veterinary Medicine

Practice of Veterinary Medicine

3.(1) The practice of veterinary medicine means the branch of knowledge that relates to maintaining the health of animals and to preventing, diagnosing and treating diseases and injuries to animals.

Included practices.

(2) Without restricting the generality of subsection (1), a person who does any of the following engages in the practice of veterinary medicine within the meaning of this Act:

- (a) diagnoses diseases in, and injuries to, animals including tests performed on animals for diagnostic purposes;
- (b) gives advice based on such diagnosis;
- (c) prescribes or dispenses a drug, veterinary biologic, medicine, appliance or treatment of whatever nature for an animal;
- (d) administers a drug, veterinary biologic, medicine, appliance or treatment of whatever nature to an animal;
- (e) performs a surgical operation on an animal;
- (f) performs any procedure for the diagnosis of pregnancy, sterility or infertility on an animal;
- (g) engages in the practice of obstetrics or ova collection or embryo transfer for animals;
- (h) engages in the practice of veterinary dentistry;
- (i) certifies the cause of death of an animal; or
- (j) the rendering of advice or recommendation by any means including telephonic and other electronic communications with regards to any of the above.

Practices of

4(1) Any person who does any of the following engages in the practice of veterinary technology within the meaning of this Act:

**veterinary
technology**

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- (a) performs patient care or other services that require a technical understanding of veterinary medicine on the basis of written or oral instruction of a veterinarian, excluding diagnosing, prognosing, surgery, or prescribing drugs, medicine, or appliances;
- (b) represents directly or indirectly , publicly or privately, an ability and willingness to do an act described in subsection (a); or
- (c) uses any title, words, abbreviation, or letters or under circumstances that induce the belief that the person using them is qualified to do any act described in subsection (a).

**Exclusive
right to
practice
veterinary
medicine**

5(1) No person other than a licensed member shall engage in the practice of veterinary medicine.

Exemptions.

- (2) Subsection (1) does not apply to prevent a person from:
 - (a) providing first aid to an animal in an emergency without remuneration;
 - (b) administering a drug, veterinary biologic, medicine, appliance or treatment of any kind to any animal providing that such person is acting under the supervision of a member if the person is:
 - (i) the owner of the animal or an employee of the owner;
 - (ii) a veterinary student or an animal health technician acting;
 - (c) caponizing and taking poultry blood samples;
 - (d) the technical performance of artificial insemination;
 - (e) before weaning age, castrating male calves, piglets and lambs, dehorning cattle and docking lambs;
 - (f) trimming hooves of animals; and
 - (g) using an animal for research purpose if the research is carried out using acceptable veterinary procedures and the use of the animal has been approved in writing under the Animal Experiments Act.

Representation as a veterinarian. 6(1) No person except a licensed member shall:
(a) represent or hold out, expressly or by application, that he or she is entitled to engage in the practice of veterinary medicine, veterinary surgery or veterinary dentistry; or
(b) use any sign, display or advertisement implying that he or she is a veterinarian.

Use of titles. 7(1) No person other than a member shall use the title “veterinarian”, a variation or abbreviation of that title, or an equivalent in another language.

PART III

Veterinary Medical Association of The Bahamas

Association. 8(1) The Veterinary Medical Association of The Bahamas is established as a body corporate.

Powers. 2) The association has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

Membership. (3) The membership of the association consists of the persons whose names are on the register and who have paid their required fees.

Meetings. (4) A general meeting of the association shall be held at least once a year. Special general meetings of the association may be held when the Board considers it advisable or when such a meeting is requested, in writing, by members of the association in accordance with Schedule 1.

Notice of meetings. (5) Notice of the time and place of each meeting referred to in section (4) shall be given in accordance with Schedule 1.

Board established. 9(1) There shall be a Board that is the governing body of the association.

Composition of Board. (2) The Board shall consist of not less than six licensed members of the association and the immediate past president.

Quorum. (3) A majority of the members of the Board constitute a quorum for the transaction of business.

