The Veterinarians Act, 1987

being

Chapter V-5.1 of the *Statutes of Saskatchewan, 1986-87-88* (effective January 1, 1988) as amended by the *Statutes of Saskatchewan*, 1989-90, c.15; 1991, c.T-1.1; 1993, c.P-6.2 and c.17; 2004, c.L-16.1; 2006, c.36; 2009, c.T-23.01; 2010, c.B-12; 2014, c.E-13.1; and 2015, c.21.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER V-5.1

An Act respecting Veterinarians

SHORT TITLE

Short title

1 This Act may be cited as *The Veterinarians Act, 1987*.

INTERPRETATION

Interpretation

2 In this Act:

(a) **"animal"** means a living creature as distinct from a human being and includes the unborn of any animal;

(b) **Repealed.** 2006, c.36, s.3;

(c) **"association"** means the Saskatchewan Veterinary Medical Association continued pursuant to section 3;

(d) **"council"** means the council of the association;

(e) **"court"** means Her Majesty's Court of Queens Bench for Saskatchewan;

(f) **"member"** means:

(i) a registered member of the association; and

(ii) for the purposes of sections 19 to 32.1 includes:

(A) a person who is a member of the association at the time that any complaint pursuant to this Act is instituted against that person;

(B) a person:

(I) who, at the time of the occurrence of the matter complained of, was a member of the association; and

(II) who, on the date that any professional conduct committee or professional discipline committee proceeding is instituted against that person, was a member of the association within two years before the date the proceeding was instituted; or

(C) a student;

(g) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(h) **"registered"** means registered in accordance with this Act and the bylaws;

(i) **"registrar"** means the registrar or the registrar-secretary-treasurer appointed pursuant to section 10;

(j) **"secretary-treasurer"** means the secretary-treasurer or registrar-secretary-treasurer appointed pursuant to section 10;

(k) **"student"** means an individual whose name is recorded as a student of the association in the register;

(l) **"veterinary medicine"** means that branch of knowledge relating to the prevention, diagnosis and treatment of the diseases of and injuries to animals, and includes:

(i) diagnosing, advising or prescribing a drug, medical appliance or application or treatment of whatever nature for the prevention or treatment of a bodily injury or disease of animals;

(ii) administering a drug, medicine, appliance or other application or treatment of whatever nature for the prevention or treatment of bodily injury or disease of animals except where the drug, medicine, appliance or application or treatment is administered by some other person at the direction and under the direct supervision of a member;

(iii) performing a surgical operation on an animal;

(iv) the management of estrus synchronization, superovulation and the collection, evaluation and processing of embryos;

(v) performing any manual procedures for the diagnosis of pregnancy, sterility or infertility on animals;

(vi) certifying the cause of death of an animal;

(m) **"veterinary technologist"** means a person:

(i) who holds a certificate or document indicating that he or she has completed a course of formal study or training approved by the association;

(ii) whose name has been entered by the registrar on the current register of veterinary technologists; and

(iii) who, under the direction or supervision of a member named by the association, is permitted to perform the technical procedures set out in the bylaws of the association.

1986-87-88, c.V-5.1, s.2; 2006, c.36, s.3.

ASSOCIATION

Association continued

3 The Saskatchewan Veterinary Medical Association is continued as a body corporate under the name of the "Saskatchewan Veterinary Medical Association".

1986-87-88, c.V-5.1, s.3.

Membership

4 The membership of the association consists of those persons who are members in good standing pursuant to *The Veterinarians Act* on the day before this section comes into force and those persons who become members pursuant to this Act.

1986-87-88, c.V-5.1, s.4.

Powers

5(1) The association may acquire, hold, mortgage, lease, sell or dispose of any property.

(2) All fees, fines and penalties receivable or recoverable pursuant to this Act are the property of the association.

(3) The association may invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act, 2009* and may sell or otherwise dispose of those investments and may reinvest the proceeds in similar investments.

(4) The association may grant certificates, diplomas or annual licences to members.

1986-87-88, c.V-5.1, s.5; 2009, c.T-23.01, s.64.

Meetings

6(1) An annual meeting of the association is to be held at that time and place that is determined by the council in accordance with the bylaws for the transaction of the business that may be brought before the meeting.

(2) The procedure at an annual meeting is to conform to the procedures determined by bylaw.

(3) A special meeting of the association is to be held:

(a) on resolution of the council; or

(b) on the demand, in writing, of at least 25 members;

for the transaction of the business that is specified in the resolution or demand.

