

Assented to in Her Majesty's name this 31st day of
January, 1966.

H. J. L. BOSTON,
Governor-General.

(LS)

No. 3



1966

Sierra Leone

The Medical Practitioners and Dental Surgeons Act 1966 Short title.

**Being An Act to Provide for the Registration of Medical
Practitioners and Dentists and for Matters Connected
therewith.**

[3rd February, 1966.] Date of
Commence-
ment.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:—

1. In this Act, unless a contrary intention appears— Interpretation.
“Council” means the Medical and Dental Council estab-
lished under section 2:

“Dental Surgeon” means any person professing to practise dental surgery, registered in accordance with sections 4 or 5;

“Medical Practitioner” means any person professing to practise medicine or surgery, registered in accordance with sections 3 or 5;

“Minister” means the Minister for the time being charged with responsibility for Health;

“register” means any of the registers mentioned in section 8;

“registered person” means a person registered in accordance with sections 3, 4 or 5;

“Registrar” means the Deputy Chief Medical Officer of the Ministry of Health.

Establishment of Council; its duties and responsibilities.

2. (1) There shall be a Medical and Dental Council consisting of—

(a) the Chief Medical Officer, who shall be President of the Council;

(b) the Deputy Chief Medical Officer who shall preside in the absence of the Chief Medical Officer;

(c) four members appointed by the Minister, one of whom shall be a dental surgeon;

(d) four members appointed by the Medical and Dental Association, one of whom shall be a dental surgeon;

(2) Subject and without prejudice to the powers conferred on the Public Service Commission by section 95 of the Constitution, the Council shall be responsible for the registration and other matters relating to conditions of practice and discipline of medical practitioners and dental surgeons registered under the provisions of sections 3, 4 and 5 and may with the approval of the Minister, make such Regulations as may be necessary or expedient for the discharge of their responsibilities under this subsection.

(3) The members of the Council shall hold office for a period of three years from the date of their respective appointments and shall be eligible for appointment.

(4) If any appointed member dies, resigns or is removed a new member may be appointed in his place for the remainder of his term of office.

(5) All appointments of members and termination of such appointment shall be published in the *Gazette* by the Minister.

(6) Six members including the President or the Deputy Chief Medical Officer shall form a quorum. Any decision of the Council shall be taken by a majority of members present and voting in the event of an equality of votes the President shall have a casting vote.

(7) All decisions of the Council shall be committed to writing under the hand of the President and sent to the Minister.

(8) The Council may make Regulations governing its own procedure and in default of such Regulations all questions of procedure shall be in the discretion of the President.

(9) The Attorney-General shall from time to time nominate a Law Officer of not less than five years standing to act as Legal Adviser to the Council and any Committee thereof at any meeting thereof and such Law Officer shall act in an advisory capacity on matters of Law only and shall have neither voice nor vote in the decisions of the Council.

3. Any person who in the opinion of the Council is of good character shall be entitled to be registered on the permanent register of medical practitioners if his qualifications and experience either—

Medical Practitioners permanent registers.

(a) entitle him to be registered as a medical practitioner under the law for the time being in force in the United Kingdom; or

(b) are, in the opinion of the Council, of equivalent standard to those required for registration under paragraph (a).

4. Any person who in the opinion of the Council is of good character shall be entitled to be registered on the permanent register of dental surgeons if his qualifications either—

Dental surgeons permanent register.

(a) entitle him to be registered and to practise dentistry and dental surgery under the law for the time being in force in the United Kingdom; or

(b) are, in the opinion of the Council, of equivalent standard to those required for registration under paragraph (a).

5. (1) The Council may authorise the temporary registration of any person who would be entitled to be placed on the permanent register of medical practitioners or dental surgeons under the provisions of section 3 or section 4 and who is either—

Temporary registration in certain cases.

(a) a missionary attached to a missionary society recognised by the Minister for the purposes of this section; or

(b) an employee of any organization for the time being engaged on a specified project in Sierra Leone recognised by the Minister for the purposes of this section.

