

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

CHAPTER 126

MEDICAL PRACTITIONERS AND DENTISTS ACT

(21st November, 1994)

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

1. Short title
2. Interpretation

PART II - MEDICAL AND DENTAL COUNCIL

3. Establishment of the Seychelles Medical and Dental Council
4. Functions of Council

PART III – REGISTER

5. Register of medical practitioners and dentists
6. Correction of Register
7. Qualification for registration
8. Registration
- 8A. Provisional registration
9. Certificate
10. Disciplinary powers of the Council
11. Appeal

PART IV - FUNDS AND PROPERTY

12. Funds and property of the Council

PART V – MISCELLANEOUS

13. Offences
14. Regulations
15. Repeal of Cap. 189

Schedule

PART I - PRELIMINARY

1. This Act may be cited as the Medical Practitioners and Dentists Act.
2. In this Act -

"Chairman" means the Chairman of the Council referred to in the Schedule;

"Council" means the Council established under section 3;

"member" means a member of the Council;

"Register" means the Register of medical practitioners and dentists or any part thereof referred to in section 5;

"registered" means registered under this Act;

"Registrar" means the person appointed as such under paragraph 3 of the Schedule.

PART II - MEDICAL AND DENTAL COUNCIL

3. (1) There is established as a body corporate the Seychelles Medical and Dental Council.

(2) The Schedule shall have effect with respect to the Council.

4. (1) The functions of the Council are -

(a) to monitor the competence and regulate the performance of persons exercising the profession of medical practitioners and dentists in Seychelles for the purpose of promoting and upholding the highest possible standard of medical and dental practices in Seychelles;

(b) to cause to be kept, subject to this Act, a register of medical practitioners and dentists practising in Seychelles;

(c) to investigate allegations of serious professional misconduct and malpractice and take appropriate action in respect thereof.

(2) The Council or any member of the Council shall not be liable for any act or default done or made by the Council or any member of the Council in good faith in the performance of its functions under this Act.

PART III - REGISTER

5. (1) The Council shall cause to be kept by the Registrar a register of medical practitioners and dentists practising in Seychelles.

(2) The Register shall contain in respect of each medical practitioner or dentist, the following -

- (a) the full name and residential address;
- (b) the address where the medical practitioner or dentist practises;
- (c) the particulars of qualifications, training and specialization, if any;
- (d) the period of registration;
- (e) any remark and endorsement;
- (f) any other matter which the Council may from time to time decide to include in the Register.

(3) The Register shall be kept in the custody of the Registrar and shall, on application by a member of the Council, a registered medical practitioner or dentist, an officer of the Ministry or department of the Government responsible for health, a person authorised under a written law or an order of the Court or, with the permission of the Council or Registrar, any other person, be open to inspection free of charge during normal working hours.

(4) Subject to subsection (5), the Council shall cause a list of medical practitioners and dentists whose names remain on the Register on the 31st December in each year to be published in the Gazette as soon as possible, but in any event not later than 45 days, after that date.

(5) A medical practitioner or dentist who has been suspended from practising as such by the Council pursuant to an order under section 10 shall not, so long as the order remains in force, be included in the list.

(6) In any proceedings under this Act or any other written law, a copy of the Gazette containing the list of medical practitioners and dentists published under subsection (4) shall be evidence that -

- (a) a person included in the list was registered as a medical practitioner or dentist, as the case may be;
- (b) a person not included in the list was not registered as a medical practitioners or dentist, as the case may be,

during the period beginning on the 1st January and ending on the 31st December of the year immediately preceding the year in which the publication was made.

(7) In any proceedings under this Act or any other written law, a certificate purporting to be signed by the Registrar certifying that a person is or is not registered as a medical practitioner or dentist under this Act shall, without proof of the signature of the Registrar, be prima facie evidence of the facts stated in the certificate.

6. (1) The Registrar may amend the Register -

- (a) as to the addresses or other relevant particulars relating to a person whose name appears in the Register on being satisfied that the amendment is necessary for preserving the accuracy of the Register;
- (b) by inserting or removing therefrom, upon the direction of the Council or the Court, the name of or any relevant particular relating to a medical practitioner or dentist;
- (c) for the purpose of complying with this Act.