(4) The registrar shall give notice of an annual or special meeting to each member by ordinary mail sent at least 10 days before the meeting.

1986-87-88, c.V-5.1, s.6.

COUNCIL

Council

7(1) The council shall control, manage and regulate the affairs of the association.

(2) The council consists of:

(a) that number of members determined by the bylaws, which shall be not less than six nor more than 20, elected by the members in accordance with this Act and the bylaws; and

(b) the person appointed pursuant to section 8.

(3) No member is eligible to be elected as a member of the council unless:

(a) he or she is a resident of Saskatchewan; or

(b) he or she:

(i) holds a valid general practice licence issued by the association; and

(ii) is engaged in the practice of veterinary medicine in Saskatchewan.

(4) Those persons who are members of the council of the Saskatchewan Veterinary Medical Association pursuant to *The Veterinarians Act* on the day before the day this section comes into force constitute the council until persons are elected and appointed as members of the council pursuant to this Act.

(5) Members of the council are entitled to remuneration and reimbursement for expenses in the amount determined in the bylaws.

(6) Each member of the council mentioned in clause (2)(a) holds office for the term determined in the bylaws, or until his successor is elected.

1986-87-88, c.V-5.1, s.7; 2006, c.36, s.4.

Certain appointment

8(1) The Lieutenant Governor in Council may appoint a person who is a resident of Saskatchewan as a member of the council.

(2) Subject to subsection (3), the person appointed pursuant to this section holds office for a term of two years and until his successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.

(3) The person appointed pursuant to this section ceases to hold office if he ceases to be a resident of Saskatchewan.

(4) The member of the council appointed pursuant to this section may exercise rights, hold office and serve as a member of committees to the same extent as other members of the council, but is ineligible to hold office as president or vice-president of the council.

(5) The person appointed pursuant to this section is entitled to remuneration and reimbursement for expenses in the amount determined by the Lieutenant Governor in Council.

(6) Sums required for the purposes of subsection (5) are to be paid out of moneys appropriated by the Legislature for the purpose.

1986-87-88, c.V-5.1, s.8.

Vacancy

9(1) When a vacancy occurs in the membership of the council as a result of the death or resignation of a member of the council or for any other reason:

(a) in the case of a member of the council mentioned in clause 7(2)(a), the remaining members of the council may appoint another member to fill the vacancy until the next annual meeting of the association;

(b) in the case of a member of the council appointed pursuant to section 8, the Lieutenant Governor in Council may appoint another person to fill the vacancy for the remainder of the unexpired term of the person being replaced.

(2) A vacancy in the membership of the council does not impair the power of the remaining members of the council to act.

1986-87-88, c.V-5.1, s.9.

Officers and employees

10(1) Subject to subsection 8(4), the council shall, from its members, elect a president and one or more vice-presidents.

(2) The council:

(a) shall appoint:

(i) a registrar and secretary-treasurer; or

(ii) a registrar-secretary-treasurer; and

(b) may:

(i) appoint any other officers that may be provided for by the bylaws; and

(ii) engage any employees that it considers necessary to carry out the duties and functions of the association.

(3) The council shall, subject to the bylaws, determine the duties, responsibilities and remuneration of officers and employees of the association.

1986-87-88, c.V-5.1, s.10.

Committees

11(1) The council may establish any committees that are provided for by the bylaws or that it considers necessary.

(2) The council shall appoint members to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).

(3) The council shall determine the remuneration to be paid to committee members.

(4) The council may delegate to a committee that is:

(a) provided for by this Act or the bylaws; or

(b) established pursuant to subsection (1);

any of its powers or duties, other than those set out in section 27, on those terms or conditions that the council may determine.

(5) Subject to subsections 19(1) and 21(1), a member of a committee appointed pursuant to subsection (1) may be a person who is not a member.

(6) Subject to this Act and the bylaws, a committee may establish its own procedures.

1986-87-88, c.V-5.1, s.11.

BYLAWS

Procedure

12(1) The council may, with the approval of not less than three quarters of its members, pass bylaws for any purpose set out in section 13.

(2) A bylaw made by the council pursuant to subsection (1) has force and effect only until the next annual or special meeting of the association and, unless confirmed or varied by the members in accordance with subsection (3), ceases to have any force or effect.

(3) With the approval of a majority of those members who vote at an annual or special meeting, the association may make bylaws for any purpose set out in section 13 and confirm, vary or revoke any bylaw made by the council pursuant to subsection (1).