- Election of members.** (4) The members of the Board shall be elected by the members of the association in accordance with Schedule 1. The terms of office shall be determined in accordance with Schedule 1.
- Vacancies.** (5) Any vacancies on the Board shall be filled by an election by the members of the association in accordance with schedule 1, who is to be elected to the Board, for the unexpired term.
- Duties and function of Board.** 10(1) The duties and functions of the Board shall be to manage and conduct the affairs of the association including:
- (a) to make rules respecting the calling and conduct of meetings of The Board and the performance of its duties;
 - (b) to provide for the remuneration and expenses of officers and employees of the association and of members of the Board and committees as allowed for in the budget;
 - (c) to prepare the annual budget for approval by the association;
 - (d) to recommend for the approval of the association the fees to be paid by members to the association, including fees to be paid by applicants for registration, fees for licenses to practice, and fees to be paid by applicants for registration as veterinary students and animal health technologists;
 - (e) to appoint examiners to conduct such examinations in respect of persons applying for registration as may from time to time be necessary under the provisions of this Act;
 - (f) to ensure the maintenance of acceptable standards of professional conduct by persons registered under this Act; and
 - (g) to suspend from practice or cancel the registration of a member for non-payment of licensing fees or penalties due under this Act or the regulations, and establish terms for the reinstatement of suspended members.

PART IV

Registration and Licensing Registration

- Register of members** 11.(1) The Board shall keep a register and enter in it the name of every person registered under this Act, the category of membership held by the person and any other information required;
- (2) The register shall be kept at such place as the Board may from time to time determine and shall be open to inspection by the public at all reasonable times and a copy of the register shall be published in the Gazette at such times and in such manner as may be prescribed.

Registrar.

12.(1) The Minister shall appoint a registrar who shall be responsible for keeping the register, issuing certificates of registration and licenses to members and performing any other duties assigned to the registrar by this Act, the regulations or the Board.

**Application
for
registration.**

13.(1) No person shall practice veterinary medicine in the Commonwealth of The Bahamas unless he or she is registered under this Act and holds a valid license issued under this Act.

(2) Where a person wishes to be registered to practice Veterinary Medicine in The Commonwealth of The Bahamas he or she shall-

- (a) apply to the Board in the prescribed form;
- (b) pay the prescribed fee; and
- (c) satisfy the requirements of this Act.

(3) An application under subsection (1) shall be accompanied by-

- (a) evidence of the qualifications of the applicant;
- (b) proof of identity of the applicant;
- (c) proof that the applicant is a fit and proper person to practice Veterinary Medicine in the Commonwealth of The Bahamas;
- (d) a certificate of good standing from the applicant's previous registering body, where applicable; and
- (e) such other information as the Board may require.

**Qualification
s for
registration.**

- 14(1) No person shall be registered as a veterinarian unless:
- (a) he or she holds a degree in veterinary medicine from a university or college, that in the opinion of the Board is evidence of satisfactory training in veterinary medicine; or;
 - (b) he or she has any other qualification in veterinary medicine considered by the Board to be of at least an equivalent standard to that specified in paragraph (a); and
 - (c) he or she has satisfied the Board through a national proficiency exam or exams, set or authorized by the Board, that he or she is familiar with the laws governing animal health in The Bahamas and is suitable to practice veterinary medicine;
- (2) In addition, the Board in consideration of the persons experience may require the person to complete a twelve

(12) month internship program with a licensed member.

Examinations

15(1) (a) The Board shall provide for at least one examination for licensing, certification, or registration during each calendar year and may provide for such additional examinations as are necessary. The Board shall give public notice of the time and place for each examination at least 120 days in advance of the date set for the examination. A person desiring to take an examination shall make application at least 60 days before the date of the examination;

(b) The preparations, administration, and grading of examinations shall be governed by rules prescribed by the Board. Examinations for veterinary licensure shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques pertaining to the practice of veterinary medicine as practiced in the Commonwealth of The Bahamas and commonly taught in an accredited college of veterinary medicine. The passing score for the examination shall be established by the testing entity. The Board may adopt and use the results of the examinations prepared by any National Board recognized by the Board.

(c) After examination, each examinee shall be notified of the result of the examination, and the Board shall issue a certificate of registration to the new licensees. Any person who fails an examination may be admitted to any subsequent examination on payment of the application fee.

