

ANTIGUA AND BARBUDA



THE MEDICAL PRACTITIONERS ACT, 2009

No. 3 of 2009

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*The Medical Practitioners Act, 2009.*

No. 3 of 2009

**THE MEDICAL PRACTITIONERS ACT, 2009**

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No. 3 of 2009

*The Medical Practitioners Act, 2009.*



[L.S.]

I Assent,

**Louise Lake-Tack,**  
*Governor-General.*

6th February, 2009.

**ANTIGUA AND BARBUDA**  
**THE MEDICAL PRACTITIONERS ACT, 2009**

**No. 3 of 2009**

**AN ACT** to provide for the registration, licensing and regulation of the practice of medicine in Antigua and Barbuda.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**PART I**

**GENERAL**

**1. Short title**

This Act may be cited as the Medical Practitioners Act, 2009.

**2. Interpretation**

In this Act,

“member” means a person appointed under this Act to hold office in the Medical Council established under section 3;

“Minister” means the Minister of Health.

- (a) the member dies;
- (b) the member's term of office expires;
- (c) the member resigns by written notice to the Minister;
- (a) the member is medically certified to be unable to function because of physical or mental illness;
- (e) the member is absent from three consecutive meetings of the Medical Council without the permission of the Chairperson;
- (j) the member is declared bankrupt by a court of competent jurisdiction;
- (g) the member is disqualified or suspended otherwise than at his or her own request, from practising medicine in Antigua and Barbuda or elsewhere, or, in the case of a member referred to in paragraph 3(1)(a), ceases to be qualified on the basis on which he or she was originally considered qualified; or
- (h) the member contravenes this Act and his or her office is declared vacant by the Minister.

(3) If a member, other than the Chief Medical Officer, is unable to perform his or her functions or attend meetings of the Medical Council, by reason of illness or otherwise, the Council shall request the Minister to appoint an appropriate person to act as alternate member for the unexpired portion of the term of the member.

(6) The Minister shall, no later than 10 days after receiving the request, appoint an alternate member who shall hold office for the remaining portion of the term of the office to which he or she is appointed.

(7) For greater certainty, if the Chief Medical Officer is unable to perform functions or attend meetings, or if the office of Chief Medical Officer becomes vacant, the person appointed to carry out the functions of Chief Medical Officer, or otherwise act as Chief Medical Officer, is treated as the Chief Medical Officer for the purposes of this Act.

(8) A member continues to be a member of the Medical Council after the expiry of his or her term until a successor is appointed.

(9) The Minister shall cause the names of the members of the Medical Council as first constituted and every change in membership to be published in the *Gazette* and in a local newspaper.

(10) The acts of the Medical Council are valid even if there is a defect in its constitution or in the appointment of a member.

## PART II

### MEDICAL COUNCIL

#### 3. Establishment and composition of Medical Council

(1) There is established a Board known as the Medical Council that is responsible for the registration and licensing of medical practitioners and the regulation of medical practice in Antigua and Barbuda, consisting of

- (a) *ex officio* the Chief Medical Officer who shall not be eligible to be appointed to act as an officer of the Board during his or her *ex officio* appointment;
- (b) two medical practitioners appointed by the Minister on the recommendation of the Antigua and Barbuda Medical Association; and
- (c) one medical practitioner appointed by the Minister acting in his own discretion; and
- (a) three other persons whom the Minister considers to be otherwise qualified to be members of the Medical Council.

(2) The Medical Council shall elect from amongst its members the following officers

- (a) a Chairperson;
- (b) a Vice-Chairperson;
- (c) a Treasurer; and
- (a) a Registrar/Secretary.

(3) The Medical Council may appoint the sub-committees it thinks are necessary to carry out its functions and may delegate functions to a sub-committee.

#### 4. Tenure

(1) A member, other than the Chief Medical Officer, shall hold office for a term of not less than three and not more than five years and is eligible for re-appointment, but may not be appointed for more than two terms in succession.