(4) The variation or revocation of a bylaw pursuant to subsection (3) does not affect the operation or application of the bylaw prior to its revocation or variation and everything done, omitted to be done or authorized pursuant to the bylaw is valid and effectual against all persons notwithstanding the revocation or variation, unless otherwise directed by a majority of members who vote.

(5) The registrar shall notify each member, by ordinary mail, of each bylaw:

(a) passed pursuant to subsection (1) or (3); or

(b) confirmed, varied or revoked pursuant to subsection (3);

within 30 days of its passage, confirmation, variation or revocation, as the case may be.

(6) Bylaws made or continued pursuant to *The Veterinarians Act* continue in force until varied or revoked pursuant to this section.

(7) As between members, the ruling of the council on the construction and interpretation of the bylaws is final.

1986-87-88, c.V-5.1, s.12.

Bylaws

13(1) Subject to this Act, bylaws made pursuant to section 12 may be made for the following purposes:

(a) prescribing the seal of the association;

(b) providing for the execution of documents by the association;

(c) respecting banking and financial dealings of the association;

(d) governing the application of moneys forming the funds of the association;

(e) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;

(f) respecting the management of the property of the association;

(g) prescribing the number and the terms of office of members of the council mentioned in clause 7(2)(a);

(h) prescribing the duties of members of the council and officers and employees of the association;

(i) prescribing remuneration and reimbursement for expenses for members of the council other than the member appointed pursuant to section 8;

(j) governing procedures for the election of members of the council mentioned in clause 7(2)(a);

(k) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;

(l) respecting the calling, holding and procedures of meetings of the council and annual or special meetings of the association;

(m) respecting the granting of membership certificates and temporary membership certificates;

(n) prescribing the qualifications, standards and tests of competency and moral character for the registration of members and students;

(o) providing for and prescribing the terms and conditions of honourary membership and life membership in the association;

(p) prescribing the amounts of registration and other fees payable to the association, the times of payment and the penalties for late payment;

(q) providing for the receipt, management and investment of contributions, donations or bequests from members or other persons;

(r) establishing and governing scholarships, bursaries and prizes;

(s) providing for a code of professional ethics;

(t) instituting and providing means for increasing the knowledge and skill of the members and for maintaining a high standard of professional ethics;

(u) setting standards of professional conduct, competency and proficiency of members and students;

(v) defining unprofessional conduct;

(w) setting standards regarding the manner and method of practice of members and students;

(x) defining practice standards for the purposes of clause (w), including standards of equipment and facilities;

(y) prescribing procedures for the investigation by members of methods of practice of members including a program of practice inspection, subject to the conditions prescribed in (2);

(z) prescribing procedures for the investigation by the professional conduct committee and hearings by the discipline committee of complaints or allegations that a member or student is guilty of professional misconduct or a breach of this Act or the bylaws;

(z) prescribing procedures for the investigation of complaints by the professional conduct committee;

(z.1) prescribing procedures for hearings of formal complaints by the discipline committee;

(aa) prescribing the composition of the professional conduct committee and the discipline committee;

(bb) governing the reinstatement of a member or student who has been expelled;

(cc) prescribing the services that may be performed by veterinary technologists or veterinary students or both;

(dd) providing for the adequate supervision, government, control and discipline of veterinary technologists to ensure protection of the public, and establishing a current register of animal health technicians;

(ee) prescribing the minimum level of professional liability insurance, in an amount that reflects the needs of the public and the nature of the practice of members providing services to the public on a fee for service basis;

(ff) regulating advertising by members;

(gg) prescribing the form, content and maintenance of the register and the information to be provided by members and students for the purposes of the register;

(hh) regulating joint participation by the association, the council or members with any educational institution, or any person, group, association, organization or body corporate having goals or objects similar to those of the association;

(ii) establishing any committees that the council considers necessary;

(jj) generally, for the better carrying out of the provisions of this Act.

(2) For the purposes of clause (1)(y):

(a) no member engaged in the practice of veterinary medicine, serving the public on a fee for service basis, is exempt from practice inspection;

(b) practice inspections are to be performed on a rotational basis so that members are not inspected again until all other members engaged in public practice have been inspected unless the member is subject to reasonable follow-up inspection as a result of issues identified in practice inspection;

(c) the cost of practice inspection is to be borne by a separate association assessment of all members subject to practice inspection.

1986-87-88, c.V-5.1, s.13; 2006, c.36, s.5.

Members and students

14(1) The council may, in accordance with the bylaws, register persons as:

(a) members; or

(b) students;

as the case may be.

(2) The council may admit any person to the association as an honourary member of the association or life member of the association.