License by endorsement

16(1)

(a) The Board, in its sole discretion, may issue a license by endorsement to a qualified applicant who furnishes satisfactory proof that he is a graduate of an accredited college of veterinary medicine or holds a veterinary technician certificate recognized by the Board. The applicant must also show that he is a person of good moral character, and:

(i) is currently licensed to practice veterinary medicine in at least one country and has practiced veterinary medicine in one or more of those countries without disciplinary action by any state

or federal agency for at least the three years immediately prior to filing the application, or

- (ii) has within the three years immediately prior to filing the application passed the licensing examination prepared by a national program recognized by the Board.
- (b) The Board may, in its sole discretion, issue a limited license by endorsement to a qualified applicant who furnishes satisfactory proof that he currently holds a license to practice in at least one country, is an active diplomate in a Board-recognized veterinary specialty organization, and will limit his practice to his certified specialty.
- (c) At its sole discretion, the Board may examine any person qualifying for licensing under this Section.

Temporary permit.

17(1) The Board in its sole discretion may issue a temporary permit to practice veterinary medicine:

- (a) To a qualified applicant for license pending examination, provided that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued and provided that the grantee is under indirect supervision of a licensed veterinarian. No temporary permit may be issued to any applicant who has previously failed the examination in The Commonwealth of The Bahamas or a foreign country; or;
- (b) To a nonresident veterinarian who is a graduate of an accredited college of veterinary medicine or veterinary technician certificate holder validly licensed in another country who pays the fee established and published by the Board, provided that such temporary permit shall be issued for a period of no more than 60 consecutive days; and
- (c) Such temporary permit may be summarily revoked or limited by the Board without a hearing.

Registrar to issue certificate

18(1) On entering the name of a person in the register, the registrar shall issue a certificate of registration to the person.

Cancellation

(2) The Board may cancel the registration of a member who, without the

**n if
member
fails to
renew for
two years**

Board's approval, fails to renew his or her license for two consecutive years.

**Revocation
or
suspension
of
registration
or license
to practice.**

19. (1) If any person registered under this Act is found upon enquiry by the Board in the prescribed manner:

(a) is guilty of professional misconduct;

(b) is guilty of conduct unbecoming a member;

(c) has contravened this Act or the by-laws or the code of ethics adopted under this Act;

(d) has been found guilty of an offence that is relevant to his or her suitability to practice veterinary medicine;

(e) has displayed a lack of knowledge of or lack of skill or judgment in the practice of veterinary medicine;

(f) has demonstrated that he or she is incapable of practicing or unfit to practice veterinary medicine;

(g) is suffering from an ailment that might, if allowed to continue, constitute a danger to the public, the Board may, if it thinks fit may make any one or more of the following orders:

i. reprimand the member;

ii. direct that no further action be taken;

iii. suspend the member's certificate of registration or license, or both, for such period of time as the inquiry panel determines is appropriate;

iv. suspend the member's certificate of registration or license, or both, until the member has completed a specified course of studies or obtained supervised clinical experience to the satisfaction of any person or committee that the inquiry panel may determine;

(v) impose conditions on the member's entitlement to practice veterinary medicine, including conditions that the member

(a) limit his or her practice,

(b) practice under supervision,

(c) not engage in sole practice,

(d) permit periodic inspections of the member's practice,

(e) permit periodic audits of records,

(f) report on specific matters to any person or committee that the inquiry panel may determine,

(g) complete a particular course of studies or obtain supervised practical clinical experience to the satisfaction of any person or committee that the inquiry panel may determine, or

(vi) obtain treatment for a disability or addiction or undertake counseling until such time as the person can demonstrate that a disability, addiction or problem can be or has been overcome to the satisfaction of any person or committee that the inquiry panel may determine;

and may order the member to pay any cost arising from any such conditions;

vii. (d) enter into an agreement with the investigated member or accept an undertaking from the member that provides for one or more of the following:

(a) assessing the member's capacity or fitness to practice veterinary medicine,

(b) counseling or treatment of the member;

(c) monitoring or supervising the member's practice of veterinary medicine;

(d) the member completing a specific course of studies by way of remedial training;

(e) placing restrictions or conditions on the member's certificate of registration or license;

viii. accept the voluntary surrender of the investigated member's certificate of registration or license;

(ix) refer the matter to mediation if the complaints committee determines that the complaint is strictly a matter of concern to the complainant and the investigated member and both parties agree to mediation; or

(x) take any other action that it considers appropriate in the circumstances that is not inconsistent with or contrary to this Act or the by-laws or

(2) The Board may at any time, if it thinks just, direct the Registrar to restore to the register any name removed therefrom under subsection (1).