(2) The office of a member becomes vacant if

- (a) remove the name of the medical practitioner from the Medical Register if the medical practitioner no longer meets the requirements of this Act; and
- (e) collect fees required to be paid under this Act and use those monies to defray operational expenses.

### **8. Meetings of the Council**

(1) The Medical Council shall meet at least eight times in every year at a time and place to be fixed by the Council. Not less than seven days' notice of a meeting, together with an agenda, must be given to the members. Meetings may be held using technology that permits the virtual presence of one or more members at the meeting or that permits the members to hear each other and participate in the meeting.

(2) The Chairperson may at any time convene an emergency meeting if he or she considers it necessary.

### **9. Quorum and voting**

(1) The quorum of the Medical Council shall be five members.

(2) Decisions of the medical council are by majority vote and in case of the vote being equal, the Chairperson has a casting vote.

### **10. Personal Liability**

(1) No member of the Medical Council is personally liable in an action or proceeding for or in respect of an act or matter done or omitted to be done in good faith in the exercise or purported exercise of a duty or function under this Act.

(2) Where any member of the Medical Council is exempt from liability by reason only of subsection (1) the Medical Council shall be liable to the extent that it would be if the member was a servant or agent of the Medical Council.

### **11. Confidentiality obligations**

Every member of the Medical Council shall maintain the confidentiality of, and refrain from using or disclosing, any confidential or personal information that he or she acquires in the course of his or her functions under this Act.

## **PART III**

## **REGISTRATION AND LICENSING**



## **5. Remuneration**

The members of the Medical Council are to be paid the remuneration determined by Cabinet.

## **6. Seal of the Medical Council**

(1) The seal of the Medical Council is to be kept in the custody of the Chairperson and be authenticated by the Chairperson and the Registrar/Secretary or one other member authorised by the Medical Council.

(2) All documents of the Medical Council, other than those required by law to be made under seal, and all decisions of the Medical Council, may be signified under the hand of the Chairperson.

## **7. Functions and powers of the Medical Council**

(1) The functions of the Medical Council are

- (a) to register and license persons as medical practitioners who meet the requirements of this Act and possess the qualifications and experience prescribed by regulations;
- (b) to prescribe the Code of Ethics and to monitor adherence to and investigate breaches of the Code;
- (c) to collaborate with and advise the Medical Association on the Council's requirements for Continuing Medical Education;
- (d) to organise whether or not in conjunction with the Medical Association or the Ministry of Health, seminars, courses and practicals in respect of Continuing Medical Education;
- (e) to advise the Minister with respect to amendments to this Act; and
- (f) to perform any other function conferred on it by this Act or any other law.

(2) The Medical Council has the power to

- (a) cause the registration of medical practitioners and issue medical licences to persons who meet the requirements of this Act and possess the prescribed qualifications and experience;
- (b) cause disciplinary proceedings against medical practitioners to be taken in accordance with this Act;
- (c) suspend or revoke the licence of a medical practitioner;

(vi) any other information prescribed by regulation.

(2) For the purpose of subsection (1), a person is qualified to be registered as a general practitioner who holds any diploma, degree, fellowship, membership, licence, certificate, or other status or form of registration granted by a university, college or body empowered to confer authority to practice medicine by the law of the country or place where it is granted and which in the opinion of the Medical Council is evidence of satisfactory medical training. For this purpose, the Medical Council shall at all times be mindful and apply the standards set from time to time by the Caribbean Accreditation Authority for medicine and other Health Professions and maintain a list of accredited institutions and the Chairperson of the Medical Council (or a person nominated by him or her) shall make the necessary investigation to verify and ensure the suitability of any institution to be accepted.

(3) The Medical Council shall consider an application for registration and shall inform the applicant, no later than 35 days after receipt of the application, whether or not the applicant meets the requirements of this Act.