(2) Without prejudice to its power under section 10, the Council may direct that there be removed from the Register the name of a person who -

- (a) requests the removal in writing addressed to the Council;
- (b) dies;
- (c) is continuously absent from Seychelles for a period of more than six months and has not given notice to the Council of intention to return.

7. Subject to this Act, a person is qualified to be registered under this Act upon the Council being satisfied that the person -

- (a) is of good character; and
- (b) in the case of an application, other than a renewal -
 - (i) is registered under the law of any foreign country as a medical practitioner or dentist, as the case may be, and that the qualification and training for a person to be so registered in that country is of a standard which would not undermine the function of the Council in promoting and upholding the highest possible standard of medical and dental practice in Seychelles if that person were registered under this Act; or
 - (ii) has a degree in medicine or dentistry of a level and from an institution which the Council considers of a standard that would not undermine the function of the Council in promoting and upholding the highest possible standard of medical or dental practice in Seychelles and served and completed to the satisfaction of the Council a period of houseman ship of at least one year at the Victoria Hospital; and

- (iii) has not been or is not the subject of such disciplinary or other proceedings in connection with that person's practice as a medical practitioner or dentist, as the case may be, so as to undermine the function of the Council of promoting and upholding the highest possible standard of medical and dental practice in Seychelles if that person were registered under this Act;
- (c) in the case of a renewal, was registered under this Act immediately before the making of the application; or
- (d) in the case of a first registration under this Act, was, immediately before the repeal of the Medical Practitioners and Dentists Act, registered as a medical practitioner or dentist under that Act.

8. (1) An application for registration as a medical practitioner or dentist shall be made in the prescribed form to the Council.

(2) Where the Council is satisfied that an applicant under subsection (1) is qualified under section 7, the Council shall, upon the applicant paying the prescribed fee, cause the person to be registered under this Act -

- (a) for a period of not more than six months; or
- (b) for a period of 24 months,

in accordance with the application of the person.

(3) The Council shall, where it is not satisfied that the applicant is qualified as provided under section 7, refuse registration under the Act and notify the applicant accordingly giving its reasons therefor in writing.

(4) The Council shall not consider a second application made by a person whose application the Council has refused if the application is made within 6 months from the date of the refusal.

8A. (1) Notwithstanding the provisions of section 7(b) (ii), the Council may cause a person serving a period of housemanship to be registered under this Act for the purpose, and during the period of housemanship.

(2) Sections 8 and 9 shall *mutatis mutandis* apply to and in respect of a registration under this section.

9. (1) Upon registration of a person under section 8, the Registrar shall issue to that person a certificate of registration in the prescribed form.

(2) Where a certificate of registration issued under sub- section (1) is lost or destroyed, the Registrar, upon being satisfied of the loss or destruction shall, upon payment of the prescribed fee, if any, issue a certificate of registration with the word "duplicate" marked at the top left hand corner of the certificate.

(3) A person whose name has been removed from the Register by an order the Council under section 6(2)(a) and (c) and section 10 shall -

- (a) where the person is in Seychelles at the time, forthwith;
- (b) where the person is out of Seychelles, forthwith upon returning to Seychelles,

return to the Registrar the certificate of registration.

10. (1) Where, after an inquiry in accordance with regulations made under this Act, the Council is satisfied -

- (a) that a registered medical practitioner or dentist -
 - (i) has been convicted of an offence punishable with imprisonment under this Act or any other written law;
 - (ii) has been guilty of serious professional misconduct or malpractice;
 - (iii) has obtained registration by misrepresentation or fraud;
 - (iv) was not, at the time of registration, qualified to be registered;
or
- (b) that any particular entered in the Register in respect of a medical practitioner or dentist is false or misleading,

the Council may –

- A. order that the name of the medical practitioner or dentist or other relevant particulars in respect of the practitioner or dentist in the Register be removed or corrected;
- B. order that the medical practitioner or dentist be suspended from practising as such for an initial period not exceeding 12 months and such further periods which shall not exceed in aggregate 12 months as the Council may think fit and an endorsement be made to that effect in the Register;
- C. caution or reprimand the medical practitioner or dentist,

- D. require the medical practitioner or dentist to pay, notwithstanding any other penalty provided under this Act, a penalty of not more than R1000 to the Council;
- E. take such other disciplinary measures as may be prescribed.

(2) A medical practitioner or dentist whose name is removed from the Register or whose name, prior to the commencement of this Act, was removed from the register kept under the repealed Medical Practitioners and Dentists Act in accordance with that Act may apply to the Council under section 8 for registration.

