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VETERINARY LAWS AND ADMINISTRATION IN NIGERIA: HISTORICAL AND CURRENT PERSPECTIVES

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Summary

The structure of Veterinary regulations and administrative set-up in Nigeria was reviewed in historical and current perspectives. Nigeria is endowed with abundant livestock and other animal resources. However, the productivity of the livestock industry remains low due to multiplicity of constraints. Some of the constraints include, prevalence of animal diseases of serious socioeconomic impact, non availability of veterinary drugs & biologics, inadequate and poor quality feeds, inadequate number of veterinarians (only 4,835 registered veterinarians, of whom 3141 (65%) are in the private sector and only 7,500 para vets/lab. scientist). There is obsolete / deficient veterinary laws and administrative set-up amongst other things. The organized practice and administration of veterinary medicine began in France with the establishment of veterinary school at Lyon in 1762. In Africa, Egypt took the lead at Cairo in 1827. Subsequently, the International Office of Epizootics (OIE) was established in Paris in 1920. In West Africa and indeed Nigeria; the Nigerian Veterinary Department was established in Zaria (Northern Nigeria) in 1913. In 1924, Federal Department of Veterinary Research (now National Veterinary Research Institute (NVRI) Vom) was established. The veterinary administration in Nigeria is monitored and delivered by the Federal, State and Local governments through provision of laws and legislations. Some of these laws and legislations/regulations are conflicting and more recently is that with NAFDAC. For effective veterinary care delivery in Nigeria there is need for an update and the harmonization of veterinary regulations to avoid multiplication of laws by different government agencies and keep up-to-date with current socio-economic situation.

Key Words: Veterinary Laws, Administration, Historical, Current, Diseases, Nigeria

Introduction

Nigeria is endowed with abundant livestock and other animal resources, with over 13.9 million heads of cattle, 22.1 million sheep, 34.5million goats, 3.4 million pigs, 4.5million dogs, 3.2 million cats and 72.5million poultry among others (RIM, 1992). However, the productivity of the livestock industry remains low due to multiplicity of constraints (Junaidu, 2009). Some of the constraints include prevalence of animal diseases of serious socioeconomic impact, non availability of veterinary drugs and biologics, inadequate and poor quality feeds, inadequate number of veterinarians (only 4,835 registered veterinarians, of whom 3141 (65%) are in the private sector and only 7,500 para vets/lab. scientist), obsolete / deficient veterinary laws and administrative set-up amongst other things (Junaidu, 2009). In Nigeria, many laws, edicts and legislations have been promulgated by the then Central (Federal) or Regional (State) governments over the years with a view to strengthening veterinary delivery in the country (Garba, 2009). The promulgation of veterinary legislation dates back to October 28th 1917 in Lagos when the Diseases of Animal Ordinance (now known as Animal Diseases (Control) Decree 10, 1988) was enacted with the aim of backing veterinary efforts in preventing and controlling animal disease outbreaks in the country (FGN, 1988; Olukole, 2008). Since then, several other laws have been promulgated to regulate various veterinary activities at the instance of veterinarian or other professional bodies (Ogundipe, 2000 & 2001). However, some of these laws are obsolete, conflicting or duplicating within or between agencies. For example, two military decrees- the Animal Disease Control Act (Decree10) of 1988 and the revised National Food and Drug Administration and Control NAFDAC Decree of 1999 regulate and control medical and food safety matters. NAFDAC has monopolized the regulation and control of food safety matters

to pharmacist, failing to accede and concede to the unique roles of public health veterinarians, which has been clearly elucidated in the Animal Disease Decree 10 of 1988 (FGN, 1988; Babalobi, 2008; Abiade, 2009; Lawal, 2009). Similarly, the level of compliance to most of these laws is low. For example, the level of compliance of two veterinary laws, the Animal Diseases Control Decree 10, 1988 and Meat Edict, 1978 of Oyo State was reported to be 26% and 25% respectively which was too low and was attributed to amongst other things low and obsolete penalties attached to these laws (Olukole, 2008)

This paper highlighted some of the veterinary related laws in historical & current perspectives, their deficiencies and possible amendments. This is with a view to strengthening the veterinary administration and care delivery in Nigeria in the 21st century.

