

**N.P.R.C. Decree
No. 12**



1994

Sierra Leone

**The Medical Practitioners and Dental Surgeons
Decree, 1994**

Short title.

Being a Decree to establish the Medical and Dental Council, to provide for the registration of medical practitioners and dental surgeons and for other related matters.

[5th May, 1994] Date of Commencement.

PURSUANT to paragraph 3 of the Proclamation entitled "The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992", the National Provisional Ruling Council makes and issues the following Decree—

PART I - INTERPRETATION

Interpretation

1. In this Decree unless the context otherwise requires—

“dental surgeon” means any person who professes to practise dental surgery and is registered under this Decree;

“houseman” means a qualified medical practitioner or dental surgeon undergoing a period of supervision prior to registration on a permanent register;

“medical practitioner” means any person who professes to practise medicine or surgery and is registered under this Decree;

“Secretary of State” means the Secretary of State for the time being responsible for Health;

“under-doctored area” means an area in which the ratio of patients to a doctor is more than twice the national average as determined by the Secretary of State on the advice of the Chief Medical Officer.

PART II - ESTABLISHMENT OF MEDICAL AND DENTAL COUNCIL

Establishment
of Medical and
Dental Council.

2. There shall be established a body to be known as the Medical and Dental Council (hereafter referred to as “the Council”).

Composition
of Council.

3. (1) The Council shall consist of—

(a) the Chief Medical Officer or his representative;

(b) three representatives of the Sierra Leone Medical and Dental Association, at least one of whom shall be a dental surgeon or a medical practitioner;

- (a) his qualification and experience satisfy the requirements for registration as a medical practitioner in Sierra Leone or any other country of the Commonwealth; or
- (b) in the opinion of the Council, his qualification and experience are equivalent to those required for registration under paragraph (a) of subsection (2) of this section.

(3) A medical practitioner shall before being registered pay a fee to be determined by the Council.

8. (1) Any person who is a dental surgeon and a citizen of Sierra Leone may apply in writing to the Council to be registered in the permanent register for dental surgeons. Dental surgeons to be registered.

(2) Subsections (2) and (3) of section 7 shall apply with such modifications as may be necessary to the registration of and payment of fees by dental surgeons.

9. The Council may refuse to register a medical practitioner or dental surgeon if he has been convicted of any offence involving fraud, dishonesty or moral turpitude. Council to refuse to register.

10. (1) The Council shall register any medical practitioner or dental surgeon who is a non-citizen of Sierra Leone in separate temporary registers for medical practitioners and dental surgeons respectively if the medical practitioner or dental surgeon— Council to register non-citizens.

- (a) has received specific appointment with the Government of Sierra Leone;
- (b) is attached to a missionary society recognised as such by the Government;
- (c) is an employee of any organisation engaged in a specific project in Sierra Leone recognised by the Government; or

(d) has, on the advice of the Council, been directed to a specified under-doctored area.

(2) The Council shall before registering a medical practitioner or dental surgeon in a temporary register ensure that he qualifies to be registered in the appropriate permanent register if he were a citizen of Sierra Leone.

(3) The Council shall before registering any medical practitioner or dental surgeon under this section require him to pay a fee to be prescribed by the Council.

(4) Registration under this section shall be renewed annually on the payment of a fee to be determined by the Council.

Council to refuse to register non-citizens.

11. The Council may refuse to register a medical practitioner or dental surgeon if he has been convicted of any offence involving fraud, dishonesty or moral turpitude.

Non-citizens on permanent register.

12. Any medical practitioner or dental surgeon who is a non-citizen and who, before the coming into force of this Decree, has been registered in the permanent register shall remain eligible for registration in the permanent register.

Council to register housemen.

13. (1) The Council may, on application by a person who is either a citizen or non-citizen and who has completed a course of training in medicine or dentistry either in Sierra Leone or elsewhere, and is undergoing a rotating internship, register such person in the provisional register for medical and dental housemen.

(2) The Council shall before registering a houseman under this section require him to pay a fee to be prescribed by the Council.