11. (1) Where the Council refuses to register a person on an application under section 8 or makes an order in respect of or takes any other course of action against a person under section 10(1), the person may, within 14 days after the date of notice of the decision of the Council, appeal to the Supreme Court against the decision of the Council.

(2) The Chief Justice may make rules of the Supreme Court for the purpose of an appeal under this section.

PART IV - FUNDS AND PROPERTY

12. (1) The Funds and property of the Council shall consist of -

- (a) money appropriated by an Appropriation Act and paid to the Council;
- (b) money paid to the Council by way of prescribed fees or as penalty under section 10;
- (c) money paid to the Council by way of grant, donation or loan;

- (d) money raised by the Council,
- (e) any other money and property lawfully received by the Council for the purposes of the Council.

(2) The Council shall keep proper accounts and records of all financial and related matters and shall prepare, in respect of each financial year, a statement of accounts.

(3) The accounts of the Council shall be audited by an auditor appointed by the Council.

(4) As soon as the accounts and statement of accounts of the Council in respect of a financial year have been audited pursuant to subsection (3) the Council shall send to the Minister a copy of the statement together with a copy of any report made by the auditor on the statement or the accounts.

(5) The financial year of the Council shall be a period of 12 months ending on the 31st December of any year but the first financial year of the Council shall end on the 31st December next following the date of commencement of this Act.

PART V – MISCELLANEOUS

13. A person who -

- (a) not being a registered medical practitioner or dentist, purports to act as such or makes any representation to this effect;
- (b) is registered as a medical practitioner or dentist and who uses any professional qualification, title or other description which is not otherwise entered in the Register in respect of that person for the purpose of describing the professional qualification or title the person has or the type of professional specialization the person offers;

- (c) knowingly makes a false or misleading statement or claim or wilfully falsifies any certificate or document for the purpose of obtaining registration as a medical practitioner or dentist,
- (d) with intent to deceive, uses any certificate issued under this Act or the repealed Medical Practitioners and Dentist Act;
- (e) fails to comply with section 9(3);
- (f) fails to comply with paragraph 4(7) of the Schedule;
- (g) fails to comply with any regulations under this Act,

is guilty of an offence and liable to a fine of R25,000 and to imprisonment for 3 years

14. The Minister may, after consultation with the Council, make regulations for carrying into effect the provisions and purposes of this Act and, without prejudice to the generality of the foregoing, may make regulations -

- (a) prescribing anything which is required to be prescribed under this Act;
- (b) prescribing fees and charges in respect of any matter done under this Act;
- (c) prescribing the procedure to be followed in relation to any inquiry under section 10;
- (d) amending the Schedule.

15. (1) Subject to subsection (2), the Medical Practitioners and Dentists Act is hereby repealed.

(2) Notwithstanding the repeal of the Medical Practitioners and Dentists Act, a person who immediately before the repeal of that Act was registered as a medical practitioner or dentist under that Act shall be deemed for a period of 6 months from the date of the commencement of this Act or until that person is registered under this Act, if it occurs before the end of that period, to be registered as medical practitioner or dentist under this Act.

SCHEDULE

(Section 3(2))

- 1.** (1) The Council shall consist of a minimum of 11 members as follows -
- (a) the Director of Health Services, or the person performing those functions, of the Ministry responsible for health;
 - (b) 3 persons who are neither practitioner nor dentists but one of whom is a health professional, nominated by the Minister responsible for health;
 - (c) a registered dentist nominated by the Minister responsible for health;
 - (d) a registered medical practitioner nominated by the Minister responsible for health;
 - (e) a representative of each association of medical practitioners or dentist which has a membership of at least 20% of all registered medical practitioners and dentists, nominated by each such association

provided that the representative is a registered medical practitioner or registered dentist;

- (f) 3 registered medical practitioners, of whom at least one is engaged in private practice, nominated by registered medical practitioners at a meeting called for this purpose by the Council;
- (g) 2 registered dentist, one of whom is engaged in private practice nominated by registered dentists at a meeting called for this purpose by the Council.

(2) Notice of a meeting under subparagraph (1)(f) and (g), shall be given in a local newspaper of wide circulation in Seychelles at least 14 days before the meeting.

(3) The members of Council shall be appointed by the Minister.