(4) If the applicant meets the requirements of this Act, the Medical Council shall cause the person's name to be entered on the Medical Register and shall issue a certificate of registration to the applicant in Form 2 set out in Schedule I, on receipt of the registration fee set out in Schedule II.

(5) If the Medical Council is of the opinion that the applicant does not meet the requirements of this Act, the Medical Council shall provide the reasons for the refusal to register the applicant and indicate to the applicant the steps that are required in order for the applicant to be eligible for registration.

(6) The Medical Council may cause a visiting general practitioner or an applicant who has completed his or her academic education but does not meet the other requirements in subsection (1) and (2) to be provisionally registered

(a) either at the discretion of the Medical Council; or

(b) on application by the person seeking to be provisionally registered.

(7) On the application of a person who has been provisionally registered, the Medical Council shall on being satisfied that the person has met all the requirements in subsection (1) and (2), delete the provisional registration, and register the person as a general practitioner in accordance with subsection (4).

### **13A. Registration to practise as a Consultant or Specialist**

(1) A person who wishes to practise medicine as a consultant or specialist shall first be registered

## **12. Registration and licensing**

A person shall not, unless the person is registered under this Act and holds a valid licence issued under this Act, in Antigua and Barbuda,

- (a) practise medicine as a general practitioner;
- (b) practise medicine as a consultant or specialist in any area of medicine;
- (c) recover fees for practising medicine;
- (a) use the title Medical Doctor or the customary title abbreviation against his or her name;  
or
- (e) sign a certificate that, by law, is required to be signed by a medical doctor; or

## **13. Registration**

(1) A person who wishes to be registered as a general practitioner in Antigua and Barbuda shall

- (a) apply to the Medical Council on Form 1 set out in Schedule I;
- (b) pay the fee set out in Schedule II; and
- (c) provide the following to the Medical Council:
  - (i) proof that the applicant possesses the prescribed qualifications and postgraduate training including an internship or its equivalent;
  - (ii) proof of the identity of the applicant;
  - (iii) proof that the applicant is able to read, write, speak and understand the English language;
  - (iv) two letters of recommendation attesting to the applicant's good moral character and stating that the applicant is a fit and proper person to practise medicine in Antigua and Barbuda;
  - (v) proof of current registration or a practising certificate from another medical registering body, and a certificate of good standing from that body, if the applicant is registered as a medical practitioner in another State; and

- (c) the date on which the person's name was first entered on the Medical Register; and
- (a) a description of, and the date of,
  - (i) the qualification in respect of which he or she is registered, and
  - (ii) any higher degree or qualification held by the person that he or she has communicated to the Medical Council.

(2) The Medical Council may, if it is satisfied that a name of a person appears on the Medical Register in error, remove the name of that person and, if a certificate of registration has been issued to the person, by notice in writing require the person to return that certificate.

(3) A person who receives a notice shall immediately return the certificate of registration.

(4) Any person may, at a reasonable time and on payment of the prescribed fee

- (a) inspect the Medical Register; or
- (b) obtain from the Medical Council a certified copy of a portion of the Medical Register.

(5) A medical practitioner may request in writing that the Medical Council remove his or her name from the Medical Register and the Medical Council shall do so no later than 14 days after receiving such a request.

#### **15. Appeals against refusal to register, removal, etc**

A person who is aggrieved by the refusal of the Medical Council to grant him or her registration (including provisional registration), or by the removal of his or her name from the register, or by the decision of the Medical Council to censure him or her or suspend or revoke his or her registration, may within three months after the date on which notice is given by the Medical Council of such refusal, removal, censure or suspension or revocation, appeal against the Medical Council's decision to a judge of the High Court who shall give such direction in the matter as he or she may think proper, including a direction as to the costs of the appeal.

#### **16. Licence to practise medicine**

(1) A person who is registered as a medical practitioner and who wishes to practise medicine in Antigua and Barbuda shall

- (a) apply to the Medical Council for a licence on Form 4 set out in Schedule I;
- (b) provide proof of current registration or a practising certificate from another medical registering body, and a certificate of good standing from that body, if the applicant is

to practise medicine under section 13 and shall apply to the Medical Council to be registered as a consultant or specialist in the prescribed form.

