

**The Council of Animal Health and Livestock Service Professionals Act, 2079**

Date of Assent and Publication

2079-06-23

Act No. 29 of the year 2079

An Act Made to Provide for the Management of the Council of the Animal Health  
and Livestock Service Professionals

Preamble : Whereas, it is expedient to establish a Council of Animal Health and Livestock Service Professionals to develop a good animal health and livestock service profession by marshalling orderly, high quality and dignified animal health and livestock service professions, except for registered veterinarians and can be registered with the Nepal Veterinary Council in accordance with the prevailing law of Nepal;

Be it enacted by the Federal Parliament.

Chapter - 1

Preliminary

1. Short title and commencement: (1) This Act may be cited as the “Council of Animal Health and Livestock Service Professionals Act, 2079 (2022).”

(2) The Act shall come into force from the 31<sup>st</sup> day of the date of assent.

2. Definition: Unless the subject or the context otherwise requires, in this Act:

- (a) “chairperson” means the chairperson of the Council;
- (b) “vice-chairperson” means the vice-chairperson of the Council;
- (c) “prescribed” or “as prescribed” means prescribed or as prescribed in the Act, the Rules or Bye-laws laid down hereunder;
- (d) “register book” means a book prepared to register a name of animal health and livestock service professional under this Act;
- (e) “animal” means any kind of domestic or wild animals, birds or fishes, and it also includes aquatic animals and amphibians;
- (f) “animal health and livestock service profession” means a treatment, diagnosis, prevention of any diseases of ill animals or any work related to the animal health and livestock service profession;
- (g) “animal health and livestock service professional” means animal health and livestock service professionals registered under this Act;
- (h) “Council” means a Council of the Animal Health and Livestock Service Professionals constituted under section 5;
- (i) “Ministry” means the Ministry of the Government of Nepal looking after the matters related to livestock development;
- (j) “Registrar” means the person appointed or designated under section 25;
- (k) “Member” means a member of the Council, and it also includes the chairperson and vice-chairperson of the Council.

## Chapter -2

### Establishment, Constitution, Functions, Duties and Powers of the Council

3. Establishment of Council: (1) There shall be established a Council of the Animal Health and Livestock Service Professionals to register names of animal health and livestock service professionals in accordance with the provincial law in order to make animal health and livestock service profession orderly, high quality and dignified, except for registered veterinarians and can be registered with the Nepal Veterinary Council.

(2) The office of the Council shall be located in Kathmandu Valley.

4. Council to be an autonomous body corporate: (1) The Council shall be an autonomous body corporate with perpetual succession and legal personality.

(2) As a legal entity, the Council shall exercise rights, fulfill duties, and bear the responsibilities.

5. Formation of the Council: (1) The Council shall consist of the following members:-

- (a) One person appointed by the Government of Nepal from amongst the persons registered as at least a Class "B" animal health and livestock service professionals with five years of experience. - Chairperson

- (b) One person elected from amongst the persons registered as at least a Class “B” animal health and livestock service professionals. - Vice-chairperson
- (c) Two persons including at least one female amongst from animal health and livestock service professionals nominated by the ministry. - Member
- (d) Seven person elected from each province amongst from animal health and livestock service professionals. - Member
- (e) Four persons including at least two females elected from amongst animal health and livestock service professionals. - Member
- (f) Two professionals including at least one female nominated by the Council from amongst the animal health and livestock service professionals engaged in the teaching of animal health and livestock service at universities or educational institutions and the Council for Technical Education and Vocational Training. - Member

- (g) One official as a representative from the Nepal Veterinary Council. - Member
- (h) Registrar - Member-secretary

(2) The election of members specified in clauses (b), (d), and (e) of sub-section (1) shall be as prescribed.

(3) The term of office of members nominated and elected, as the case may be, in accordance with sub-section (1) shall be for a period of four years. Members whose terms have expired may be appointed or re-elected for another term.

(4) Notwithstanding anything contained in sub-section (3), if any member acts contrary to the functions, duties and powers of the Council, the Government of Nepal may remove such a member from office at any time.

Provided that such a member shall be provided an opportunity to be heard before being removed from the office.