(3) Each member has the right to use the designation "Veterinarian" and may use after his name the initials "DVM".

1986-87-88, c.V-5.1, s.14.

Duty to comply

15 Members and students shall comply with the provisions of this Act and the bylaws.

1986-87-88, c.V-5.1, s.15.

Registers

16(1) The council shall, in accordance with the bylaws, cause a register of all members and students to be kept.

(2) The register mentioned in subsection (1) is to be kept open for inspection by all persons, without fee, during normal office hours of the association.

(3) The following documents are admissible in evidence as proof, in the absence of evidence to the contrary, of their contents without proof of the registrar's appointment or signature:

(a) a certificate purporting to be signed by the registrar and stating that:

(i) a named person was or was not, on a specified day or during a specified period, a member according to the register; or

(ii) a named person was or was not, on a specified day or during a specified period, suspended according to the register;

(b) an extract from the register that is certified by the registrar.

(4) **Repealed.** 2006, c.36, s.6.

(5) The council shall, in accordance with the bylaws, cause a register of veterinary technologists to be kept.

1986-87-88, c.V-5.1, s.16; 2006, c.36, s.6.

PROHIBITION

Prohibition

17(1) Subject to the other provisions of this Act, no person other than a member shall engage, with or without hope of reward, in the practice of veterinary medicine.

(2) Subsection (1) does not apply to:

(a) the furnishing without remuneration of first aid to an animal in an emergency;

(b) the administration of medication to an animal:

(i) by its owner, lessee or bailee;

(ii) with the consent of the owner, lessee or bailee; or

(iii) by the agent, an employee or a member of the household of the owner, lessee or bailee;

(c) caponizing and the taking of poultry blood samples;

(d) the study, prevention and treatment of fish diseases;

(e) the technical performance of artificial insemination;

(f) the non-surgical implantation of an embryo or embryos;

(g) the castration of horses, goats, calves, pigs and lambs, the dehorning of cattle, the docking of lambs and pigs, ear notching and hoof trimming;

(h) a person who is using an animal in research at a university, if the research is carried out using acceptable veterinary procedures and the use of the animal has been approved by an appropriate animal care committee of which at least one member is a registered veterinarian.

(3) Notwithstanding any other provision of this Act, a person who is a lawfully qualified veterinarian pursuant to the laws of a jurisdiction outside Saskatchewan similar to this Act may meet inside Saskatchewan with a member for the purpose of consulting with that member.

(4) No person, other than a member shall:

(a) use the word "veterinarian" or "veterinary" in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that he is a member; or

(b) represent or hold out, expressly or by implication, that he is:

(i) entitled to engage in the practice of veterinary medicine; or

(ii) a member.

(4.1) Clause (4)(a) does not prohibit a veterinary technologist from using the title veterinary technologist.

(5) No member shall hold himself out as a specialist or as being specially qualified in any particular field or specialty of veterinary medicine unless he has:

(a) complied with the bylaws; and

(b) been approved as a specialist or as being specially qualified by the council.

1986-87-88, c.V-5.1, s.17; 2006, c.36, s.7.

Veterinarians employed in public service

18 No person other than a member is eligible to be appointed as a veterinarian in any branch of the public service of Saskatchewan.

1986-87-88, c.V-5.1, s.18.

DISCIPLINE

Professional conduct committee

19(1) The professional conduct committee is established consisting of at least three members appointed by the council.

(2) No member of council and no member of the discipline committee is eligible to be appointed as a member of the professional conduct committee.

(3) Three members of the professional conduct committee constitute a quorum.

1986-87-88, c.V-5.1, s.19.

Investigation

20(1) If any person makes a written complaint that a member is guilty of professional misconduct or professional incompetence, the professional conduct committee shall review the complaint.

(2) The professional conduct committee may investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint and any other member who may have information relevant to the investigation.

(2.1) If the professional conduct committee is of the opinion that, on the basis of the allegations or the nature of the case, a member should be suspended from the association or a member should be prohibited from performing any practice or procedure pending the outcome of an investigation or hearing, it may, with the prior approval of the council, apply to the court for an order:

(a) suspending from the association the member whose conduct is the subject of an investigation or against whom a formal complaint has been made; or

(b) temporarily prohibiting the member described in clause (a) from performing any specified practice or procedure.

(2.2) An order made pursuant to subsection (2.1) shall not extend past the earliest of the following:

(a) 90 days after the date of the order;

(b) the date of the written report of the professional conduct committee made pursuant to clause (3)(b);

(c) if the discipline committee finds that a member is not guilty of professional misconduct or professional incompetence, the day of its decision;

(d) if the discipline committee finds that a member is guilty of professional misconduct or professional incompetence, the day that an order is made pursuant to section 23.