Historical perspective

The organized practice and administration of veterinary medicine began in France with the establishment of the first veterinary school at Lyon in 1762. In Africa, Egypt took the lead at Cairo in 1827. Then the International Office of Epizootics (OIE) was established in Paris in 1920 (Junaidu, 2009).

In West Africa, following the epizootic of rinderpest in the region between 1885-90 which wiped-out about 90% of cattle population, and its resurgence in 1913-14, led to the British colonial administration's consideration and approval to establish veterinary services in the sub-region.

The first Veterinary Officer sent to Nigeria by the British Colonial Government was in 1901 (Lamorde, 1996), then the Nigerian Veterinary Department was established in Zaria (Northern Nigeria) in 1913. In 1924, Federal Department of Veterinary Research (now National

Veterinary Research Institute (NVRI) Vom) was established to combat the devastating cattle diseases especially through producing rinderpest anti-serum to control the disease. The entire veterinary services in Nigeria were provided by the Federal Department of Veterinary Research until in 1954 when the field veterinary services were transferred to the then regional governments. The Agricultural Research Institute Decree of 1975 changed the name to National Veterinary Research Institute (NVRI). The establishment of the Nigerian Veterinary Department in 1913 was later backed up by the Diseases of Animal Ordinance, 1917, Veterinary Ordinance of 1952, Veterinary Council of Nigeria (VCN) Professional conduct in 1958, Veterinary Surgeons Act (Decree 37) of 1969, Veterinary ethics (first edition) in 1985, Veterinary Surgeons Amendment Act (Decree 40) of 1987 and the Animal Diseases Decree No. 10 of 1988 (currently being reviewed) (FGN, 1988; Olukole, 2008; Maddo, 2009; Junaidu, 2009). In between these laws, various veterinary related laws exist which were promulgated by the then Central / Regional governments which shall be mentioned / highlighted in due course.

The veterinary profession was introduced in Nigeria with the advent of British colonial rule as mentioned earlier. By 1927 only eleven veterinary officers were in Nigeria, all of them British and deployed mainly in the Northern Province (Maddo, 2009). Capt. W.W. Henderson superintended as the Acting Chief Veterinary Officer. The only Nigerian in service then was Mr. S.A. Shonekan (a Laboratory Storekeeper) (Maddo, 2009). By 1928, veterinary officers in charge of immunization camps undertook the training of “Native Administration Veterinary Malams” in the inoculation of cattle and diagnosis of animal diseases.

The first Veterinary Training school was established in 1934 in Kano to train veterinary Assistants. By 1941 another school was established at Vom for a 3-year programme with an

enrolment of 10 students. In 1941, professional Veterinary education started with the enrolment of the first set of students for the Assistant Veterinary Officers course at Vom (Maddo, 2009).

It was to put the profession on a sound legal footing, that, an ordinance creating the Veterinary Council of Nigeria (VCN) was enacted in 1952, which was amended in 1958 to enable council constitute a Board of Examiners for the purpose of ascertaining the professional qualifications. The first meeting of the council was held on the 9th April, 1953 which was presided over by Mr. R.S. Marshall with Mr. S.G. Wilson (Governors nominee), Mr. F.D. Jakeway, Mr. J.K.A. Wilde, Dr. H.D. Hill (Reps. University College Ibadan) in attendance. At its inaugural meeting, Mr. G.H.V. Blyth was appointed to be the first Registrar of the council pursuant to section 8, subsection (1) of the ordinance (Maddo, 2009).

The first degree awarding veterinary school was established at Ibadan in 1963, thereafter; Ahmadu Bello University, Zaria - 1964, University of Nigeria Nsukka - 1970, University of Maiduguri - 1980, Usmanu Danfodiyo University Sokoto - 1984, University of Agriculture Makurdi - 2001 and University of Agriculture Abeokuta - 2004. Two other Veterinary Colleges Michael Okpara University of Agriculture Umudike and University of Abuja are presently seeking for Council approval and subsequent accreditation.