(4) The members of the Council shall, unless they vacate office earlier, hold office for 2 years and are eligible for reappointment.

(5) Where, under subparagraph (1), a person is required to be a registered medical practitioner or a registered dentist to be nominated as a member of the Council, the person shall cease to be a member of the Council on the person ceasing to be a registered medical practitioner or registered dentist.

(6) A member may resign from office by letter addressed to the Minister.

(7) Where a person is appointed to replace another person who has ceased to be a member before the period of 2 years, the person shall serve as a member for the remaining period of office of the person replaced.

2. (1) The members of the Council shall elect from amongst themselves a Chairman.

- (2) The term of office of the Chairman shall be 2 years.
- (3) A person shall cease to hold office as Chairman if the person resigns or ceases to be member of the Council.

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

(2) The Registrar shall act as secretary to the Council, keep the Register, keep and maintain records of the Council, implement decisions of the Council, and do all such things as the Council or the Chairman may lawfully require the Registrar to do.

4. (1) The Council shall meet at least twice a year but otherwise -

(a) as the Chairman may direct; or

(b) as may be requested in writing to the Chairman by not less than 5 members of the Council.

(2) The time and place of a meeting of the Council shall be determined by the Chairman.

(3) Five members of the Council shall constitute a quorum for a meeting.

(4) A meeting of the Council shall be presided over by the Chairman but in the absence of the Chairman the members present at the meeting shall elect a member to preside over the meeting and that member shall have all the powers of the Chairman at the meeting.

(5) All matters for determination by the Council at a meeting shall be decided by a simple majority of votes of the members present and voting thereon.

(6) Each member has one vote and in the event of an equality of votes the member presiding at the meeting has an additional vote.

(7) A member who has a direct interest in a matter that falls to be decided at a meeting of the Council shall notify the Chairman or, if the member is the Chairman, the Registrar, of the interest and shall not be present or vote at the meeting where the matter is considered or decided unless the Council authorises otherwise.

5. Where a matter requires a decision of the Council and it is not convenient or possible for the Council to meet to determine the matter, the Registrar shall, on the instructions of the Chairman, circulate papers regarding the matter to all members for consideration and decision or approval and if the members unanimously approve a decision or resolution by signing it the decision or resolution shall have the same effect as a decision or resolution passed at a meeting of the Council.

6. Notwithstanding paragraph 1(4), where at the end of the period specified in paragraph 1(4) all the members of the Council vacate office and the new members of the Council have not been appointed, the persons vacating as members shall continue in office until the appointment of the new members of the Council or for a further period of 3 months, whichever occurs first.

LAWS OF SEYCHELLES

CHAPTER 126

MEDICAL PRACTITIONERS AND DENTISTS ACT

SUBSIDIARY LEGISLATION

Section 10 and 14

Medical Practitioners and Dentists (Disciplinary Inquiries) Regulations

[4th September 1995]

1. These Regulations may be cited as the Medical Practitioners and Dentists (Disciplinary Inquiries) Regulations.

2. In these Regulations-

“Code of Practice” means the Code of Practice on Standards of Professional Conduct and Medical Ethics of the Seychelles Medical and Dental Council;

“Registrar” means the Registrar of the Council.

3. For the purposes of section 10(1) (a)(ii) of the Act a medical practitioner or a dentist is guilty of a serious professional misconduct or malpractice if the medical practitioner or dentist-

contravenes any provision of the Code of Practice;
displays lack of knowledge, skill or judgment in the professional care of a patient;
shows serious disregard for the welfare of the patient.

4. (1) A complaint against a medical practitioner or a dentist on any of the grounds set out in section 10(1) of the Act-

shall be made in writing;
shall set out the grounds on which the complaint is made;
shall be signed by the person making the complaint, hereafter referred to the
“complainant”; and
shall be forwarded by the complainant to the Registrar.

(2) On receipt of the complaint forwarded under subregulation (1), the Registrar shall within 7 days after its receipt-

send a written acknowledgment of its receipt to the complainant;
personally hand over or send by registered post a copy of the complaint to the
medical practitioner or dentist against whom the complaint is made,
hereafter referred to as the ‘respondent’;

(3) The respondent may, within 14 days after the receipt of the complaint handed over or sent under subregulation (2), forward to the Register any observations on the complaint.