(2.3) The professional conduct committee may apply to the court for an extension of an order made pursuant to subsection (2.1).

(3) On completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending that:

(a) the discipline committee hear and determine the formal complaint set out in the written report; or

(b) no further action be taken with respect to the matter under investigation.

(3.1) The formal complaint set out in a written report made pursuant to clause (3)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or the investigation conducted pursuant to subsection (2).

(4) A report signed by a majority of the professional conduct committee is a decision of the committee.

(5) The professional conduct committee shall provide, or cause the registrar to provide, a copy of a written report made pursuant to clause (3)(b) to:

(a) the council;

(b) the complainant, if any; and

(c) the member whose conduct is the subject of the complaint mentioned in subsection (1).

(5.1) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue a writ of *subpoena ad testificandum* or *subpoena duces tecum* to all or any of the following:

(a) a member whose conduct is the subject of a hearing pursuant to this Act;

(b) a member of the professional conduct committee;

(c) a member of the discipline committee.

(5.2) If a writ issued pursuant to subsection (5.1) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.

(6) **Repealed.** 2006, c.36, s.8.

1986-87-88, c.V-5.1, s.20; 2006, c.36, s.8.

Discipline committee

21(1) The discipline committee is established consisting of at least three persons appointed by the council, a majority of whom shall be members.

(2) No member of council and no member of the professional conduct committee is eligible to be appointed as a member of the discipline committee.

(3) No member of the discipline committee who was a member of the professional conduct committee which investigated a complaint against a member shall participate in a hearing by the discipline committee of the formal complaint.

(4) Three members of the discipline committee constitute a quorum.

1986-87-88, c.V-5.1, s.21; 2006, c.36, s.9.

Discipline hearing

22(1) If a report of the professional conduct committee recommends that the discipline committee hear and determine a formal complaint, the registrar shall, at least 14 days before the date the discipline committee is to sit:

(a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and

(b) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.

(2) The professional conduct committee shall prosecute or direct the prosecution of the formal complaint, but its members shall not participate in any other manner in the hearing of the formal complaint, except as witnesses when required.

(3) The discipline committee shall hear the formal complaint and shall decide whether or not the member is guilty of professional misconduct or professional incompetence, notwithstanding the fact that the existence, interpretation or construction of a contract or the determination of any other question of fact may be involved, and the discipline committee need not refer any such matter to a court for adjudication.

(4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.

(5) The discipline committee may employ, at the expense of the association, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing may at his own expense be represented by counsel.

(6) The testimony of witnesses is to be under oath administered by the chairperson of the committee.

(7) At a hearing by the discipline committee, there is to be full right to examine, cross-examine and re-examine all witnesses and full right to adduce evidence in defence and reply.

(8) **Repealed.** 2006, c.36, s.10.

(9) Where the member whose conduct is the subject of the inquiry fails to attend the hearing, the discipline committee may, on proof of service of the notice mentioned in subsection (1), proceed with the inquiry in his absence.

(10) The discipline committee may, either in the absence of the member whose conduct is the subject of the complaint or with his consent, accept evidence on affidavit.

1986-87-88, c.V-5.1, s.22; 2006, c.36, s.10; 2015, c.21, s.64.

Disciplinary powers

23(1) If the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may:

(a) order that the member be expelled from the association and that his name be struck from the register;

(b) order that the member be suspended from the association for a specified period of time;

(c) order that the member may continue to practise only under conditions specified in the order which may include, but are not restricted to, an order that the member:

(i) not do specified types of work;

(ii) successfully complete specified classes or courses of instruction;

(iii) obtain medical treatment;

(d) reprimand the member; or

(e) make any other order that to it seems just.

(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

(a) that the member pay to the association, within a fixed period:

(i) a fine in a specified amount not exceeding $10,000; and

(ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and the costs of legal services and witnesses; and

(b) if a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended.

(3) The discipline committee shall send a copy of an order made pursuant to subsection (1) or (2) to the council, to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.

(4) Where a member is expelled or suspended from the association, the registrar shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

1986-87-88, c.V-5.1, s.23; 2006, c.36, s.11.