Veterinary Administration and Role of Stakeholders in Nigeria

The control of livestock diseases which is carried out by the veterinary services of the State is jointly carried out by the Federal, States, and to some extent Local Government Councils and this directly impacts on the type of veterinary administration carried out in the country (Junaidu, 2009).

The Federal Government Role: The Federal Veterinary Service is carried out by the Federal Department of Livestock (FLD). It plays a catalytic leadership role and takes responsibility for the formulation of national policies aimed at ensuring the protection and health of the national herd. It carries out this through national campaigns and other statutory functions especially the regulation of standards and services. The Federal Government focuses primarily on Transboundary Animal Diseases (TADs) because of their transboundary nature. Other roles of the Federal Government include

- In emergency situations, play a pivotal role e.g the Avian Influenza crisis
- Co ordination of Livestock activities such as capacity building, review of curriculum in Veterinary Schools & training institution (through VCN)
- Collaborations with national and international development partners (OIE, FAO, AU-IBAR etc). The Director of FLD is the Chief Veterinary Officer (CVO) of the Federation.

The State Government Role: The State veterinary services have statutory responsibility for the control of diseases of livestock in their territory through the provision of veterinary clinics, control posts, diagnostic laboratories and other facilities as well as disease surveillance & reporting and other livestock production activities such as grazing reserves, intrastate stock routes, management of livestock breeding centers for the improvement of genetic potentials of the indigenous breeds, enforcement of legislative provisions for abattoir & Livestock markets, development and management.

The Director of Veterinary Services is the Head in the State, though in some states, Directors of Livestock Services function as heads.

The Local Government Role: The Local Governments are charged with the responsibility of the development and management of slaughter slabs and local livestock markets. Also included are:

- Supplementation of disease control programme
- Mobilization of livestock farmers
- Public enlightenment and advocacy/ sensitization at the grass roots. The Director Agricultural Services (who in most cases not a Veterinarian) is the Head of the department.

The State veterinary services and Local Governments are expected to, at all times, forward to the Federal Veterinary Authority (FLD, NVRI) reports of their animal disease control activities as well data on disease outbreaks, vaccination and treatment figures on monthly, quarterly, annual basis or as situation may demand . The Federal Veterinary Authority on its part collates information and transmits to the Office International des epizooties (OIE), Food and Agricultural Organization (FAO), Africa Union/International Bureau for Animal Research AU-IBAR as required.

Other Stakeholders:

- Private Veterinary Practitioners
- Institutional Linkages (National Council on Agriculture (NCA), National Livestock Development Commission (NLDC), United Nation (UN) etc)
- Veterinary Manpower (4835 veterinarians 65% in the private: 7,500 para-vets/Lab scientists) (Junaidu, 2009).

Veterinary Related Laws in Nigeria

The content of veterinary medicine includes; clinical service, herd health management, quarantine services, laboratory diagnostic services, abattoir management, disease surveillance, research & development as well drug administration (Garba, 2009). To achieve these veterinary functions, some laws and legislations have been promulgated by central (Federal) and regional (State) governments at various interfaces (cited by Garba, 2009) which include:

- National Environmental Protection (Effluent Limitation) Regulation, 1991
- Harmful water Act, 1988
- Live fish (Control of importation) Act, 1965 and Sea fisheries Decree, 71 of 1992
- National Parks Museum and Monument Act
- Endangered Species (Control of International Trade and Traffic) Act of 1963
- National Crop Varieties Livestock Breeds (Registration etc) Act, 1987
- Veterinary Surgeons Decree (37) of 1969 as amended Decree (40), 1987 now an act of the National Assembly
- Animal Disease Control Act (Decree 10) 1988
- Meat Edict, 1948 (NN)
- Meat Edict 1978, (OYSG)
- Hides and Skin Act, 1942 amended 1964
- Dog Ordinance, now Dog Law, 1943
- Slaughter Stock (Control and Taxation) Laws, 1955
- Grazing Reserves Law, 1965
- Wild Animal Laws, 1963
- Fisheries Edict, 1997, (KBSG)