(5) If a seat of any member becomes vacant prior to the end of the term of office, the Council may cause to nominate or elect, as the case may be, another member for such a remaining period.

Provided that, if the remaining term is less than one year, nomination or election, as the case may be, shall not be made for such a vacant position.

(6) The Government of Nepal may form a committee representing the sectors as specified in sub-section (1) to carry out the functions of the Council until it is constituted pursuant to sub-section (1).

(7) While constitution of the committee pursuant to sub-section (6), it shall be done so having representation of such persons with qualifications of the animal health and livestock service professionals specified in section 17.

(8) The tenure of the committee pursuant to sub-section (6) shall be a maximum of one year.

(9) The nominated or elected member, as the case may be, pursuant to sub-section (1) shall be done based on the principle of inclusivity.

(10) When Council's members are elected or nominated, as the case may be, in accordance with sub-section (1), the representation shall take place alternately to ensure equal representation of all sectors related to animal health and livestock service.

6. Deemed to be disqualified: No one shall be eligible to be nominated or elected, as the case may be, as a member of the Council on the following condition:-

- (a) Who is not a citizen of Nepal;
- (b) Whose name has been removed from the register;
- (c) Who has been convicted by the court of corruption, rape, human trafficking and transportation, drugs trafficking and transportation, money laundering, passport fraud, abduction related offence or criminal offence involving moral turpitude;

- (d) Who has been blacklisted pursuant to the prevailing law of Nepal;
- (e) Who is incapable of serving in the Council due to the physical and mental illness,
- (f) Who has become insolvent pursuant to the prevailing law of Nepal.

7. Cessation of membership: (1) The membership of the Council shall cease to exist on the following circumstances:-

- (a) If any member becomes disqualified to become a member under Section 6;
- (b) If any member tenders resignation in writing;
- (c) If any member becomes absent of three consecutive meetings without giving a prior notice with good reasons to the Council thereof;
- (d) If any member is dead.

(2) When submitting a resignation under clause (b) of sub-section (1), the Chairperson shall send it in writing to the Government of Nepal through the Ministry and the other member shall send it in writing to the Chairperson.

8. Functions, Duties and Powers of the Council: The functions, duties and powers of the Council shall be as follows, namely:-

- (a) To formulate policies, plans and programs that may be necessary to make the animal health and livestock service profession well managed, standardized, respected and effective and submit them to the Ministry for approval;

- (b) To implement, or cause to be implemented, the approved policies, plans and programs by the Government of Nepal to run the animal health and livestock service profession regularly;
- (c) To lay down a national standard on animal health and livestock service professionals and implement having it approved by the Ministry;
- (d) To advise the Ministry on improving the production of animal and livestock related products, the manufacturing, processing and marketing of the products related to animal breedings, and also improving the quality of animal husbandry system;
- (e) To determine qualifications for the animal health and livestock service professionals;
- (f) To coordinate with the Provincial Governments and the Local Levels in relation with animal health and livestock service professionals;
- (g) To collect records related to animal health and livestock service profession from the entities as may be prescribed by the provincial law, and update thereof;
- (h) To prepare a national level code of conduct for the animal health and livestock service professionals and have it implemented;
- (i) To provide necessary suggestions to the Ministry on matters related to animal health and livestock service,
- (j) To exchange research or knowledge conducted or obtained according to international standards with other countries in the field of animal

health and make proposals to the Government of Nepal on matters which deem appropriate to Nepal;

- (k) To inspect, supervise and monitor on whether or not the code of conduct determined by the Council is being observed, and remove the name of animal health and livestock service professional from a register book maintained at the Council who fails to observe the code of conduct prescribed by the Council and request in writing to remove the name from a register book if it is registered at the provincial office;
- (l) To perform such other functions as may be necessary for the attainment of the objectives of the Council.

9. Meeting of the Council: (1) The meeting of the Council shall be held at the date, time and place as may be prescribed by the chairperson.

(2) The Council shall, in general, hold its meeting four times a year.

(3) The meetings of the Council shall be chaired by the Chairperson and, in his absence, the Vice Chairperson, and in the absence of both, the senior member attending the meeting.

(4) It shall be deemed to constitute a quorum for a meeting of the Council if more than fifty percent of the total numbers of the Council are present at the meeting.