Criminal conviction

23.1 The discipline committee may make any order pursuant to section 23, if:

(a) the member has been convicted of an offence pursuant to the *Criminal Code* or the *Controlled Drugs and Substances Act* (Canada);

(b) a report of the professional conduct committee is made to the discipline committee respecting the conviction mentioned in clause (a);

(c) the discipline committee has given the member mentioned in clause (a) an opportunity to be heard; and

(d) the discipline committee finds that the conduct of the member giving rise to the conviction is professional misconduct.

2006, c.36, s.12.

Professional incompetence

24 Professional incompetence is a question of fact, but the display by a member of a lack of knowledge, skill or judgment or a disregard for the welfare of a member of the public served by the profession of a nature or to an extent that demonstrates that the member is unfit to:

(a) continue in the practice of the profession; or

(b) provide one or more services ordinarily provided as a part of the practice of the profession;

is professional incompetence within the meaning of this Act.

2006, c.36, s.13.

Professional misconduct

24.1 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

(a) it is harmful to the best interests of the public or the members;

(b) it tends to harm the standing of the profession;

(c) it is a breach of this Act or the bylaws; or

(d) it is a failure to comply with an order of the discipline committee or the council.

2006, c.36, s.13.

Suspension

25 A judge of the court, on the application of the council, may direct that a member be suspended from the association pending the disposition of a criminal charge if:

(a) a criminal charge is laid against the member; and

(b) the member has applied to the court for a stay of any disciplinary proceedings against the member.

2006, c.36, s.14.

26 Repealed. 2006, c.36, s.15.

27 Repealed. 2006, c.36, s.16.

Appeal to court

28(1) A member who is aggrieved by any decision or order of the discipline committee made pursuant to section 22, 23 or 23.1 may appeal that decision or order within 30 days after the decision or order to a judge of the court by serving the registrar with a copy of the notice of appeal and filing a copy of the notice of appeal with a local registrar of the court.

(2) On receipt of a notice of appeal, the registrar shall file with the local registrar a true copy of:

(a) the notice of inquiry;

(b) the transcript of the evidence presented to the discipline committee;

(c) the decision and order of the discipline committee.

(3) The appellant or his solicitor or agent may obtain from the registrar a copy of the documents filed pursuant to subsection (2) on payment of the costs of producing them.

(4) **Repealed.** 2006, c.36, s.17.

(5) In hearing an appeal, the judge shall:

(a) dismiss the appeal;

(b) quash the finding of guilty;

(c) direct a new hearing or further inquiries by the discipline committee; or

(d) vary the order of the discipline committee;

and may make any order as to costs that he considers appropriate.

1986-87-88, c.V-5.1, s.28; 2006, c.36, s.17.

Effect of appeal

29 Unless otherwise ordered by a judge of the court, the commencement of an appeal pursuant to section 28 stays the effect of an order or decision of the discipline committee pending the disposition of the appeal.

1986-87-88, c.V-5.1, s.29; 2006, c.36, s.18.

30 Repealed. 2006, c.36, s.19.

Effect of expulsion

31 Where a member is expelled or suspended from the association pursuant to this Act, his rights and privileges as a member are removed for the period during which he is expelled or suspended.

1986-87-88, c.V-5.1, s.31.

Reinstatement

32(1) A person who has been expelled as a member or student may apply to the council for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the council shall:

(a) review the application; and

(b) investigate the application by taking any steps it considers necessary.

(3) On the completion of its investigation, the council may:

(a) where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that he be reinstated as a member or student, as the case may be, on any terms and conditions that the council considers appropriate; or

(b) refuse to reinstate the person.

(4) A decision of the majority of the members of the council is a decision of the council.

(5) Where, on an application pursuant to subsection (1), the council refuses to reinstate the person as a member or student, the applicant may, within six months after the date of the order, appeal the order of council to a judge of the court and the judge may allow or disallow the appeal.

(6) On an appeal pursuant to subsection (5), the judge shall consider:

(a) the proceedings before the council on the application for reinstatement;

(b) the past record of the appellant as shown by the books and records of the association;

(c) the evidence taken before the council and any committee which dealt with the matter and the report of the committee.

1986-87-88, c.V-5.1, s.32; 1989-90, c.15, s.3.

Enforcement of payment of fines and costs

32.1(1) If a member fails to pay any fines or costs ordered pursuant to clause 23(2)(a), the registrar may file a statement certifying the amount of the fine or costs with a local registrar of the court.

(2) A statement filed pursuant to subsection (1) may be enforced as a judgment of the court.

2006, c.36, s.20.

No action against committees or members

33 No action lies against:

(a) the association;

(b) the council;

(c) the discipline committee;

(d) the professional conduct committee;

(e) a member of the council or discipline committee or professional conduct committee; or

(f) an officer of the association;

for any proceedings taken in good faith or orders made or enforced pursuant to the provisions of this Act or the bylaws.