- Protection and Preservation of Donkeys Law, 2000 (KBSG)
- National Agency for Food and Drug Administration and Control (NAFDAC) Decree (15) of 1993, amended 1999 Cap1

Current Situation in Nigeria

Mentioned above are some of the legislations guiding the veterinary activities in the country, however, by omission or commission, some of these laws are deficient and too obsolete to enable veterinary authorities exercise the much needed mandate for the good of the profession. Areas requiring amendments in some regulations are discussed below:

i. Veterinary Surgeons Act 1969 amended 1987: This deals with the following

- Establishment and function of the Council
- Membership and control of the Council
- Registration and maintenance of register of veterinary surgeons in Nigeria.
- Qualification and approval of institutions to offer courses in Veterinary Medicine
- Penalties for unprofessional conduct
- Other miscellaneous and general provisions

Areas requiring improvement include:

Section 14 (1) If any person who is not a registered Veterinary Surgeon-

- (a) Practice or holds himself out to practice as a Veterinary Surgeon; or
- (b) Takes or uses the title of Veterinary Surgeon; or

- (c) Without reasonable excuse takes or use any name, title, addition or
- (d) Description implying that he is authorized by law to practice as a Veterinary Surgeon; he shall be guilty of an offence.

This regulation is being flagrantly abused because the law is not being enforced and enough sanctions are not attached to the offence. It is our recommendation that stringent penalties be attached to any of these offences such as 3 years imprisonment and/ or a fine of N50, 000.00.

ii. Animal Diseases Decree, 10 of 1988: The Law principally deals with importation of animals, hatchable eggs & poultry, animal products, biologics, infectious agents and surveillance of importation. It also addresses the exportation of animals, seizure and destruction of animals. Notification of diseases, disposal of diseased animals, offences and compensation is also included (FGN, 1988).

The control of trade animals, hatcheries, poultry farms including granting of licenses to operate are clearly inserted in the decree (FGN, 1988).

Areas requiring improvement include:

Section 4: that empowers the Director of FLD to issue permit for importation of Livestock, livestock products and biologics is now being usurped by NAFDAC.

Section 8; sub-section 1-4, which spelt out the roles of veterinary surgeons in disease notification and reporting. Unfortunately most veterinary surgeons in the private practice are not reporting notifiable diseases in Schedule 1 of the decree either due to ignorance/ inadequate knowledge and implication of the decree.

Section 8 sub-sections 5; all veterinary vaccines shall be handled sold or administered only by a Veterinary Surgeon or prescribed officer. Contrary to this law, vaccines are now being handled and sold by non-veterinarians and in open markets, while the appropriate sanctions are too weak on the defaulters. It is our recommendation that veterinarians (especially in the private sector) who do not submit periodic report of his activities to the Director of Veterinary Services of his State should have his practicing premises closed down and a fine given before re-opening. Similarly, non-veterinarians handling or selling vaccine not under the supervision of a registered veterinarian, should be imprisoned and/or fine of not less than N50, 000.00 given.

iii. Kebbi State Fisheries Edict No. 3, 1997 (KBSG) which is a repeal of the existing Sokoto State Fisheries Edict No. 2 of 1988: whereas section 3(1) (a) to (d), (2) (a) & (b), 9 and 10 made various prohibitions for fishing in public waters, the penalties outlined in schedule Section 8 of the edict is too weak for adequate enforcement or compliance. For instance, fishing without license or permit only attracts N200 only, killing or catching of fish of size or weight less than the standard prescribed under the Edict attracts N400 only, fishing in prohibited waters attracts N400, licensed holders employing unlicensed person to help them in fishing attracts N200, using explosives or poison in fishing attracts only N1,500 e.t.c.