(3) The Board shall, as soon as practicable after:

(a) the registration or enrolment of any person has been suspended; or

(b) the name of any person has been removed from the register; or

(c) the name of any person which was so removed is restored to the register, cause a notice of the appropriate fact to be published in the Gazette.

(4) Where the name of a person has been removed from the register, the Board may in writing require that person to return to the Registrar his certificate of registration, and that person shall comply with that requirement.

PART V

Discipline

Tribunal 20(1) There is hereby established for the purpose of hearing appeals from the decisions of the Board a Veterinary Appeal Tribunal (hereinafter referred to as the Tribunal).

(2) The provisions of the Second Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto.

Appeal to Tribunal 21(1) Any person who is aggrieved:
(a) by the refusal of the Board to register him or her; or
(b) by the decision of the Board to censure him or her, or to suspend his or her registration, or to cause his or her name to be removed from the register by the registrar may appeal the decision to the Board by filing a written notice of appeal within 30 days after receiving the notice of refusal or of any other action, specifying the reasons for the appeal.

Hearing (2) On receiving a notice of appeal, the Board shall:
(a) schedule an appeal of the aggrieved person's grievance within 90 days of the notice of appeal; and
(b) give written notice to the aggrieved person of the date, time and place of the appeal.

Right to appear and make representations (3) An aggrieved person who appeals a decision of the registrar under this section is entitled to appear with counsel at the appeal and make representations to the Board.

Participation by (4) The registrar may participate in the appeal and make submissions to the Board.

registrar

**Decision
by Board**

(5) On considering an appeal under this section, the Board may make any decision the registrar could have made and shall give written notice of its decision to the registrar and aggrieved person.

**Appeal
from
decision of
Board**

22(1) An aggrieved person whose appeal was denied by the Board may appeal the decision to the Tribunal by filing a notice of appeal within 30 days after the date on which the applicant is notified of the denial.

**Powers of
Tribunal on
appeal**

(2) On hearing an appeal, the Tribunal may:

- (a) make any decision that in its opinion should have been made; or
- (b) refer the matter back to the Board for further consideration in accordance with any decision of the Tribunal.

**Costs and
fines**

23(1) The Tribunal may, in addition to or instead of dealing with the conduct of an investigated member in accordance with section 41, order that the investigated member pay to the association, within the time set by the order,

- (a) all or part of the costs of the investigation and hearing;
- (b) a fine not exceeding \$10,000.00;
- (c) both the costs under clause (a) and the fine under clause (b).

PART VI

General Provisions

Veterinary Premises

**Veterinary
Premises**

24(1) Any company offering veterinary medical services to the public must have at least one licensed veterinarian as an active member of its board of directors.

Inspectors

**Appointment
of inspector**

24(1) The association may appoint one or more inspectors for the purposes of this Act and the regulations.

Inspection of a veterinary practice	25(1) An inspector may review the operation of a veterinary practice and shall report his or her findings to the registrar on the conclusion of each inspection
Entry of premises and inspection of records	<p>26(1) For the purpose of enforcing and administering this Act, an inspector may at any reasonable time, and when requested, upon presentation of an identification card issued by the association,</p> <ul style="list-style-type: none"> (a) without a warrant, enter the office of a member and make any inspections that are reasonably required to determine compliance with this Act; (b) require the production by the member of any record that the inspector reasonably considers necessary for the purpose of enforcing this Act; (c) inspect and, upon giving a receipt, remove records or things relevant to the inspection for the purpose of making copies or extracts; and (d) remove substances and things for examination or test purposes upon giving a receipt.
Admissibility of copies	27(1) A copy of a record made under clause (1)(c) and certified to be a true copy by the inspector is, in the absence of evidence to the contrary, admissible in evidence in any proceeding or prosecution as proof of the original record and its contents.
Entry with order	<p>28(1) When a justice is satisfied by information under oath that there are reasonable grounds for believing that it is necessary for an inspector to enter a building, vehicle or other place for the enforcement of this Act and</p> <ul style="list-style-type: none"> (a) a reasonable, unsuccessful effort to effect entry without the use of force has been made; or (b) there are reasonable grounds for believing that entry would be denied without a warrant; <p>the justice may at any time, and if necessary upon application without notice, issue an order authorizing the inspector and such other persons as may be named in the order, with such peace officers as are required to assist, to enter the building or other place and to take such action as an inspector may take under subsection (1).</p>