1986-87-88, c.V-5.1, s.33.

GENERAL

Courses

34 No person shall conduct any course in veterinary medicine without the written authorization of The University of Saskatchewan, and The University of Saskatchewan shall not issue an authorization until it is satisfied that:

(a) requirements of admission; and

(b) courses of study and instruction;

are at least equal in standard to those required by the university.

1986-87-88, c.V-5.1, s.34.

35 Repealed. 2004, c.L-16.1, s.86.

Lien

36(1) In this section:

(a) **"purchase-money security interest"** means a purchase-money security interest as defined in *The Personal Property Security Act, 1993*;

(b) **"security interest"** means a security interest as defined in *The Personal Property Security Act, 1993*.

(2) Every member:

(a) has a lien on any animal in his possession for the price of food, care, attendance, accommodation, treatment, medicine or professional services furnished by him for that animal; and

(b) in addition to any other remedy provided by law, may detain in his custody and sell, subject to this section, the animal of any person who is indebted to him for feeding, sheltering, housing, confining, boarding, treating or caring for an animal mentioned in clause (a).

(3) Notwithstanding *The Personal Property Security Act, 1993*, the lien pursuant to subsection (2) has priority over and is not subject to any existing lien, security interest, purchase-money security interest or any other charge or encumbrance affecting that animal.

(4) Every member shall, while he has custody of an animal, supply the animal with wholesome sustenance, shelter and care.

(5) Every member who exercises the right of detention pursuant to subsection (2) shall keep in his possession and be responsible for the proper care of the animal detained by him for the period of detention.

(6) Where an animal is not reclaimed within 14 days, the member may offer the animal for sale to reclaim costs with respect to the lien and the detention.

(7) Where a member intends to offer an animal for sale pursuant to subsection (6), he shall post a notice of the sale for at least seven consecutive days prior to the sale:

(a) at the premises where the sale is to be held; and

(b) in two other conspicuous places within the area where the animal is detained.

(8) The notice mentioned in subsection (7) shall state:

(a) the name of the owner of the animal;

(b) the amount for which a lien is claimed;

(c) a description of the animal;

(d) the name of the member; and

(e) the location of the premises where the animal will be offered for sale.

(9) The member shall send each of the following a copy of the notice of sale, at least seven days before the sale, by personal service or registered mail:

(a) the person liable as debtor for the charges for which the lien exists;

(b) the owner of the animal;

(c) any other person known by the member to have a claim or interest in the animal;

(d) any person or organization according to the record maintained by the Registrar of Personal Property Security Registry Office who is shown to have an interest in the animal.

(10) The member shall apply the proceeds derived from the sale mentioned in subsection (6) in priority of payment:

(a) first to the expenses incurred in connection with the detention, advertising and sale of the detained animal; and

(b) second to the debt for which the detention was made.

(11) Any funds remaining after payments are made pursuant to subsection (10) shall be paid to the owner of the animal.

(12) Where the owner's whereabouts are unknown, the member shall remit the funds mentioned in subsection (11) to the secretary of the municipality in which the animal was sold and, where the funds are not claimed by the owner within 12 months after the remittance, those funds become part of the general funds of the municipality and the owner has no right or claim to them.

(13) The member shall provide:

(a) to the owner; or

(b) where the owner's whereabouts are unknown, to the secretary of the municipality where the animal was sold;

a statement showing the disposition of the proceeds from the sale of the animal.

(14) An owner of an animal may reclaim his animal at any time before the sale by paying his indebtedness with respect to the lien and the detention and sale costs.

(15) Every member shall keep a copy of this section conspicuously posted or readily available at the premises owned or operated by him.

(16) Where the animal is not sold at the sale mentioned in subsection (7) the member may destroy or otherwise dispose of the animal without further notice to the owner of the animal.

1986-87-88, c.V-5.1, s.36; 1993, c.P-6.2, s.75; 1993, c.17, s.27; 2006, c.36, s.21.

Offence

37(1) Every person who contravenes any provision of this Act is guilty of an offence and liable on summary conviction to a fine of:

(a) in the case of a first offence, not more than $2,000; and

(b) in the case of a second or subsequent offence, not more than $5,000.

(2) No prosecution for a contravention of a provision of this Act is to be commenced:

(a) after the expiration of 24 months from the date of the alleged offence; and

(b) without the consent of the Minister of Justice or the council.

2006, c.36, s.22.