(2) (a) The Council may also authorise the temporary registration of a person who, apart from any requirement as to experience, would by virtue of any qualification held by him be entitled to be registered under section 3 or section 4 and who shall produce evidence to the satisfaction of the Council that he has been selected for prescribed employment.

(b) In this subsection "prescribed employment" means employment or training for a period of not less than twelve months, subject to such conditions as may be prescribed by the Council, in a medical institution recognised by the Council for the purpose.

(3) The Council may direct that the name of any person registered under this section be struck off the register if in its opinion such person has ceased to fulfil the requirements of subsections (1) and (2).

Persons struck off any register not entitled to registration.

6. No person shall be entitled to registration under this Act whose name has been struck off any register of medical practitioners or dental surgeons established under the law for the time being in the United Kingdom or off any equivalent register in any other country, for infamous conduct in a professional respect and not restored thereto.

Appeal against refusal to register to be made to Supreme Court.

7. (1) When any application for registration under sections 3, 4, or 5 has been refused the applicant may within fourteen days of the date on which such refusal is officially communicated to him appeal against such refusal to the Supreme Court.

(2) Such appeal shall be made by a notice filed in the office of the Supreme Court setting out the grounds of appeal.

(3) The Council may appear as respondent to the appeal, and for the purpose of enabling any directions to be given as to the costs of the appeal—the Council shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(4) Costs shall be in the discretion of the Court and if costs are awarded against the Council such taxed costs together with such costs as the Council may have incurred for legal representation (if certified by the Attorney-General to be reasonable) shall be paid by the Accountant-General out of the consolidated Revenue Fund.

Registers to be kept.

8. Separate registers in the form set out in the Schedule shall be kept in respect of persons registered—

- (a) on the permanent register of Medical Practitioners;
- (b) on the permanent register of Dental Surgeons;
- (c) on the temporary register of medical practitioners;
- (d) on the temporary register of dental surgeons.

Publication of lists of registered persons.

9. The Registrar shall keep the registers mentioned in section 8 and shall once in every year, as soon as convenient may be after the first day of January, make and publish in the *Gazette* lists of all registered persons under the classifications set out in paragraphs (a) to (d) of that section, and setting out the names and addresses and medical and dental qualifications of all such persons, using such abbreviations as may be approved by the Council.

Publication *prima facie* of registration.

10. (1) The publication of lists referred to in section 9 shall be *prima facie* evidence that the persons named therein are registered persons, and the absence of the name of any person from such lists shall be *prima facie* evidence that such person is not a registered person.

(2) All registers and all copies thereof or extracts therefrom, certified under the hand of the Registrar, shall be receivable in evidence in all Courts in Sierra Leone.

(3) The Registrar shall by order of any Court produce, or cause to be produced, any register in his office on *subpoena* without charging any fee therefor, unless the Court shall otherwise direct.

11. (1) Subject to subsections (2) and (3), a fee of ten leones shall be charged for registration in the permanent or temporary registers of Medical Practitioners or Dental Surgeons: Registration-fees, exemptions therefrom.

Provided that the Minister may from time to time by Order vary such fee.

(2) Ships' Surgeons while in discharge of their duties on board and medical practitioners and dental surgeons (not being citizens of Sierra Leone) while serving with the Royal Sierra Leone Military Forces shall be entitled to the privileges of persons registered on the permanent registers and may be registered free of charge.

(3) Subject to the provisions of subsection (2) of section 5, any person obtaining temporary registration shall be entitled to the privilege of persons registered on the permanent registers.

12. Every person registered under this Act who may have obtained any higher degree or qualification, other than the qualification in respect of which he may have been registered shall be entitled to have such higher degree or additional qualifications inserted in the register in substitution for, or in addition to, the qualifications previously registered, without payment of any further fee. Subsequent insertion of additional qualifications in the register.

13. No person shall be entitled to practise privately or to recover any charge in any court for any medical or surgical advice or attendance, or for any medicine or any medical or surgical appliances which he shall have prescribed and supplied, or for any service performed as an obstetrician, within Sierra Leone, unless he was at the time registered on a permanent register. Fees not recoverable unless persons registered.