(5) In the Council meeting, the decision shall be made by the majority opinion, and in case of a tie, the chairperson of such a meeting may cast a deciding vote.

(6) The decision of the Council shall be attested by the chairperson and the registrar.

(7) The meeting allowance and other facility for the members of the Council on attending the Council meeting shall be as prescribed.

(8) The Council may determine other procedures on the meeting on its own.

10. Functions, duties and power of the chairperson : In addition to the matters mentioned elsewhere in this Act, the functions, duties and power of the Chairperson shall be as follows, namely:-

- (a) To determine agendas with priority to be considered in the Council meeting;
- (b) To monitor and evaluate, or cause to be monitored and evaluated, the programs run by the Council, and provide necessary direction related to such matters,
- (c) To operate or cause to be operated, the works of the Council in an orderly, systematic and effective manner;
- (d) To conduct such other necessary work for the attainment for the objectives of the Council.

11. Function to be performed by Vice-Chairperson: In the absence of the Chairperson, the functions of the Chairperson shall be performed by the Vice-Chairperson.

## Chapter - 3

### Provisions on Registration of Name

12. Prohibition to practice animal health and livestock service profession without registering name: (1) No one shall be allowed to practice the animal health and livestock service profession without registration of name under this Act.

Provided that in the case of a veterinarian registered with the Nepal Veterinary Council under the prevailing law, registration of the name under this Act shall not be required.

(2) Notwithstanding anything contained in sub-section (1), nothing shall prevent a person who has made application for registration of his name in accordance with sub-section (1) of section 13 to practice animal health and livestock service profession until the final decision on registration is made.

13. Application to be made for registration of name : (1) An animal health and livestock service professional who has obtained the qualification from a recognized university, educational institution, academic council or educational academy specified in the schedule shall be required to make an application as may be prescribed for registration of their name in a registration book.

(2) A person who, at the time of the entry into force of this Act, practices the animal health and livestock service profession with qualifications specified in the schedule, shall be required to make an

application for registration of his/her name in accordance with subsection (1) one year after the entry into force of the Act.

(3) Any animal health and livestock service professional who makes an application pursuant to sub-section (1) or (2) for registration of his/her name shall be required to attach the qualification certificates and fees as may be prescribed to the application.

(4) Notwithstanding anything contained in sub-sections (1) or (3), in the event where the provincial law separately stipulates the procedure for registration, required documents and fee to be paid, such law shall be applied thereof.

14. Examination of application: The appropriate office as may be prescribed by the provincial law shall examine the application made pursuant to section 13 whether certificates as well as awards are recognized and the application meets requirements and make a decision to register or not the name of applicant in the register book.

(2) Where the appropriate office of the provincial government makes the decision on the registration of the applicant's name in the register book pursuant to sub-section (1), it shall be done so and a certificate of registration in the prescribed form shall be given to the applicant.

(3) Where it is decided not to register the applicant's name pursuant to sub-section (1) the appropriate office as may be prescribed by provincial law shall inform the applicant.

15. Removal of name and re-registration: The appropriate office as may be prescribed by the provincial law may issue an order to remove the name

registered as the animal health and livestock service professional from the register book in any of the following circumstances:-

- (a) One who has been convicted by a court related to corruption, rape, human trafficking and transportation, drug trafficking and transportation, money laundering, passport fraud, crime related to abduction or criminal offence involving moral turpitude;
- (b) Where Council decides by a two-thirds majority that s/he has failed to observe the code of conduct;
- (c) One who has become insolvent in accordance with the prevailing law;
- (d) One who has become unable to practice as an animal health and livestock service professional due to physical and mental illness.

(2) An animal health and livestock service professional, whose name has been removed from the register book in the circumstances referred in sub-section (1), may with good reasons submit a request for re-registration of his/her name. If such request is deemed acceptable, the appropriate office as may be prescribed by the provincial law shall cause to re-register his/her name and provide a certificate of registration thereto.

16. Revocation of certificate : If the name of an unqualified person was inadvertently entered in the register book and after an investigation it is established, the appropriate office as prescribed by the provincial law may cancel such registration and revoke the certificate.