Return

38 The registrar shall, when required by the Lieutenant Governor in Council to do so, transmit to the Minister of Justice a certified return under the seal of the association setting forth all the information and particulars relating to the association that may be required.

1986-87-88, c.V-5.1, s.38; 1991, c.T-1.1, s.48.

Filing of bylaws

39(1) The association shall file with the Director of Corporations two copies, certified by the registrar to be true copies, of:

(a) all bylaws made, confirmed or varied pursuant to this Act;

(b) all amendments made to those bylaws;

within 30 days after they are made, confirmed or varied.

(2) Where the association adopts a code of ethics governing its members, and subscription to or observance of that code is a condition of membership, the code of ethics is, for the purposes of this section and sections 41 to 43, deemed to be a bylaw made pursuant to this Act.

(3) Where a bylaw is amended, the association shall file two copies of it with the amendment.

1986-87-88, c.V-5.1, s.39; 1991, c.T-1.1, s.48;
2010, c.B-12, s.67.

Effective date of bylaws

40 All bylaws and amendments to them shall take effect on the making of them or on a date stated in them for the purpose.

1986-87-88, c.V-5.1, s.40.

Effect of failure to file bylaw

41 Failure to file any bylaw or amendment as required by section 39 renders the bylaw or amendment ineffective from the expiration of the time allowed for filing it and it is deemed to have been revoked.

1986-87-88, c.V-5.1, s.41.

Review by Assembly

42(1) One copy of each bylaw and amendment filed pursuant to section 38 is to be laid before the Assembly by the minister responsible for the administration of *The Business Corporations Act* in accordance with section 13 of *The Executive Government Administration Act*.

(2) Where a bylaw or amendment laid before the Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, the bylaw or amendment ceases to have effect and is deemed to have been revoked.

1991, c.T-1.1, s.48; 2010, c.B-12, s.67; 2014, c.E-13.1, s.62.

Record or revocation and notification

43(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Assembly shall immediately forward two copies of the Votes and Proceedings to the Director of Corporations and at the same time advise him that the copies are forwarded pursuant to this subsection.

(2) On receipt of the copies mentioned in subsection (1), the Director of Corporations shall file one of the copies with the bylaw or amendment to which it relates and immediately forward the other copy to the institute and at the same time advise the association that the copy is forwarded pursuant to this subsection.

1986-87-88, c.V-5.1, s.43; 1991, c.T-1.1, s.48; 2010, c.B-12, s.67.

Filing of lists of members

44(1) The association shall, before February 1 in each year, file with the Director of Corporations a return, certified by the registrar to be correct, showing:

(a) the name, address and date of admission to membership of each person who became a member during the preceding year;

(b) the name of each person whose name was struck from the register or who was suspended or otherwise ceased to be a member in good standing during that year;

(c) the name of each person whose name was restored to the register during that year.

(2) Subsection (1) applies *mutatis mutandis* to each person whose name appears in the register as a student or as a temporary registrant.

1986-87-88, c.V-5.1, s.44; 1991, c.T-1.1, s.48; 2010, c.B-12, s.67.

Additions to and alterations on list

45 On receipt of the return required by section 44, the Director of Corporations shall cause the list of members on file in his or her records to be amended by the addition or insertion of appropriate entries in accordance with the information contained in the return.

1986-87-88, c.V-5.1, s.45; 1991, c.T-1.1, s.48; 2010, c.B-12, s.67.

Report where application for admission refused

46 Where an application for reinstatement of registration or for registration is made in compliance with this Act and the regulations and is refused, the association shall, within seven days after the date of the refusal, cause to be delivered to the minister a report stating the circumstances and reasons for the refusal.

1986-87-88, c.V-5.1, s.46.

Service

47(1) Any notice or other document that is required to be served pursuant to this Act may, unless otherwise provided for in this Act, be served by:

(a) personal service made:

(i) in the case of an individual, on that individual;

(ii) in the case of a partnership, on any partner; or

(iii) in the case of a corporation, on any officer or director;

(b) registered mail addressed to the last business or residential address of the person to be served known to the registrar.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of his own, he did not receive the notice or document or that he received it at a later date.

1986-87-88, c.V-5.1, s.47.

REPEAL AND COMING INTO FORCE

R.S.S. 1978, c.V-5 repealed

48 *The Veterinarians Act* is repealed.

1986-87-88, c.V-5.1, s.48.

Coming into force

49 This Act comes into force on a day to be fixed by proclamation of the Lieutenant Governor.

1986-87-88, c.V-5.1, s.49.

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