REGISTRATION OF FACILITIES [PRIVATE PRACTICES]

The South African Veterinary Council (SAVC) recently experienced a flood of applications for registration of facilities mainly due to the requirement in terms of the Medicines and Related Substances Act, Act no 101 of 1965 that a veterinarian must have a practice number to enable him/her to prescribe and/or procure medicines. A large number of veterinarians contacted the administration with a concern that they were unable to order medicines as they did not have practice numbers.

All facilities from which veterinary services are rendered must be registered with the SAVC.

A number of the facility registration applications referred to above were submitted by state veterinarians who wished to register private practices, in addition to their employment as state veterinarians. It was pertinently brought to the SAVC’s attention that the basic principles to allow such work outside the scope of a public servant’s scope of employment are set out in the Public Services Act, 1994, as follows:

1. Section 30 of the Public Services Act, 1994 (the Act) provides as follows: (the highlighted parts are the relevant parts)

"Other remunerative work by employees

(1) No employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the relevant department, except with the written permission of the executive authority of the department.

(2) For the purposes of subsection (1) the executive authority shall at least take into account whether or not the outside work could reasonably be expected to interfere with or impede the effective or efficient performance of the employee’s functions in the department or constitute a contravention of the code of conduct contemplated in section 41 (1) (b) (v).

(3) (a) The executive authority shall decide whether or not to grant permission, contemplated in subsection (1), within 30 days after the receipt of the request from the employee in question."
(b) If the executive authority fails to make a decision within the 30 day period, it would be deemed that such permission was given.
[S. 30 amended by s. 25 of Act 47 of 1997 and substituted by s. 26 of Act 30 of 2007."

2. The executive authority is defined as follows in section 1 of the Act:
   "executive authority’ in relation to-
   (a) the Presidency or a national government component within the President’s portfolio, means
   the President;
   (b) a national department or national government component within a Cabinet portfolio, means
   the Minister responsible for such portfolio;
   (c) the Office of the Commission, means the Chairperson of the Commission;
   (d) the Office of a Premier or a provincial government component within a Premier’s portfolio,
   means the Premier of that province; and
   (e) a provincial department or a provincial government component within an Executive Council
   portfolio, means the member of the Executive Council responsible for such portfolio;"

3. In view above legislation, a state veterinarian is required to provide Council with an authorisation signed by
the Deputy Director (Chiefs state veterinarian) and the Head of Department, which clearly states that the
veterinarian [full names “Dr AB”] is permitted to register a veterinary facility for his/her own gain. This
letter must be accompanied by a copy of the approval of the MEC of Agriculture for the relevant province.

4. The above is a requirement for all state veterinarians who wish to register a veterinary facility in their own
names for purposes of private practice. Registration can only be granted once the requirement is complied
with.

5. To the extent that Council may not have the correct approvals on file for state veterinarians
whose veterinary facilities were registered in the past, those veterinarians are required to submit the
correct approval, failing which the facility registration may be cancelled.

6. The reason for the above is that Council cannot be seen to condone or countenance illegal behaviour in
respect of other relevant legislation.

7. In terms of the new rules relating to the veterinary professions which came into effect on 9 November 2015,
non-compliance with relevant legislation may be viewed as unprofessional conduct, which Council cannot be
seen to condone by registering practices which do not comply with relevant legislation.

Yours sincerely

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