(2) An application to be registered as a consultant or specialist shall be made in the form numbered 1 in Schedule I and pay the fees set out in Schedule II.

(3) An application made under subsection (2) shall be accompanied by proof that the applicant possesses the requisite qualifications necessary to practise as a consultant or specialist in the area of medicine specified in the application.

(4) A person is qualified to practise as a consultant or specialist if that person possesses an advanced diploma or degree or any other similar advanced qualification recognised by the Medical Council.

(5) The Medical Council shall consider an application for registration and shall inform the applicant, no later than 35 days after receipt of the application, whether or not the applicant meets the requirements to practise medicine as a consultant or specialist in the area for which the applicant has applied.

(6) If the applicant satisfies the requirements of this Act, the Medical Council shall cause the person's name to be entered on the Medical Register as a consultant or specialist and shall issue a certificate of registration to the applicant in Form 2 set out in Schedule I.

(7) If the Medical Council is of the opinion that the applicant does not meet the requirements of this Act, the Medical Council shall provide the reasons for the refusal to register the applicant and indicate the steps that are required in order for the applicant to be eligible for registration.

(8) A certificate of registration to practise as a consultant or specialist permits the person to whom the certificate was issued to practise as a medical consultant or specialist only in the area specified in the certificate.

(9) A person who is registered as a consultant or specialist in Antigua and Barbuda and who wishes to practise medicine as such in Antigua and Barbuda shall apply to be licensed under section 16 of this Act.

#### **14. Medical Register**

- (1) The Medical Council shall keep a Medical Register on which is listed
  - (a) the name and address of every person registered under section 13 and 13A;
  - (b) whether the registration is provisional or not;

- (a) in the case of a licence issued to a person who is provisionally registered, for two years;  
and
- (b) in any other case for three years.

(2) No later than 60 days before the date on which the licence to practise medicine expires, a medical practitioner who wishes to renew the licence shall apply for a renewal of the licence.

(3) The Medical Council shall renew the licence and issue a new licence to the applicant unless it is of the view that the person no longer meets the requirements of this Act.

(4) If the Medical Council is unsure as to whether or not an applicant meets the requirements of this Act, the Medical Council may require the applicant to provide further information, in writing and, if it does so, the applicant must be given a reasonable time period in which to provide the information.

(5) Subsections 16(2) and (4) apply, with the necessary modifications, to a renewal of a licence to practise medicine.

#### **19. No re-application for two years after revocation of licence**

A person whose licence has been revoked under this Act, or whose registration has been erased under section 17 of the Medical Act, Cap 269, shall not apply for registration or licensing until two years have elapsed since the revocation or erasure.

#### **20. Suspension and revocation of licence to practise medicine**

(1) The Medical Council may revoke a licence to practise medicine by notice in writing, as of the date set out in the notice, if the holder of the licence contravenes a provision of this Act or the regulations made under it.

(2) A person who receives a notice of revocation of licence shall, as soon as possible before the date set out in the notice, return the licence.

(3) The Medical Council may, when there is a question of serious risk to the public, suspend the licence of a medical practitioner for a period not exceeding three months while an investigation is carried out to ascertain whether the medical practitioner's licence ought to be revoked or until the condition that created the risk no longer exists.

#### **21. Lists of medical practitioners**

The Medical Council shall cause to be published in the *Gazette*, and in at least one local newspaper, on the 1st of March and the 1st of September of every year, an alphabetical list of every medical practitioner who holds a valid licence to practise medicine as of the beginning of the previous month,

registered as a medical practitioner in another State;

- (c) in the case of a person who is not a citizen, furnish proof to the Medical Council of a work permit issued to him or her or an exemption therefrom;
- (a) prove to the Medical Council that he or she has complied with any prescribed requirements for Continuing Medical Education; and
- (e) pay the fee set out in Schedule II; and
- (j) provide any other information prescribed by regulation.