Obstruction of inspector 29(1) No person shall obstruct an inspector or withhold from an inspector or conceal or destroy any records, documents, substances or things relevant to an audit.

SERVICE of DOCUMENTS

Service of documents 30(1) A notice, order or other document under this Act is sufficiently given or served if it is:

(a) delivered personally; or

(b) sent by registered mail, or by another service that provides the sender with proof of delivery, to the intended recipient at that person's last address appearing in the records of the association.

Deemed receipt 31(1) A notice, order or other document sent by registered mail is deemed to be given or served five days after the day it was sent.

PROTECTION FROM LIABILITY

Protection from liability 32(1) No action lies against the association, the council, the registrar, a person conducting an investigation, an inspector, a member of a committee or board established under this Act or the by-laws, or any employee, officer or person acting on the instructions of any of them for anything done by the person in good faith in the performance or intended exercise of any power under this Act or the by-laws or for any neglect or default in the performance or exercise in good faith of such a duty or power

LIMITATION PERIOD FOR MEMBERS

Limitation period for members 33(1) No member is liable in any action for negligence or malpractice by reason of professional services requested or rendered, unless the action is commenced within two years from the date when, in the matter complained of, those professional services terminated

CONFIDENTIALITY OF INFORMATION

Confidentiality of information 34(1) Every person employed, appointed or retained for the purpose of administering this Act, and every member of the council or a committee of the council, shall preserve secrecy about all information that comes to his or her knowledge in the course of his or her duties, and shall not communicate any information to any

	other person, except
	(a) to the extent the information is available to the public under this Act;
	(b) when required for the administration of this Act, including, but not limited to, the registration of members, complaints about members, allegations of members' incapacity, unfitness, incompetence or acts of professional misconduct, or the governing of the profession;
	(c) to a body that governs the practice of another profession pursuant to an Act of the Legislature, to the extent the information is required in order for that body to carry out its mandate under the Act;
	(d) to a body that governs the practice of veterinary medicine in a jurisdiction other than The Bahamas; or
	(e) to a law enforcement authority respecting possible criminal activity on the part of a member
Prosecution of offence	35(1) Any person may be a prosecutor or complainant in the prosecution of an offence under this Act, and the court hearing the prosecution may order that all or any part of a fine recovered be paid to the prosecutor towards the costs of the prosecution.
Stay of proceedings	(2) When the association is the prosecutor of an offence under this Act, it may apply for a stay of proceedings in the prosecution, and the court shall grant the stay.
Nature of costs	(3) The costs referred to in subsection (1) may include, but are not limited to, <ul style="list-style-type: none"> (a) all disbursements incurred by the association, including <ul style="list-style-type: none"> (i) fees and expenses for experts, investigators and auditors whose reports or attendances were reasonably necessary for the investigation or hearing, (ii) travel costs and reasonable expenses of any witnesses required to appear at the hearing, (iii) fees for retaining a reporter and preparing transcripts of the proceedings, (iv) costs of service of documents, long distance telephone

and facsimile charges, courier delivery charges and similar miscellaneous expenses,

(b) payments made to members of the peer review committee or investigators; and

(c) costs incurred by the association in providing counsel.

**Failure to
pay costs
and fines
by time
ordered**

(4) If the member ordered to pay a fine, costs or both under subsection (1) fails to pay within the time ordered, the Board may suspend the member's certificate of registration or license until the member has paid the fine or costs.