Areas requiring improvement include

All the above penalties with a fine of N200 or N400 were with options of two to three months imprisonment or both (fine and imprisonment) including the use of explosive which attracts N1, 500. Only the use of poison attracts a fine of N1, 500 and a term of six month imprisonment or both. These charges or penalties are rather too weak for the defaulters to be

deterred. Such that a defaulter may feel comfortable to use explosive or poison several times in fishing before being caught once and pay just a little amount. The penalty should be made to be as high as N20, 000.00 and/ or two years imprisonment where the defaulter will feel that it is not economically wise to risk using explosives or poisons to fish where he is not sure of getting fish worth N10, 000.00. The amount for compensation for such offences should be reviewed every 15 to 20 years when N20, 000.00 will not be relevant thus, an upward review of new rate be fixed from time to time. For instance, The Protection and Preservation of Donkeys Law, 2000 of Kebbi State- Nigeria is a much recent example.

iv. The Protection and Preservation of Donkeys Law, 2000' of Kebbi State: Whereas Section 3(1), 4,5,6,7 prohibits the slaughter of donkeys, transportation for slaughter, possession of donkey meat and collecting revenue accruing from donkey slaughter centers and banned on such centers. Section 9 spelt-out the penalties of a fine of N20, 000.00 or one year imprisonment or both.

Areas requiring improvement includes

It should be noted that a fine of N20, 000.00 was reasonably okay as at year 2000 when this law was enacted. Because an average sized donkey at that time would not cause more than N15, 000.00 to N20, 000.00. So defaulters would not risk slaughtering a donkey of N15, 000.00 and paying (if caught) a fine of N20, 000.00 and/or one year imprisonment as well forfeiting the meat for destruction by the government. However, in the following fifteen years from the date of enacting this law, N20, 000.00 may be inconsequential; hence, the need for upward review of the law and the penalties from time to time.

V. National Agency for Food and Drug Administration and Control (NAFDAC) Decree (15) of 1993, amended 1999 Cap1: Whereas the administration and control of drugs in Nigeria have been governed, at different times, by the following legislations: Pharmacy Act 1958, Food and Drug Decree 1974 (referred to human drugs exclusively), NAFDAC Decree (15) 1993, Drug and Related products (Registration etc), Decree 19 of 1993 (closely related to NAFDAC above), specifies procedures for the registration of human and veterinary drugs (Tunde, 2009).

The most important regulatory devices for veterinary practice (which should normally include distribution of veterinary medicines) are not included in the Veterinary Surgeons Decree (37) of 1969 and Animal Disease Control (Decree 10) of 1988. However, the various pharmacy legislations were specific on roles of the pharmacist in control and handling of 'drugs' to the exclusion of the veterinary drugs; both were silent on who handles/ control the use of veterinary medicines.

The NAFDAC Council consists of the Chairman, Pharmacy Council of Nigeria or his representative. Chairman, Veterinary Council of Nigeria not included.

Functions of the NAFDAC include, liaise with relevant establishments within and outside Nigeria in pursuance of the functions of the agency (Federal Department of Livestock not consulted).

A look at the Structure of NAFDAC, in its present form, shows that the agency is made up of the following units: an administrative and finance directorate, a planning research and statistics directorate, a narcotics and controlled substance directorate, a regulatory and registration directorate, an inspectorate directorate and a laboratory services directorate. The

decree stipulates that the agency shall have such other directorates as may be required for the proper performance of the agency. The Directorate of Veterinary Medicine was not considered, until recently, despite presidential directives.

Drawing from the forgoing, a number of problems are being encountered by the veterinary practitioner especially in the pharmaceutical industry and these include (Tunde, 2009):

i. Whereas the Pharmacy Act of 1958 regulating the sales of drugs and poisons defines drugs in relation to human use, this has been deliberately, unfairly and mischievously extended to cover veterinary drugs by NAFDAC.

ii. As a result of the above, NAFDAC has made it a condition for all veterinary surgeons handling veterinary drugs that only pharmacists are authorized to sign and process applications to the Pharmacy council for the registration of premises and products with the agency. Thus, we as veterinary surgeons, who are the only ones trained to handle and administer veterinary drugs are now compelled to employ superintendent Pharmacists at very high cost to do our job for which they are not well equipped. What an irony, they even insist they should be included in our boards.

iii. The consequence of the above is that because of their lack of understanding of the dynamics of the veterinary profession, NAFDAC often comes up with impossible rules, charge prohibitive fees for their activities and thereby discourage genuine veterinarians-entrepreneurs from coming up to register their products. This has the untoward consequence of having only few veterinary drugs registered and quacks are coming into the distribution chain in droves. Both the Veterinary Council and the Federal Department of Livestock and

Pest Control Services are handicapped in dealing with such quacks because there are no specific laws that disallow them from dealing in veterinary drugs.