(4) After the expiration of the period of 14 days referred to in subregulation (3), the Registrar shall submit the complaint, together with observation forwarded by the respondent, if any, to the Council.

5. Where the Council is satisfied that any complaint submitted to it under regulation 4(4)-

(a) merits investigation, it shall refer for investigation the complaint to an investigating committee of the Council constituted under regulation 6;

- (b) does not merit investigation, it shall so inform the complainant and the respondent.

6. (1) For the purposes of regulation 5(a), an investigating committee shall consist of 3 members of the Council appointed by the Chairman of the Council.

(2) Where the Chairman of the Council is not a member of the investigating committee, the committee shall elect one of its members to be its chairman.

(3) The Chairman of the Council, if he is a member of the investigating committee or the member elected under subregulation (2) as the chairman of the committee, shall preside at any investigation before the committee.

7. (1) The investigating committee shall within 7 days after its constitution under regulation 6-

- (a) fix a date, time and place for the investigation of the complaint referred to it under regulation 5, which date shall be not less than 14 days after the issue of the notice under paragraph (d);

- (b) issue a notice on the complainant and the respondent to appear before it on that date.

(2) At an investigation-

- (a) the investigation committee may be assisted, if necessary, by a legal officer appointed by the Attorney-General;

- (b) the respondent shall be entitled to appear and to be represented by a friend or by a legal practitioner.

(3) If the respondent fails to appear or be represented without sufficient cause, at the investigation, the investigation may proceed in the absence of the respondent or the representative.

(4) For the purposes of the investigation, the investigating committee may require any person to attend the investigation and to give evidence or produce any documents and the respondent or the representative of the respondent shall be entitled to apply to the investigating committee for notice on any witness to give evidence or produce documents for notice on any witness to give evidence or produce documents in support of the respondent's defence.

(5) Upon the completion of the investigation, the investigating committee shall forward its report to the Council together with the proceedings had before it.

8. (1) The Council may, where it is satisfied on a consideration of the report of the investigating committee and the proceedings had before the committee that the ground or grounds set out in the complaint-

- (a) has or have been established, impose on the respondent any disciplinary measures specified in paragraphs A, B, C, D or E of section 10(1) of the Act;
- (b) has not or have not been established dismiss the complaint,

and forthwith inform the complainant and the respondent of its decision.

(2) Where the Council imposes any disciplinary measure on a respondent, it shall inform the respondent of the right of appeal to the Supreme Court under section 11 of the Act.

(3) Where the report of the investigating committee discloses the commission by the respondent of any offence under the Act or any other law, the Council may, notwithstanding subregulation (1)(a), refer the matter to the Commissioner of Police for necessary action.

Section 14

Medical Practitioners and Dentists Regulations, 1998

These Regulations may be cited as the Medical Practitioners and Dentists Regulations, 1998.

An application for registration as a medical practitioner or a dentist, or for provisional registration under the Act, shall be made in the form set out in Part I of the Schedule.

The fees payable in respect of registration and provisional registration are specified in Part II of the Schedule.

SCHEDULE

Part I

APPLICATION FOR REGISTRATION AS MEDICAL OR DENTAL PRACTITIONER/ PROVISIONAL REGISTRATION

General Data

Surname:

Names:

Date of Birth: Sex:

Nationality:

Residential Address: Telephone No:

Primary medical or dental qualifications:

a) title (eg. MBBS, MB. ChB, MD):.....

b) date on which qualification was conferred:

c) university or institution which conferred qualification :

d) medical or dental college at which applicant studied:

Post-graduate medical or dental qualifications

Title	Name of Institution	Country	Date

Type of registration applied for (provisional, 24 months or up to six months)
.....

Address to which documents are to be sent:

Declaration:

I declare that the particulars I have given above are true and accurate.

Signature:

Date:

(If registration is granted, a certificate will be despatched to the applicant. The applicant should not take up practice until the applicant has received the certificate.)

**Part II
Fees**

Registration for a period of not more than six months	R200
Registration for a period of 24 months	R500
Provisional registration for period of housemanship	R100
Processing fee upon application for 1 st registration	R300
Surcharge for late renewal of registration	R250

- Note:
1. Where an application is made by a foreigner not residence in Seychelles, payment for the relevant fee shall be made in a freely convertible foreign currency.
 2. Imposition of surcharge does not amount to an authorization of practicing without registration.
-