**Filing of
order to
pay costs**

(5) The association may file an order made under subsection (1) in the Magistrate's Court and, on the order being filed, it may be enforced in the same manner as a judgment of the court.

**Written
decision
and formal
order**

(6) Following completion of the hearing, the Tribunal shall give its decision and the reasons for it in writing, and shall also make a formal order embodying the decision.

**Decision
and order
forwarded
to registrar**

(7) The Tribunal shall forward to the registrar
(a) the decision and order given under subsection (1); and
(b) any record of the proceedings and all exhibits and documents.

**Service of
decision
and order**

(8) The registrar shall, on receiving the decision and order, serve a copy of the decision and order on the investigated member and the complainant.

PART VII

Regulations

Power to make regulations

- 36.** (1) The Board may, with the approval of the Minister make regulations generally for giving effect to the purposes and provisions of this Act and in particular, but without prejudice to the generality of the foregoing, may make regulations:
- (a) prescribing the professional qualifications and the requirements which shall be a prerequisite for registration or enrolment under this Act;
 - (b) with respect to the conduct of examinations as specified under paragraph (c) of section 4;
 - (c) prescribing the form of, and particulars to be included in, the register and the roll, the manner in which additional qualifications obtained in veterinary surgery or related subjects by a registered veterinary surgeon or enrolled animal health assistant may be added to those particulars entered in the register or the roll in relation to him, and the procedure to be followed to ensure that the particulars in the register and the roll are kept up to date;
 - (d) prescribing the forms for application for registration or enrolment and certificates of registration or enrolment;
 - (e) prescribing fees for registration or enrolment;
 - (f) prescribing the manner in which enquiries or disciplinary proceedings may be instituted before the Board, the procedure to be followed in the conduct of such enquiries or proceedings and matters incidental to or consequential on such proceedings;
 - (g) prescribing the manner of appealing to the Tribunal and as to the proceedings in any such appeal and matters incidental to or consequential on such proceedings;
 - (h) prescribing the nature of the functions of animal health assistants and the conditions under which those functions may be performed and any other matters relating to those functions;
 - (i) the management, advertising and sale of veterinary drugs
 - (j) prescribing any other matter or thing which may be, or is required by this Act to be, prescribed.
- (2) Regulations under this section may contain different provisions for veterinary surgeons and for veterinary technicians.

FIRST SCHEDULE

Board membership

1. The Board shall consist of a Chairperson, Vice-chairperson, Secretary, Assistant Secretary, Treasurer and Family Island Representative.

Tenure

2. The election of a member of the Board shall, subject to the provisions of this Schedule, be for a period not exceeding three years and such member shall be eligible for reelection.

4. If the chairman or any other member of the Board is absent or unable to act, the Board may appoint any person to act in the place of the chairman or such other member and, in making the appointment, the Board shall have regard to the provisions of paragraph 1. The members must be notified of any such appointment prior to any subsequent meeting of the Board.

5. (1) Any member of the Board, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister.

(3) Every such resignation as aforesaid shall take effect from the date of receipt by the Minister of the instrument of resignation.

6. If any vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed; and, in making such appointment, the Board shall have regard to the provisions of paragraph 1.

7. The names of all members of the Board as first constituted, and every change in the membership thereof shall be published in the Gazette.

8. The funds of the Board shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament, and such other moneys as may be lawfully paid to the Board.

9. The Board shall keep proper accounts of its receipts, payments, assets and liabilities and such accounts shall be audited annually by the Auditor General.

10. (1) The Board shall in each year prepare and submit to the Minister on or before the thirtieth day of June a report of its proceedings during the twelve months ending on the thirty-first day of March in that year, including a statement of its accounts audited in accordance with paragraph 10.

(2) The Board shall on or before the thirty-first day of October in each year submit to the Minister for approval its estimates of revenue and expenditure in respect of the period commencing on the first day of April next following and ending on the thirty-first day of March of the subsequent year.

11. (1) The seal of the Board shall be kept in the custody of the chairman or the Registrar and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the chairman, or any other member of the Board, and the Registrar.

(2) The seal of the Board shall be authenticated by the signatures of the chairman, or any other member authorized to act in that behalf, and the Registrar.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hands of the chairman, or any other member authorized in that behalf, and the Registrar.