(2) The Medical Council shall consider an application for a licence and shall inform the applicant, no later than 35 days after receipt of the application, whether or not the applicant meets the requirements of this Act.

(3) If the applicant meets the requirements of this Act, the Medical Council shall issue a licence to practise medicine to the applicant in Form 5 set out in Schedule I, on receipt of the licence fee set out in Schedule II.

(4) If the Medical Council is of the opinion that the applicant does not meet the requirements of this Act, the Medical Council shall provide the reasons for the refusal to license the applicant and indicate to the applicant the steps that are required in order for the applicant to be eligible to be licensed.

(5) A medical practitioner licensed to practise medicine shall display the licence in a prominent place on the premises on which he or she practises medicine.

(6) The Minister may by Order waive the fees set out in Schedule II.

### **17. Conditions on licence**

(1) A licence to practise medicine may be subject to the conditions that the Medical Council considers necessary.

(2) Without limiting subsection (1), a licence to practise medicine issued to a person who is provisionally registered under section 13 shall set out the place at which the medical practitioner may practise medicine, and the medical practitioner under whose supervision the practice must take place.

(3) Without limiting subsection (1), a licence to practise medicine may contain a condition requiring the medical practitioner's practice to be restricted to a particular institution.

### **18. Validity and renewal of licence to practise medicine**

(1) Unless it is sooner revoked or suspended, a licence to practise medicine is valid

illness;

- (e) the member is absent from three consecutive meetings of the Disciplinary Committee without the permission of the Chairperson;
- (j) the member is declared bankrupt by a court of competent jurisdiction;
- (g) the member is disqualified or suspended otherwise than at his or her own request, from practising medicine in Antigua and Barbuda or elsewhere, or, in the case of a member referred to in paragraph (1)(a) ceases to be qualified on the basis on which he or she was originally considered qualified.

(6) If a member is unable to perform functions or attend meetings of the Disciplinary Committee, by reason of illness or otherwise, the Committee shall request the Minister to appoint an appropriate person to act as alternate member for the unexpired portion of the term of the member.

(7) The Minister shall, no later than 10 days after receiving the request, appoint an alternate member of the Disciplinary Committee and after the appointment the alternate member is treated as if he or she had been appointed a member in the ordinary course, for the portion of the term for which he or she is appointed.

(8) A member continues to be a member of the Disciplinary Committee after the expiry of his term until a successor is appointed.

(9) The Minister shall cause the names of the members of the Disciplinary Committee as first constituted and every change in membership to be published in the *Gazette* and in a newspaper that is widely circulated in Antigua and Barbuda.

(10) The members of the Disciplinary Committee are to be paid the remuneration determined by Cabinet.

### **23. Proceedings of the Disciplinary Committee**

(1) The Disciplinary Committee shall meet at the times that are necessary or expedient for the hearing of complaints under this Act.

(2) The Chairperson, or in the absence of the Chairperson, the Deputy Chairperson, presides at the hearings of the Disciplinary Committee.

(3) The quorum of the Disciplinary Committee is three, including at least one of the members referred to in paragraph 22(1)(a).

(4) The proceedings of the Disciplinary Committee shall be held in private.

### **24. Rules of procedure**



and the date on which that licence expires. The list must set out if the medical practitioner is one whose practice is subject to a condition referred to in subsection 17(2) or (3).

#### **PART IV**

#### **DISCIPLINE**

#### **22. Disciplinary Committee**

(1) There is established a Disciplinary Committee that is responsible for the upholding of standards of professional conduct of medical practitioners, consisting of

- (a) a Chairperson, who has practised medicine for no fewer than 10 years, at least five of which must have been in Antigua and Barbuda;
- (b) a Deputy Chairperson, who has practised medicine for no fewer than 10 years, at least five of which must have been in Antigua and Barbuda;
- (c) one medical practitioner who has practised medicine for no fewer than five years in Antigua and Barbuda; and
- (a) two persons who may be otherwise qualified.