(3) A houseman shall, on completion of a rotating internship approved by the Council, be assessed by an assessment panel appointed by the Council in respect of the performance of his medical or dental duties.

(4) An assessment panel shall consist of such number of medical practitioners and dental surgeons as the Council may determine.

23. If the Registrar—

- (a) sends by post a letter addressed to any registered person enquiring whether the registered particulars relating to him are correct and the Registrar receives no reply to the letter within six months from the date of posting; and
- (b) upon the expiration of six months sends a second letter and receives no reply within three months from the date of posting.

Registrar to remove name if he receives no reply.

he may remove the particulars relating to such registered person from the relevant register; but the Council may direct the Registrar to restore to the appropriate register any particulars removed.

PART IV— DISCIPLINE OF MEDICAL PRACTITIONERS AND DENTAL SURGEONS

24. (1) There shall be a Disciplinary Committee of the Council (hereafter referred to as the "Committee") which shall consist of—

Establishment of Disciplinary Committee.

- (a) three members of the Council;
- (b) one medical practitioner and one dental surgeon, all of whom shall not have had less than ten years experience in their respective professions;

appointed by the Council.

(2) The Council shall appoint one of the persons referred to in paragraph (a) of subsection (1) of this section as Chairman of the committee.

(3) Members of the Committee shall hold office for a term of three years and shall be eligible for re-appointment.

(4) Where the Chairman or any member of the Committee is for any reason temporarily unable to perform his functions the Council shall appoint another person to act for the period of his inability.

Meetings of
Committee.

25. (1) The Committee shall meet for despatch of its business at such time and place as the Chairman may determine.

(2) The quorum for a meeting of the Committee shall be three.

(3) Decisions of the Committee may be by consensus, but where there is no consensus decisions shall be taken by a simple majority of the members present and voting; and in the event of equality of votes the Chairman or other person presiding shall have a casting vote.

Committee to
inquire into
complaints.

26. (1) The Committee shall inquire into any complaint against a person registered under this Decree relating to the person's professional conduct.

(2) Where after the inquiry the Committee finds that the person—

(a) has been guilty of professional misconduct;
or

(b) has been fraudulently registered;

it may recommend to the Council to apply any of the following disciplinary measures against the person—

(i) a reprimand;

(ii) suspension from practice for such period as the Council may think fit; or

(iii) direct the Registrar to remove the person's name from the register.

Council to de-
fer decision.

27. (1) The Council may, if it thinks fit, defer its decision as to the giving of a direction under subsection (2) (b) (iii) of section 26 indefinitely or for a specified period:

Except that no decision shall be deferred for periods exceeding one year in the aggregate.

(2) A person shall not be found guilty as mentioned in paragraph (a) of subsection (2) of section 26 unless the finding stands at a time when no appeal or further appeal is pending or may be brought in connection with such finding.

(3) No person shall be suspended or have his name removed from the register unless he shall have been given a reasonable opportunity of defending himself either through counsel or by himself.

(4) The person concerned may call and cross-examine witnesses and adduce such evidence as he deems necessary in his defence.

28. (1) Where the Council gives a direction it shall cause a notice of the direction to be served on the person to whom it relates.

Appeal from
direction of
Council.

(2) The person to whom the direction relates may within twenty-eight days from the date on which the notice was served on him appeal to the High Court against the direction.

(3) The appeal shall be made by a notice filed at the registry of the High Court setting out the grounds of appeal.

(4) The Council may appear as respondent to the appeal and for the purpose of enabling directions as to the costs of the appeal to be given the Council shall be deemed to be the respondent.

(5) The Council shall be deemed to be a party to the appeal whether it appears at the hearing of the appeal or not.

29. A direction given by the Council shall take effect—

Direction to
take effect.

(a) where no appeal has been brought against the direction within the time stipulated in subsection (2) of section 28;

(b) where an appeal has been brought and has either been withdrawn or struck out;

(c) where the appeal has been dismissed.

Persons removed from register not to practise.

