



**QORTI TAL-MAGISTRATI
(GHAWDEX) BHALA QORTI TA' GUDIKATURA
KRIMINALI**

**MAGISTRAT DR.
ANTHONY ELLUL**

Seduta tad-19 ta' Dicembru, 2008

Numru. 855/2008

The Police
(Inspector Josric Mifsud)

Vs

Thelbert E Childers, 66 years son of Thelbert and Louise nee Patton, born in St. Joseph (Missouri), date of birth 2nd December 1942, residing at Villa, 56, Triq il-Bizantini, limits Munxar Xlendi (Gozo), holder of American Passport number 209958724.

Today Friday, 19th December 2008.

The Court,

Having seen the charge brought against the accused that in Kercem (Gozo) on the 18th December 2008 he practised as a veterinary surgeon without

- a) having a warrant to practice from the President of Malta;
- b) not having his name registered in the Veterinary Surgeons Register

Having heard the accused confirm that he does not contest the facts stated in the charge, although he contends that what he did is not a criminal offence under Maltese law.

Having heard the submissions made by the prosecution and defence counsel.

Considers:-

1. The law clearly states that no person shall practise as veterinary surgeon unless he holds a warrant to practice from the President of Malta and has his name registered in the Veterinary Surgeon's Register. It also transpires that the accused does not hold a warrant from the President of Malta and his name is not registered in the Veterinary Surgeon's Register. Therefore he cannot practice as a veterinary surgeon in Malta.

2. The court does not agree with defence counsel's argument that the fact that **private veterinary services** might not be defined by regulations made by the Minister in terms of Article 44 for the definition of private veterinary services, then the accused cannot be found guilty of having committed a criminal offence in terms of the Veterinary Services Act. There is no doubt that when the accused performed the surgery he was practising as a veterinary surgeon without the requisites contemplated in Article 43 of the Veterinary Services Act (Chapter 437 of the Laws of Malta), which is a crime in terms of this Act. In terms of Article 57 of the same law the court can impose a fine of up to eleven thousand six hundred and forty six euro and eighty seven cents (€11,646.87). The law does not establish a minimum. In establishing the fine to be paid by the accused the court is going to take into consideration the fact that the accused was trying to help a friend, no harm was caused to the animal, that the

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accused did not claim payment for the services he provided and has no previous convictions.

The Court having seen Article 43 and 57 of the Veterinary Service Act (Act XXIII of 2001) and Article 11 of the Criminal Code declares the accused guilty of the offence and condemns him to the payment of a fine of one hundred euro (€100).

< Sentenza Finali >

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