(2) The Minister shall appoint the members of the Disciplinary Committee, and shall consult with the Antigua and Barbuda Medical Association before appointing the members other than the members referred to in paragraph (1)(a).

(3) A member of the Disciplinary Committee holds office for a term of three years and is eligible for re-appointment, but may not be appointed for more than two terms consecutively.

(4) The Minister shall appoint the members of the Disciplinary Committee so that the terms of the members do not all expire in the same year. The first term after the coming into force of this Act of one of the members referred to in paragraph (1)(a) and of the Chairperson shall therefore be for four years.

(5) The office of a member of the Disciplinary Committee becomes vacant if

- (a) the member dies;
- (b) the member's term of office expires;
- (c) the member resigns by written notice to the Minister;
- (a) the member is medically certified to be unable to function because of physical or mental

constitutes unprofessional or discreditable conduct.

## **26. Hearing of complaint**

(1) No later than 28 days after receiving a complaint, the Disciplinary Committee shall hold a hearing in order to ascertain whether or not there has been professional misconduct.

(2) No later than 14 days after hearing the complaint, the Disciplinary Committee shall report to the Medical Council setting out its decision as to whether or not the complaint was well-founded and the reasons for the decision. In case of a tie vote, the Chairperson has a casting vote for the making of the decision.

(3) If the decision is not unanimous, any member of the Disciplinary Committee may provide a minority report and the person who presided at the hearing shall include the minority report in the report to the Medical Council.

(4) If the Disciplinary Committee, or the majority of the Disciplinary Committee, decides that a complaint is well-founded it may make the recommendations it considers just, including a recommendation to

- (a) remove from the Medical Register the name of the medical practitioner;
- (b) suspend the medical practitioner's licence to practise medicine;
- (c) revoke the medical practitioner's licence to practise medicine;
- (a) place conditions on the medical practitioner's licence to practise medicine;
- (e) impose a reasonable fine on the medical practitioner; or
- (j) reprimand the medical practitioner.

## **27. Medical Council to consider report**

(1) The Medical Council shall, no later than 14 days after receiving the report of the Disciplinary Committee, consider the report at a meeting and make a decision in writing as to whether the complaint should be dismissed or accepted and, if accepted, whether to

- (a) remove the name of the medical practitioner from the Medical Register;
- (b) suspend the medical practitioner's licence to practise medicine for a period not exceeding two years;
- (c) revoke the medical practitioner's licence;

(1) The Disciplinary Committee may make rules regulating the presentation, hearing and determination of complaints under this Act.

(2) The Disciplinary Committee has the powers of the High Court with respect to summoning and examining witnesses on oath and ordering the production of documents for the purposes of hearings it conducts under this Act.

### **25. Complaints to Disciplinary Committee**

(1) A person may make a complaint, to the Disciplinary Committee with respect to a medical practitioner that the person alleges has committed an act of professional misconduct.

(2) A licensed medical practitioner may make a complaint to the Disciplinary Committee with respect to another licensed medical practitioner that he or she alleges has committed an act of professional misconduct.

(3) A complaint must be set out in writing.

(4) No person shall make a frivolous complaint.

(5) For the purpose of this section, a registered medical practitioner commits an act of professional misconduct if that person

- (a) wilfully and without legal justification betrays a professional confidence;
- (b) abandons a patient in danger without sufficient cause, and without giving the patient the opportunity to obtain the services of another practitioner;
- (c) knowingly gives a false certificate respecting any matter which may result in the person to whom the certificate is given obtaining any financial consideration, advantage or benefit;
- (a) so indulges in the excessive or habitual use of intoxicating liquor or drugs as to adversely affect the treatment of patients;
- (e) impersonates another registered medical practitioner;
- (j) employs or permits a person not registered under this Act or any other enactment relating to any branch of the practice of medicine, to attend or treat or perform services which require professional skill upon any patient, or by his presence, advice, assistance or co-operation enables that person, whether acting as an assistant or otherwise, to do any act which would constitute the practice of medicine; or
- (g) performs or fails to perform any act, which in the opinion of the Disciplinary Committee,

- (a) place conditions on the medical practitioner's licence to practise medicine;
- (e) impose a fine on the medical practitioner that does not exceed \$10,000; or
- (j) reprimand the medical practitioner.