- 12.** (1) The Board shall meet at such times as may be expedient for the transaction of its business, and such meetings shall be held in such places on such days and at such times as the Board may determine.
- (2) The chairman may at any time call a special meeting of the Board and shall call a special meeting within fourteen days of the receipt of a written requisition for that purpose addressed to him by any two members of the Board.
- (3) The chairman shall preside at all meetings of the Board at which he is present, and, in the case of the chairman's absence from the meeting, the members present and constituting a quorum shall elect one of their numbers to preside at the meeting.
- (4) A quorum of the Board shall be five.
- (5) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the chairman or other member presiding at a meeting shall have a casting vote in any case in which the voting is equal.
- (6) Minutes in the proper form of each meeting of the Board shall be kept.
- (7) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member thereof.
- 13.** (1) The Board may appoint such committees as it thinks fit, and may delegate to any committee so appointed the power and authority to carry out on its behalf such functions as the Board may determine, so, however, that no such committee shall have the power to make regulations.
- (2) The constitution of each committee shall be determined by the Board.
- (3) A committee appointed pursuant to this paragraph may include persons who are not members of the Board.
- (4) The provisions of paragraph 15 shall apply to a member of a committee who is not a member of the Board in like manner as they apply to a member of the Board.
- 14.** (1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.
- (2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Board shall be liable to the extent that it would be if the member were a servant or agent of the Board.
- 15.** There shall be paid from the funds of the Board to the chairman and other members of the Board such remuneration whether by way of honorarium, salary or fees, and such allowances, as the Minister may determine.
- 16.** The office of chairman or member of the Board shall not be a public office for the purposes of the Constitution of The Bahamas.

SECOND SCHEDULE

Peer Review Committee

- 1.** There shall be a peer review committee consisting of at least **seven** persons appointed in accordance with this Section.

Purpose of committee

2. The purpose of the peer review committee is to provide a roster of persons who may be appointed as members of the Tribunal.

Membership

3. At least six members of the peer review committee shall be members of the association appointed by the Board, and at least **one member** of the committee shall be a public representative who is not, and never has been a member of the association. **The six veterinary members will be allowed to serve on the review committee for no more than consecutive 12-month period at a time. There will be no more than one veterinarian from an established veterinary practice or industry on the board at any given time. Veterinary members of Peer Review Committee will be randomly selected from all registered and licensed veterinarians in the Bahamas.**

Public representatives

4. The public **representative** of the peer review committee shall be appointed by the Board, with the approval of the Minister, for a one-year term. **The appointed public representative must be an upstanding member of the community from a parallel profession.**

Appointment of successor

5. The public representative **will** hold office **for 1 year, after which a new public representative will be appointed.**

Chairperson

6. The Board shall appoint one member of the peer review committee to be chairperson of the committee.

Tribunal

7. The peer review Chairperson shall from time to time, from among the members of the peer review committee, appoint a Tribunal consisting of at least three members, and shall name one of them as chairperson.

Public representative

8. One of the members of the Tribunal shall be a public representative.

2. The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for such period not exceeding **1 year** as the Minister may determine and shall **not** be eligible for reappointment **until 1 year from the completion of time served on the committee.**

3. The Minister may appoint any person to act in the place of the chairman or any other member of the Tribunal in the case of the absence or inability to act of the chairman or other member.

4. (1) Any member of the peer review committee other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by

the Minister of such instrument that member shall cease to be a member of the Tribunal.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.

5. The Minister may at any time revoke the appointment of any member of the Tribunal if he thinks it expedient so to do.

6. If any vacancy occurs in the membership of the peer review committee such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

7. The names of all members of the peer review committee as first constituted and every change in the membership thereof shall be published in the Gazette.

8. There shall be paid to the chairman and other members of the peer review committee such remuneration whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

9. The decision of the Tribunal shall be by a majority of votes of the members and in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal.

10. Subject to the provisions of this Act, the Tribunal may regulate its own proceedings.

11. The office of chairman or member of the Tribunal shall not be a public office for the purposes of Chapter of the Constitution of The Bahamas.