

Serial Number 1944/62



THE VETERINARY SURGEONS APPEAL REGULATIONS 1944

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 19th day
of April, 1944

Present :

THE HON. D. G. SULLIVAN PRESIDING IN COUNCIL

PURSUANT to the Veterinary Surgeons Act, 1926, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Veterinary Surgeons Appeal Regulations 1944.
2. These regulations shall come into force on the 1st day of May, 1944.
3. In these regulations, unless inconsistent with the context,—
“ The said Act ” means the Veterinary Surgeons Act, 1926 :
“ Board ” means the Veterinary Surgeons Board constituted under the said Act.
4. The notice required by subsection (1) of section 11 of the said Act to be given to every person whose application for registration has been declined by the Board or whose name has been removed from the register shall specify the reason for such refusal or removal if and so far as such reason is expressed in any resolution of the Board.
5. Of the assessors referred to in subsection (1) of the said section 11 one shall be appointed by the Board, by resolution duly passed, and the other shall be appointed by the appellant in writing as hereinafter provided.
6. Every notice of appeal shall be in the form in the Schedule hereto, and shall specify therein the name of the person whom the appellant appoints to act as assessor on his behalf at the hearing of the appeal, and such assessor shall give in writing his consent to act.
7. Within a period of twenty-one days after receipt of such notice of appeal the Board shall inform the appellant of the name of the Magistrate before whom the appeal will be heard and of the assessor appointed by the Board, and shall at the same time forward to such

Magistrate a copy of the Board's decision and the notice of appeal therefrom, together with a notice of the appointment of an assessor by the Board.

8. The Magistrate shall fix a convenient time and place for the hearing of the appeal, such time to be not more than forty-two days after the receipt by the Board of the notice of appeal referred to in Regulation 6 hereof.

9. The Magistrate shall cause at least seven days' previous notice of such time and place to be given to each assessor, the Board, and the appellant.

10. If by reason of death, sickness, removal, or any other cause the Magistrate named as provided by Regulation 7 hereof shall be unable to discharge the duties laid down in these regulations, any other Magistrate may discharge such duties in the place of the Magistrate so named, and, if no other Magistrate be available, the assessors may from time to time adjourn the hearing of the appeal for such period not exceeding fourteen days and to such place as they think fit.

11. If by reason of death, sickness, or any other cause any assessor appointed as aforesaid shall not be present at the time and place fixed for the hearing of the appeal then the Board or the appellant, as the case may be, shall either at the time of hearing or previously thereto make a fresh appointment of an assessor and give notice in writing forthwith to the Magistrate and to the other party, and the Magistrate may adjourn the hearing of the appeal for such period, not exceeding fourteen days, as he thinks fit.

12. The Board of Appeal may, in its discretion, receive any evidence that it thinks fit (whether on oath or otherwise), and may act on any statement, document, information, or matter which in the opinion of the Board of Appeal may assist it to deal with the matters before it, whether the same would be legally admissible in a Court of law or not.

13. In matters not expressly provided for in the said Act or by these regulations the procedure of the Board of Appeal shall be such as the Magistrate may determine.

14. The Board of Appeal may from time to time adjourn the hearing or consideration or determination of the appeal as it thinks fit.

15. At the hearing of the appeal the appellant may himself appear or may be represented by some other person on his behalf, and the Board may be represented by any member thereof or other person appointed by the Board.

16. If the appellant or his representative fails to appear at the hearing, the Board of Appeal may determine the appeal in his absence on such evidence as is available. If he appears, the evidence shall be taken in his presence or in the presence of his representative, or both.

17. The determination made in respect of any appeal shall be in writing signed by the Magistrate and the assessors, and a copy of such determination shall be given to the appellant and to the Board, and the Board shall forthwith give effect to such determination. No determination shall be invalid by reason of the omission or refusal of any assessor to sign the same.

18. An assessor appointed by the Board may be paid such fee, not exceeding £2 2s. as may be considered reasonable by the Minister of Agriculture for each day or part of a day he is engaged hearing an appeal or appeals.

19. (1) The Travelling-allowance Regulations 1941* shall apply to and be deemed to be incorporated in these regulations so as to relate to the assessor appointed by the Board.

(2) The subsistence-allowance referred to in Regulation 4 of the Travelling-allowance Regulations 1941* shall be at the rate of £1 5s. per diem.

(3) Mileage-allowance referred to in Regulation 11 of the Travelling-allowance Regulations 1941* shall, for journeys performed in a motor-vehicle, be at the rate of 4½d. per mile.

(4) The actual garage expenses referred to in Regulation 11 of the Travelling-allowance Regulations 1941* shall not exceed 2s. 6d. for every night.

20. Any notice required to be given or document required to be served by these regulations may be given or served personally or by registered letter addressed to the person to be served at his last known place of business or abode, and in the latter case shall be deemed to be served at the time when it would be available for delivery in the ordinary course of registered post.

SCHEDULE

NOTICE OF APPEAL

To the Registrar, Veterinary Surgeons Board, Wellington.

TAKE notice that I, [Full name], of [Full postal address and occupation], do hereby appeal under section 11 of the Veterinary Surgeons Act, 1926, against the decision of the Veterinary Surgeons Board conveyed to me by notice from the Registrar dated the day of, 19. . . [Here insert "declining my application for registration" or "removing my name from the register," as the case may be].

The following are the grounds upon which I make my appeal: [Here insert fully the grounds of appeal].

And I do hereby appoint [Name in full], of [Full postal address and occupation], as my assessor for the purposes of this appeal.

Dated at, this day of, 19. . .

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Signature of Appellant.

I hereby consent to act as an assessor for the purposes of this appeal.

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Signature of Assessor for Appellant.

C. A. JEFFERY,
Clerk of the Executive Council.

* Statutory Regulations 1941, Serial number 1941/149, page 486.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 27th day of April, 1944.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 4086.)