(2) The Medical Council shall communicate its decision to the medical practitioner no later than seven days after it is made.

(3) The decision must set out the date as of which an action under paragraph (1)(a) (b) (c) or (a) takes effect and the date by which a fine imposed under paragraph (1)(e) must be paid to the Medical Council.

(4) The Medical Council shall cause a notice of a decision under paragraph (1)(a) (b) (c) or (a) to be published in the *Gazette* as soon as is practicable after it is made.

#### **28. Confidentiality obligations**

Every member of the Disciplinary Committee shall maintain the confidentiality of, and refrain from using or disclosing, any confidential or personal information that he or she acquires in the course of his or her functions under this Act.

### **PART V**

#### **OFFENCES AND PENALTIES**

#### **29. Practising or pretending to practise medicine unless registered and licensed**

(1) Subject to subsection (2), person who contravenes section 12 commits an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment for two years or to both, or on indictment to a fine of \$25,000 or to imprisonment for three years or to both.

(2) A person who practises medicine after the expiry of the person's licence commits an offence and is liable on summary conviction to a fine of \$1500 and an additional fine of \$400 for every day the practice continues without a renewal of the licence.

#### **30. False representations**

A person who fraudulently procures or attempts to procure the registration or acquisition of a licence, either for himself or herself or for any other person, commits an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment for one year or to both.

#### **31. Penalty where no other specific penalty**

A person who contravenes a provision of this Act or the regulations for which no specific penalty is provided commits an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment for two years or to both, or on indictment to a fine of \$25,000 or to imprisonment for three years or to both.

## **PART VI**

### **MISCELLANEOUS**

#### **32. Regulations**

The Minister may, after consulting the Medical Council, make regulations that are necessary or desirable for the better carrying out of the objects of this Act.

#### **33. Amendment of the Schedules**

The Minister may, by Order, amend the Schedules if he or she considers it necessary to do so.

#### **34. Limitation of actions**

An action in a court of law for alleged negligence or malpractice in respect of medical services alleged to have been rendered by a holder of a licence to practise medicine under this Act shall not be received unless the action is commenced within three years after

- (a) the date of the termination of the relevant medical services; or
- (b) the date of knowledge of the consequences of the relevant medical services.

#### **35. Transitional**

(1) Until the Minister appoints the members of the Medical Council under section 3, the persons who were members of the Medical Board appointed under the Medical Act, Cap. 269 immediately before the coming into force of this Act are the Medical Council and three members of the Medical Board constitute a quorum.

(2) A person who was registered as a medical practitioner under the Medical Act, Cap 269, immediately before the coming into force of this Act need not apply for registration under this Act and the Registrar shall, as soon as is practicable, enter that person's name on the Medical Register.

(3) A person referred to in subsection (2) who wishes to practise medicine in Antigua and Barbuda shall comply with section 13 no later than six months after the coming into force of this Act.

(4) A person referred to in subsection (2) is subject to Part IV of this Act as of the date on which it

comes into force, whether the misconduct complained of is alleged to have occurred before or after the coming into force of this Act.

**36. Repeal**

Part III of the Medical Act, Cap. 269, is repealed. All other provisions of that Act that refer to medical practitioners are amended so that the reference to medical practitioners in them are struck out.