30. (1) No person whose name has been removed from the Register shall practise as a medical practitioner or dental surgeon as the case may be.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand leones or to a term of imprisonment not exceeding one year or to both the fine and imprisonment.

Re-registration.

31. Where the name of a medical practitioner or dental surgeon has been removed from the register his name shall not be registered again except by direction of the Council.

PART V – ADMINISTRATION, FUNDS AND ACCOUNTS

Appointment of Registrar.

32. (1) There shall be a Registrar appointed by the Council.

(2) The Registrar shall be a person with considerable knowledge and experience in administration and shall be appointed on such terms and conditions as shall be contained in his letter of appointment.

Duties of Registrar.

33. (1) The Registrar shall—

- (a) be responsible to the Council for the day-to-day administration of the council and shall act as Secretary to the Council and the Committee;
- (b) supervise the staff of the Council;
- (c) correct in accordance with any directive given by the Council, any entry in any register which has been incorrectly made;
- (d) make from time to time any necessary alterations in the particulars of registered persons;
- (e) remove from the relevant register the name of any registered person who has died; and

(f) perform such other function as the Council may determine.

34. (1) The Council shall have such staff as may be necessary for the efficient performance of its functions. Staff of Council

(2) The staff of the Council shall be officers in the service of the Government appointed by the Public Service Commission; any public officer so appointed shall in relation to pension and gratuity be treated as continuing in Government service.

35. (1) The funds of the Council shall include— Funds of Council.

(a) grants made to the Council by the Government from the Consolidated Fund;

(b) monies collected by the Council in the performance of its functions; and

(c) donations, gifts or grants.

(2) The funds of the Council shall be applied to the accomplishment of the purposes of this Decree.

36. (1) The Council shall keep proper accounts and proper records in relation to the accounts consistent with established accounting principles. Council to keep proper accounts.

(2) The accounts of the Council shall be audited annually by the Auditor-General or an independent auditor appointed by the Council with the Auditor-General's approval.

(3) The Council shall provide the auditor with all necessary and appropriate facilities for the examination of its accounts and records.

PART VI – MISCELLANEOUS

37. (1) The Council may set up such other committees to deal with such matters as the Council may determine. Council to establish Committees.

(2) The committees shall consist of members of the Council and non-members as the Council thinks fit.

Private practitioners to display certificate on premises.

38. Every registered medical practitioner or dental surgeon engaged in private practice shall conspicuously display on the premises where he is practising the certificate issued to him under section 20.

Validity of documents.

39. No certificate or other document required by law to be signed by a medical practitioner or dental surgeon shall be valid unless it is signed by a registered medical practitioner or dental surgeon.

Erasures to register.

40. (1) No erasure shall be made by the Registrar in any register, certified copy or extract of the register; but if any error occurs, a line of red ink should be drawn through any word improperly inserted so as to have the original word legible.

(2) Any word which has been omitted shall either be underlined or written in the margin with red ink and the Registrar shall write his name in the margin opposite such correction.

Offences and penalties.

41. (1) Any person who—

(a) wilfully pretends to be a medical practitioner or dental surgeon; or

(b) wilfully and falsely takes or uses the name or title of a medical practitioner or dental surgeon or any name, title or description implying that he is registered by law as a medical practitioner or dental surgeon,

commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand leones or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

(2) Any medical practitioner or dental surgeon who, not being registered as such under this Decree and who practises as a medical practitioner or dental surgeon commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand leones or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

Repeal of Act
No. 3 of 1966
and saving.

44. (1) The Medical and Dental Surgeons Act, 1966 is repealed.

(2) Notwithstanding the repeal of the Medical and Dental Surgeons Act, 1966, any registration or certificate made or issued under it shall, unless otherwise determined by the Council, remain valid.

SCHEDULE

No.	Full Name	Address	Qualification	Date of qualification	Institution	Date of local registration	Fee	Remarks

MADE and ISSUED this *12th* day of *April*, 1994.

CAPTAIN VALENTINE E. M. STRASSER
Chairman,
National Provisional Ruling Council.