17. Class of animal health and livestock service professional : For the purpose of the registration of name as an animal health and livestock service

professional pursuant to this Act, anyone having the following qualifications shall be eligible to register in the following classes, namely:-

- (a) For class “A”: An animal health and livestock service professional who has obtained a masters degree or doctorate in the concerned subject from a recognized university or academic institution.
- (b) For class “B”: An animal health and livestock service professional who has obtained a bachelor’s degree or its equivalent in a field related to animal health and livestock service from a recognized university or academic institution or who has ten years of "Class C" experience and meets continuing education requirements as determined by the Council.
- (c) For class “C”: An animal health and livestock service professional who has obtained high school education or its equivalent in the field related to animal health and livestock service from a recognized university or academic institution or who has five years of "Class D" experience and meets continuing education requirements as determined by the Council.
- (d) For class “D”: An animal health and livestock service professional who has obtained school level certificate or its equivalent in the field related to animal health and livestock service from a recognized university or academic institution.

18. To practice animal health and livestock service profession: A person having the educational qualification and training referred to in section 17 may

practice a profession related to animal health and livestock service out of the profession as such may be prescribed.

19. Examination to be taken : (1) In order to maintain quality in the field of animal health and livestock service profession, the appropriate office may take examination as may be prescribed for those who want to register their name as an animal health and livestock service professional.

(2) If it is arranged to take the examination in accordance with subsection (1), the name of the person who failed the exam cannot be entered in the register book.

20. Rural Animal Health Workers: (1) Before the entry into force of this Act, rural animal health workers who received training from the Government of Nepal within a specified period and worked in the field of animal health and livestock service until they meet the qualifications defined in the schedule shall be caused to be registered in a separate register book as may be prescribed by the provincial law.

(2) The rural animal health workers who registered pursuant to subsection (1) may practice the animal health and livestock service profession as may be prescribed.

(3) The appropriate office as may be prescribed by the provincial law shall regulate whether the rural animal health workers registered under subsection (1) perform the prescribed works or not.

(4) If the rural animal health workers who are registered under this section continues to work in the field of animal health and livestock service

for ten years, they shall be registered in the class referred to in clause (d) of section 17 if he passes the skill test.

(5) Other provisions pertaining to registration, regulation and capacity-building of the rural animal health workers shall be as prescribed.

21. To perform by Council : (1) Notwithstanding anything contained elsewhere in this Chapter, the Council shall perform such functions as prescribed to perform until the provincial law is enacted.

(2) When the Council performs the functions in accordance with sub-section (1), the period and fee under this Chapter shall be as prescribed.

#### Chapter - 4

#### Recognition of educational degree and certificate

22. Recognition of educational qualification: The Ministry may, on recommendation of the Council, provide a recognition to the qualification certificates or other degrees related to animal health and livestock service.

(2) Academic subjects and name of educational institutions recognized under sub-section (1) shall be published in the Nepal Gazette.

(3) Other provisions pertaining to granting recognition to educational qualifications shall be as prescribed.

23. Standards to be prescribed : (1) The Council may prescribe the standards that educational institution related to animal health and livestock service shall comply with the implementation of such educational programs.

(2) The educational institutions related to animal health and livestock service operating at time of the entry into force of this Act shall be required to fulfill the standards specified in sub-section (1) within six months.

(3) Notwithstanding anything contained in this Chapter, the curricula, admission requirements and examination systems of the educational institutions providing the education and awarding certificates necessary for registration with the Nepal Veterinary Council shall be in accordance with the prevailing law.

(4) If the standards are not met within the time as specified in sub-section (2) or if they are found to have been violated, the Council may recommend that the recognition of such educational institution be revoked.

24. Assessment to be made: (1) The Council may make assessment of the curricula and requirements determined for the admission of such educational institutions which is recognized pursuant to section 22.

(2) For the purpose of sub-section (1), the Council may require documents and details from such educational institution if necessary.

(3) It shall be the duty of the concerned institution to provide the documents and details as requested by the Council pursuant to sub-section (2).

25. Recognition to be cancelled: (1) If, based on the documents and information received in accordance with section 24, the Council finds that the curricula, admission requirements, teaching-learning method, examination system of the relevant educational institution recognized by the Council are

inappropriate and unsatisfactory, then the Council shall be required to submit a report with its opinion to the Ministry.