**SCHEDULE I**

*(Sections 13 and 16)*

**FORMS**

**FORM 1**

**APPLICATION FOR REGISTRATION AS A GENERAL PRACTITIONER CONSULTANT OR SPECIALIST**

1. Name \_\_\_\_\_

2. Details of any change of name \_\_\_\_\_

3. Address: \_\_\_\_\_

\_\_\_\_\_

4. Email address: \_\_\_\_\_

5. Telephone numbers – Home \_\_\_\_\_ Business \_\_\_\_\_

Cell \_\_\_\_\_

6. Details of medical education:

a) Institution \_\_\_\_\_

b) Degrees granted \_\_\_\_\_

c) Practical training \_\_\_\_\_

7. Area of medicine for consultant or specialist registration (where applicable)

\_\_\_\_\_

8. Details of any other jurisdictions in which the applicant is registered as a medical practitioner \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Are you still eligible to practice there [ ] Yes [ ] No

If not, please provide reasons \_\_\_\_\_

\_\_\_\_\_

**FORM 2**

**CERTIFICATE OF REGISTRATION AS A GENERAL PRACTITIONER  
CONSULTANT OR SPECIALIST**

1. Name \_\_\_\_\_

2. Address: \_\_\_\_\_

I hereby certify that the above named person was registered as a general practitioner, consultant or specialist (delete where not applicable) under the Medical Practitioners Act, 2009 on the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

\_\_\_\_\_  
*Registrar/Secretary*

**FORM 3**

**CERTIFICATE OF REGISTRATION AS A GENERAL PRACTITIONER  
PROVISIONAL**

1. Name \_\_\_\_\_

2. Address: \_\_\_\_\_

I hereby certify that the above named person was provisionally registered as a general practitioner under the Medical Practitioners Act, 2009 on the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

\_\_\_\_\_  
*Registrar/Secretary*

**FORM 4**





*Applicant*

Sworn before me

at

On the            day of            20

\_\_\_\_\_  
*Commissioner of Oaths/Notary Public*

**FORM 5**

**LICENCE TO PRACTISE MEDICINE IN ANTIGUA AND BARBUDA**

1. Name \_\_\_\_\_

2. Address: \_\_\_\_\_

I hereby certify that the above named person is licensed to practise medicine as a general practitioner, consultant or specialist under the Medical Practitioners Act, 2009 from the            day of            20 until the            day of            20 , {subject to the following conditions if applicable}; \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Registrar /Secretary*

**APPLICATION FOR LICENCE TO PRACTISE MEDICINE**

1. Name \_\_\_\_\_

2. Details of any change of name \_\_\_\_\_

3. Address: \_\_\_\_\_  
\_\_\_\_\_

4. Email address: \_\_\_\_\_

5. Telephone numbers – Home \_\_\_\_\_ Business \_\_\_\_\_

Cell \_\_\_\_\_

6. Date of registration as a general practitioner, consultant or specialist (insert whichever is applicable) under the Medical Practitioners Act or under the Medical Act, including whether registration is provisional \_\_\_\_\_  
\_\_\_\_\_

7. Details of continuing medical education courses taken in the last 5 years: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Signed*

\_\_\_\_\_  
*Applicant*

\*\*\*\*\*  
Statutory Declaration

I, hereby declare on oath that the information contained in the above form is true and correct to the best of my knowledge, information and belief and that there have been no material changes to my situation since the date of my registration as a medical practitioner as detailed in item 3 above.  
\_\_\_\_\_

**SCHEDULE II**

**(Sections, 13 and 16)**

**FEEES**

Service	Fee to be paid
Application for registration	\$25.00
Registration	\$500.00
Inspection of Medical Register	\$25.00
Copy of Medical Register (per page)	\$25.00
Application for licensing	\$25.00
Licence fee	\$1,000.00

Passed the House of Representatives on the 26th day of January, 2009.

Passed the Senate on the 30th day of January, 2009.

**D. Gisele Isaac-Arrindell,**  
*Speaker.*

**McKenzie Frank,**  
*President.*

**T. Thomas,**  
*Acting Clerk to the House of Representatives.*

**T. Thomas,**  
*Acting Clerk to the Senate.*