14. No person shall hold any appointment or practise privately as physician, surgeon or other medical officer or as a dental surgeon unless his name is entered on a permanent or temporary register. Public appointees to be fully or temporarily registered.

15. No certificate or other document required by law to be signed by a Medical Practitioner or Dental Surgeon given after the commencement of this Act, shall be valid unless signed by a person whose name is entered on a permanent or temporary register. Medical certificates.

16. In any enactment the expression "legally qualified medical practitioner", or "duly qualified medical practitioner", or "duly qualified medical officer", or any expression importing a person recognised by law as a medical practitioner or member of the medical profession, shall be construed to mean a person whose name is entered on the permanent or temporary register. Construction of terms.

Rules relating to registers.

17. Subject to the following provisions of this section, the Council shall make rules with respect to the keeping of the registers and the making of entries therein, and in particular—

- (a) regulating the making of applications for registration and providing what evidence shall be produced in support of applications;
- (b) providing for the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars;
- (c) authorising the Registrar to refuse to enter a name on a register until any fee specified for the entry has been paid.

Alteration of Registers.

18. It shall be the duty of the Registrar—

- (a) to correct, in accordance with the Council's directions any entry in a register which the Council directs him to correct as being in its opinion an entry which has been incorrectly made;
- (b) to make from time to time any necessary alterations in the particulars of registered persons; and
- (c) to remove from the relevant register the name of any registered person who has died.

Removal from register where registrar receives no reply to enquiry.

19. If the Registrar—

- (a) sends by post to any registered person a registered letter, addressed to him at his address on the register, enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within a period of six months from the date of posting; and
- (b) upon the expiration of that period sends in like manner to such person a second similar letter and receives no reply to that letter within three months from the date of posting,

he may remove the particulars relating to such person from the relevant register but the Council may direct the Registrar to restore to the appropriate register any particulars removed therefrom under this section.

PROFESSIONAL DISCIPLINE

Establishment and constitution of disciplinary committee.

20. (1) There is hereby established a disciplinary committee of the Council (hereinafter called "the Committee") which shall perform the functions hereinafter specified as the functions of the Committee.

(2) The Committee shall consist of—

- (a) a medical practitioner or dental surgeon of not less than ten years standing appointed by the Council who shall be chairman;
- (b) four members of the Council to be appointed by the Council.

(3) The members of the Committee shall hold office for a term of two years from the date of appointment and shall be eligible for re-appointment.

(4) Where the Chairman or any other member of the Committee is for good reason temporarily unable to perform his functions, the Minister shall appoint a person to act in his place.

21. (1) Where a registered person—

(a) after due inquiry is judged by the Committee to have been guilty of infamous conduct in any professional respect; or

(b) is proved to the satisfaction of the Committee to have been fraudulently registered,

Effect of finding of infamous conduct or fraudulent registration.

the Committee may, if it thinks fit, direct the Registrar to strike such person's name off the relevant register.

(2) The Committee may, if it thinks fit, defer its decision as to the giving of a direction under subsection (1) until a subsequent meeting of the Committee:

Provided that—

(a) no decision shall be deferred under this subsection for periods exceeding one year in the aggregate; and

(b) no person shall be a member of the Committee for the purposes of reaching a decision which has been deferred unless he was present as a member of the Committee when the decision was originally deferred.

(3) A person shall not be deemed to be found guilty as mentioned in paragraph (a) of subsection (1) unless the finding stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with such finding.

22. (1) When the Committee gives a direction under section 21 it shall cause notice of the direction to be served on the person to whom it relates.

Appeal from direction of committee.

(2) (a) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Supreme Court.

(b) Such appeal shall be made by a notice filed in the office of the Supreme Court setting out the grounds of appeal.

(c) The Committee may appear as respondent to the appeal and for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Committee.

(d) The Committee shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(e) The costs shall be in the discretion of the court and any taxed costs awarded against the committee together with such costs as the Committee may have incurred for legal representation (if certified by the Attorney-General to be reasonable) shall be paid by the Accountant-General out of the Consolidated Revenue Fund.