(2) After receiving the report from the Council in accordance with sub-section (1), the Ministry shall, if necessary, request additional information or explanation from the relevant educational institution. And it shall be duty of the relevant educational institution to submit additional data or explanations within the stipulated time at the request of the Council.

(3) While having examined the report received by the Council pursuant to sub-section (1) or the information or explanation received pursuant to sub-section (2), the Ministry shall cause to conduct a further inquiry, if necessary, through a committee or a working group of experts.

(4) Based on the report received pursuant to sub-section (1) and information and explanation received pursuant to sub-section (2), the Ministry may cancel qualification certificates and other diplomas awarded after a certain period of time or the recognition granted pursuant to section 22. The notice of such cancellation of recognition shall be published in the Nepal Gazette.

26. Invigilation of Examination: (1) The Council may cause invigilation of the examination to be conducted by the relevant educational institution recognized under section 22 to award qualification certificates or other degrees.

(2) The Council may appoint invigilators and send them to invigilate the examinations pursuant to sub-section (1), as required.

(3) The invigilator appointed pursuant to sub-section (2) shall be required to provide the Council with a report on invigilation of the examinations, specifying the matters as prescribed.

(4) The invigilator appointed in accordance with sub-section (2) shall in no way interfere with the examination.

## Chapter - 5

### Provision relating to Employees

27.Registrar: The Ministry shall appoint an animal health and livestock service professional who has obtained a bachelor's degree from a recognized university and is registered with the Council at least with class "B" as the registrar of the Council.

(2) The terms, conditions and facilities of the registrar shall be as prescribed.

(3) In the absence of the registrar or until a registrar is appointed under sub-section (1), the Ministry may designate an official of the Government of Nepal or the Council who is qualified to be the registrar as the registrar.

28.Power, duties and functions of the Registrar: In addition to the power, duties and functions stipulated elsewhere in this Act, the power, duties and function of the Registrar shall be as follows:-

- (a) To prepare the agenda to be submitted for consideration in the Council meeting in consultation with the Chairperson;

- (b) To implement or cause to be implemented the decisions of the Council;
- (c) To perform such other functions as may be prescribed.

29. Employees of the Council: (1) The organizational structure of the Council shall be approved by the Ministry based on the Council's workload, resources, means and financial conditions.

(2) The approval of the Government of Nepal, the Ministry of Finance shall be obtained before approving the organizational structure pursuant to sub-section (1)

(3) The Council may appoint employees to the positions as approved in the organizational structure pursuant to sub-section (1).

(4) The employees appointed pursuant to sub-section (3) shall remain under the direct control and supervision of the Registrar.

## Chapter - 6

### Fund of Council

30. Fund of the Council: (1) A separate fund shall be created for the Council.

(2) The following sums of money shall be deposited in the fund under sub-section (1):-

- (a) Sums received from the Government of Nepal, the Provincial Government or Local Level;

- (b) Sums received by the way of assistance from domestic organizations;
- (c) Sums received as assistance from foreign governments or international organizations;
- (d) Other amounts earned by the Council.

(3) Before receiving the sums pursuant to clause (c) of sub-section (2), approval of the Government of Nepal, the Ministry of Finance shall be required to obtain.

(4) The sums of money of the fund created pursuant to sub-section (1) shall be deposited in a bank account opened in a commercial bank designated by the Council.

(5) All expenses incurred on behalf of the Council shall be borne by the fund pursuant to sub-section (1).

(6) The operation of the fund pursuant to sub-section (1) shall be as prescribed.

31. Accounting and auditing: (1) The accounts of income and expenditure of the Council shall be kept in formats adopted by the Government of Nepal.

(2) The internal audit of the Council's income and expenditure shall be carried out by an auditor appointed by the Council from amongst the registered auditors and the final audit by an auditor designated by the Auditor General.

(3) The Government of Nepal may at any time inspect or cause to be inspected documents relating to the accounts of the funds of the Council, if wishes to do so.

## Chapter - 7

### Offence and Penalty

32. To be deemed offence: If any person who practices animal health and livestock service profession without having the name registered under Section 12 shall be deemed to have committed an offence under this Act.