Situation around the Globe

To underscore the need to urgently address the issues highlighted above, let us briefly consider what obtains in other countries of the world:

1. ***Kenya, Tanzania and Uganda:*** The East African Countries (EAC) have a very strong set of regulations which cover the sale and use of Veterinary Medicinal Products (VMP), Food, Drugs and Cosmetics. These laws were put in place by experts from the three countries and the regulations are such that a good inspectorate could easily ensure the correct distribution and use of medicine in the three countries. Medicines are taken from manufacturers to wholesalers or direct to a number of veterinary centers from where they are distributed further. Veterinarians are available in these centers to control the sale of medicines (Gradwell, 2008).

2. ***Republic of South Africa (RSA) and Namibia:*** In these two countries the system are similar and regional harmonization is very effective. Two separate laws govern the sales and use of medicines in South Africa. The Medicine and Related Substance Control Act (Act 101) controls all aspects of the use and distribution of veterinary medicines other than stock remedies or farm feeds. The law governs all aspects of Prescription Only Medicines (POM). Over 800 registrations are governed under this Act. A second Act, the fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (Act 36) covers all non POM products and over 12000 registrations are covered by this Act (RSA, 1993; Gradwell, 2008)

3. **European Union (EU):** In the EU, very strict legislation covers the use, sale and distribution of veterinary medicines. The legislation stipulates that all medicines must be channeled through the veterinary surgeon but the United Kingdom (UK) has modified these regulations to allow for a two tier system, where the POM drugs (POM-V) are for veterinary surgeon use only and then a second tier of Over the Counter (OTC) drugs can be sold by suitably Qualified Persons via veterinarian, pharmacies, co-operatives and other channels, the so-called POM-VPS drugs (Gradwell, 2008).

4. **France:** The National Agency for Veterinary Products Marketing (NAVVM) is a public scientific institution under the supervision of both the French Ministry of Agriculture and French Ministry of Health. It is integrated into AFSSA (Agricultural French Safety Agency). The NAVVM is responsible for granting marketing authorizations (Registration) for veterinary medicinal products (Lobry, 1983; Tunde, 2009).

In Nigeria, NAFDAC recently set up the Veterinary Medicine Directorate to control the sale and distribution of veterinary medicines in the country. But a well organized inspectorate and support from authorities is all that is needed to control illegal use of drugs in Nigeria. It should be noted that any legislation, no matter how good and robust will fail unless a strong and viable inspectorate accompanies the legislation (Gradwell, 2008). From the foregoing, it is obvious that our structure and regulations regarding veterinary drugs are weak, overlapping on one another and not in tune with the contemporary happenings around the world and need to be address especially with the concept of 'One Medicine, One World, One Health'. The concept emphasized the need for all stake holders in health care delivery to come under one umbrella to achieve one goal, health for all across the globe through one unify approach.

Recommendations

For these regulations to have the desired impact, the authority (policy makers) as a matter of urgency, should formulate and instruct:

- The VCN to perform its statutory duties
- The review of the Veterinary Surgeons Act, Animal Disease decree, NAFDAC decree, especially highlighted areas of deficiencies.
- The beginning of active administration and enforcement of the veterinary regulations contained in our laws.
- For the harmonization of veterinary regulations to avoid multiplication of laws by different government agencies.
- Veterinary surgeons to be continually informed of changes in regulations through adequate dissemination of information and continuous education programme.
- For the public to be educated on the role of veterinary surgeons in clinical practice and public health.
- Adequate sanctions or fine be imposed on defaulters of veterinary laws which should be reviewed form time to time (15-20 years) in the country

Conclusion

It is clearly evident that most of the laws contained in our regulations are inadequate, obsolete or unenforceable and no longer in tune with 21st century practice and therefore require review and urgent upgrading.

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