(3) A direction of the Committee under section 21 shall take effect—

- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution on the withdrawal or striking out of the appeal;
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is finally dismissed;

and shall not take effect except in accordance with the foregoing provisions of this subsection.

Person struck off not to be re-registered unless directed by Committee.

23. Any person whose name is struck off a register in pursuance of a direction of the Committee under section 21 shall not be entitled to be registered in any register again except in pursuance of a direction in that behalf given by the Committee on the application of that person; and a direction under section 21 for striking off a person's name from a register may prohibit an application under this section by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

Penalty for pretending to be a Medical Practitioner or Dental Surgeon.

24. (1) Any person who wilfully and falsely pretends to be a Medical Practitioner or Dental Surgeon or takes or uses the name or title of a Medical Practitioner or Dental Surgeon or any name, title, addition or description implying that he is registered under this Act or that he is recognised by law as a Medical Practitioner or Dental Surgeon, shall be liable on conviction to a fine not exceeding one thousand leones and to a further penalty of twenty leones a day during the continuance of such offence.

(2) Any person who, not being registered as a Medical practitioner or Dental Surgeon under this Act, practises as a Medical Practitioner or Dental Surgeon shall be guilty of an offence and liable on conviction thereof to a fine not exceeding one thousand leones or to imprisonment for a period not exceeding twelve months or both.

Savings, customary therapeutics.

25. Nothing contained in this Act shall be construed to prohibit or prevent the practice of customary systems of therapeutics or the practice of druggists authorised by any other law:

Provided that nothing in this section shall be construed to authorise the performance by any person of any customary system of therapeutics which is dangerous to life or health.

26. (1) Any person who, for the purpose of procuring the registration of any name, qualification or other matter in any register—

(a) makes a statement he knows to be false or does not believe to be true in a material particular; or

(b) recklessly makes a statement which is false in a material particular;

shall be guilty of an offence.

(2) Any person who wilfully falsifies or causes to be falsified any register or any matter relating to such register shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable—

(a) on summary conviction to a fine not exceeding four hundred leones or to imprisonment for twelve months or to both such fine and imprisonment;

(b) on conviction on indictment to a fine not exceeding one thousand leones or to imprisonment not exceeding three years or to both such fine and imprisonment.

27. Any person who shall wilfully destroy or injure, or cause to be destroyed or injured, any register or any part thereof shall be deemed guilty of an offence, and shall on summary conviction thereof be liable to imprisonment not exceeding two years.

28. No erasure shall be made in any register or extract thereof, but if any error shall occur, then a line of red ink shall be drawn through any word improperly inserted so as to leave the original word legible, and any word which may have been omitted shall either be interlined or written in the margin with red ink and the Registrar shall subscribe his name in the margin opposite to such correction.

29. Sections 3 to 18 of the Medical Practitioners and Druggists Act (in this section called the repealed provisions) are hereby repealed:

Provided that—

(a) any person registered under section 6 of the repealed provisions immediately before the commencement of this Act shall be deemed to be registered on the permanent register under this Act;

False re-
gistration.

Falsifying
register.

Penalty.

Inquiry or
destroying
registers.

Erasures
in registers.

Repeal of
Part 1 of
Cap. 151.

- (b) any person registered under section 6A of the repealed provisions immediately before the commencement of this Act shall be deemed to be registered on the temporary register under this Act;
- (c) all registers kept under the repealed provisions may be continued in use but with such alterations as may be necessary to bring the same into conformity with this Act.

THE SCHEDULE

(Section 8)

No.	Full Name	Address	Qualification	Date of qualification	Date of Local Registration	Fee	Remark

Passed in the House of Representatives this 6th day of January, in the year of our Lord one thousand nine hundred and sixty-six.

S. V. WRIGHT,
Clerk of the House of Representatives.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives and found by me to be a true and correctly printed copy of the said Bill.

S. V. WRIGHT,
Clerk of the House of Representatives.