33. Penalty: (1) The person who commits an offence under section 32 shall be punished with a fine up to fifty thousand rupees or imprisonment for a term up to six months or both, depending on the degree of the offence.

(2) Except as provided in sub-section (1), if any person does anything contrary to this Act or the rules made hereunder, such person shall be fined with up to thirty thousand rupees.

## Chapter - 8

### Miscellaneous

34. Investigation and filling of case: An investigation of a case punishable under section 33 shall be carried out by an officer of the Council appointed by it and after the completion of such investigation, the case shall be filed with a corresponding district court on taking opinion of the government attorney.

35. The Government of Nepal shall be plaintiff: The Government of Nepal shall be a plaintiff in the case filed under this Act.

36. Dissolution of the Council: (1) If the Council has not exercised the powers conferred to it by this Act and the Regulations made hereunder or has abused its powers, exercised more powers than it has been conferred to or neglected to perform its duties under the Act and the Regulations made hereunder, the Government of Nepal may dissolve the Council.

Provided that prior to dissolution of the Council, it shall be provided with an opportunity to improve or correct its work, or activities.

(2) After the dissolution of the Council pursuant to sub-section (1), the Government of Nepal shall take over the funds and other assets of the Council under its own control until a new council is formed, and shall perform all the functions of the Council in accordance with this Act and the Regulations made hereunder or form a committee to perform those functions.

(3) The Government of Nepal shall form another Council pursuant to sub-section (1) of section 5 within six months after the dissolution of the Council pursuant to sub-section (1).

(4) After the formation of another Council pursuant to sub-section (3), the funds and assets taken over by the Government of Nepal pursuant to sub-section (2) shall be transferred to that Council.

37. Committee: (1) The Council may form various thematic committees to implement the decisions of the Council as may be prescribed.

(2) The work, duties and rights of the thematic committee formed pursuant to sub-section (1) shall be as prescribed.

38. Delegation of powers: The Council may delegate any or all of its powers conferred on it under this Act to the Chairperson, Vice-Chairperson or members, if necessary.
39. Applicability of this Act: The matters referred to in this Act or any rules made hereunder shall be ruled by this Act, while other matters be subject to the prevailing law of Nepal.
40. To liaison with the Government of Nepal : The Council shall liaise with the Government of Nepal through the Ministry.
41. To evaluate implementation of Act: Within one year after the entry into force of this Act, and then within one year in every five years, the Ministry shall evaluate the implementation of this Act and present a report to the respective committees of both Houses of the Federal Parliament.
42. Power to make rules: The Government of Nepal shall make necessary rules in order to implement this Act.
43. Power to make bye-laws: (1) The Council shall make necessary bye-laws on matters related to the recruitment of employees, terms and conditions of service and facilities as well as the operation of the Council.

(2) The bye-laws made pursuant to sub-section (1) shall come into force after being approved by the Ministry.

(3) Prior to granting the approval of the Ministry pursuant to subsection (2), the consent of the Ministry of Finance in matters of financial liability shall be required to obtain.

44. Power to frame guidelines and procedures: Under the authority of this Act and the rules made under this Act, the Council shall make necessary guidelines and procedures with the approval of the Ministry.
45. Changes in schedule: The Government of Nepal may make changes in the schedule if necessary by publishing a notice in the Nepal Gazette.

Nepal Law Commission

## Schedule

(Related to Section 13)

### Qualification of animal health and livestock service professionals

- (a) Having graduated S.E.E. or equivalent thereof and having received one year stock supervisor training;
- (b) Having graduated technical S.E.E. or equivalent thereof in the subject of animal health and animal husbandry;
- (c) Having graduated S.E.E. or equivalent thereof and graduated J.T.A. course ( animal science);
- (d) Having graduated S.E.E. or equivalent thereof and graduated the skill test of Level - 2 in the subject of Animal Science from the Council of technical education and vocational training;
- (e) Having graduated proficiency certificate level in the subject of Animal Science or graduated class twelve in the subject related to animal health and livestock service or graduated the technical proficiency certificate level, diploma (3 years) course, or;
- (f) Having graduated bachelor's degree or equivalent thereof in the subject of animal science or fisheries science or graduated master's degree or doctorate in related subject.