



BERMUDA

HEALTH PROFESSIONALS (MISCELLANEOUS AMENDMENTS) ACT 2020

2020 : 47

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WHEREAS it is expedient to amend the Allied Health Professions Act 2018, the Dental Practitioners Act 1950, the Medical Practitioners Act 1950, the Nursing and Midwifery Act 1997, the Optometrists and Opticians Act 2008, the Pharmacy and Poisons Act 1979 and the Psychological Practitioners Act 2018 to further enhance the provisions therein related to registration of health care professionals and to provide for connected matters and matters incidental thereto;

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Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Health Professionals (Miscellaneous Amendments) Act 2020.

AMENDMENT OF ALLIED HEALTH PROFESSIONS ACT 2018

Amends section 2

2 The Allied Health Professions Act 2018 is amended as follows—

(a) in section 2 by repealing and replacing the definition of “Registrar” as follows—

“ “Registrar” means the person for whose appointment section 13 provides;”;

(b) by inserting in the appropriate alphabetical order the following—

“ “applicable fee” means the fee referred to in section 34(1);

“Bermuda Health Council” means the Bermuda Health Council established under section 3 of the Bermuda Health Council Act 2004;

“Code of Conduct” or “Code” means a code referred to in section 27;

“continuing education” means the continuing education programme referred to in section 17(1)(c);”.

Amends section 13; inserts section 13A

3 The Allied Health Professions Act 2018 is amended by repealing and replacing section 13 as follows—

“Registrar

13 (1) For the purposes of this Act, there shall be continue to be a Registrar for the Council to be known as the Registrar of Allied Health Professionals.

(2) The Chief Executive Officer of the Bermuda Health Council shall be the Registrar for Allied Health Professionals.

(3) The Registrar shall perform the functions conferred on him by this Act or by any other statutory provision.

Delegation by Registrar

13A (1) The Registrar may, by instrument in writing, delegate to an officer or an agent of the Registrar any function or power conferred on the Registrar.

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(2) The Registrar may perform such of his functions as he thinks fit through an officer or agent of the Registrar and in the performance of those functions the officer or agent shall be subject to the directions of the Registrar.

(3) A delegation under subsection (1) may—

(a) be made subject to such conditions, qualifications and exceptions as the Registrar may specify in the instrument of delegation;

(b) be revoked or varied by a subsequent instrument.

(4) The Registrar may perform any function or exercise any power notwithstanding that he has delegated it to some other person.

(5) The Statutory Instruments Act 1977 does not apply in respect of an instrument made under this section.”.

Amends section 16

4 The Allied Health Professions Act 2018 is amended in section 16 as follows—

(a) by numbering that provision as subsection (1), deleting the word “The” and substituting the words “Unless sooner cancelled and subject to subsections (2) and (3), the”;

(b) by inserting after subsection (1) the following—

“(2) Subsection (3) applies where a person is registered as a registered practitioner or an assistant on a date that falls between the start, and end, of the applicable registration cycle for registered practitioners or assistants.

(3) Where this subsection applies, the registration of the registered practitioner or assistant may, if the Council so determines appropriate, have effect for such longer period than two years but not exceeding three years as may be specified in the certificate of registration issued to him.”

Amends section 20

5 The Allied Health Professions Act 2018 is amended in section 20 as follows—

(a) in subsection (1), by inserting after the words “the Council” and substituting the words “shall, subject to subsections (1A) and (2) and”;

(b) by inserting after subsection (1) the following—

“(1A) Where the Council direct the Registrar to remove the name of a person from the register, the Council shall cause the Registrar to give notice to the person accordingly.”;

(c) by repealing and replacing subsection (4) as follows—

“(4) The Registrar, in any case where the Council direct that the name of a registered person should be removed from the register, shall on the tenth day after

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he has given notice to the registered person in accordance with subsection (1A), and subject to any directions of the Court, remove the name of the registered person from the register and—

- (a) inform the person by written notice under subsection (1A) that his name has been removed the register;
- (b) by the same or another notice given as provided in paragraph (a) require the person to return his certificate of registration or licence, as the case may be, within seven days after receiving the notice; and
- (c) cause a notification of the removal from the register to be made in the Gazette.

(4A) A notification under subsection (4)(c) is not a statutory instrument and shall not be subject to the Statutory Instruments Act 1977.”.

Amends section 29

6 The Allied Health Professions Act 2018 is amended in section 29(2) as follows—

- (a) by inserting after the words “of \$10,000”, the words “or imprisonment for six months or to both for a first offence”; and
- (b) by inserting after the words “of \$20,000”, the words “or imprisonment for one year or to both.”

Repeals and replaces section 34

7 The Allied Health Professions Act 2018 is amended by repealing and replacing section 34 as follows—

“Fees

- 34
- (1) The applicable fees shall be payable to the Bermuda Health Council.
 - (2) A person applying for registration under section 15 shall at the time of filing of the application for registration in respect of that application pay to the Bermuda Health Council the applicable fee referred to in subsection (1).
 - (3) A registered person applying for renewal of registration shall within every two years after the date when the person is first registered, or such longer period as may be applicable pursuant to section 16, pay to the Bermuda Health Council the applicable fee referred to in subsection (1).
 - (4) In this section, “applicable fee” means the fee set forth in Schedule 4.
 - (5) Schedule 4 has effect as to fees that are payable under this Act.”.

Inserts section 34A

8 The Allied Health Professions Act 2018 is amended by inserting after section 34 the following—

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“Amendment of Schedule 4

34A (1) The Minister may by order amend Schedule 4 to vary any fee specified therein or to add or revoke fees.

(2) An order made by the Minister under subsection (1) shall be subject to the affirmative resolution procedure.”.

Amends section 35

9 The Allied Health Professions Act 2018 is amended in section 35 by inserting after the words “each year” the words “but not later than the day determined by the Minister”.

Inserts Schedule 4

10 The Allied Health Professions Act 2018 is amended by inserting after Schedule 3 the following—

“SCHEDULE 4

(section 34)

FEES	
(1) Applying for registration to practise a specified profession under section 15	\$165
(2) Applying for renewal of registration to practise a specified profession under section 17	\$110
(3) Fee for late renewal of registration to practise a specified profession	\$50
(4) Requesting a certificate of professional standing regarding a person practising a specified profession	\$25
(5) Requesting a duplicate copy of registration certificate after issuance	\$25

AMENDMENT OF DENTAL PRACTITIONERS ACT 1950

Inserts heading: Part 1

11 The Dental Practitioners Act 1950 is amended by inserting above the heading to section 1 the following—

“PART 1

PRELIMINARY”.

Amends section 1

12 The Dental Practitioners Act 1950 is amended in section 1 as follows—

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- (a) in the definition of “the register”, by deleting the words “Permanent Secretary of the Department of Health” and substituting the word “Registrar”;
- (b) by inserting in the appropriate alphabetical order the following—
 - “ “ancillary committee” means an ancillary committee appointed under section 12C(6);
 - “appropriate fee” means the fee referred to in section 27B;
 - “Bermuda Health Council” means the Bermuda Health Council established under section 3 of the Bermuda Health Council Act 2004;
 - “Code” means the code of conduct provided for in section 12B;
 - “continuing dental education programme” has the meaning given in section 7A(3);
 - “Registrar” means the person for whose appointment section 5B provides;”.

Inserts heading: Part 2

13 The Dental Practitioners Act 1950 is amended by inserting above the heading to section 2 the following—

“PART 2
PRIVILEGES OF DENTAL PRACTITIONERS” .

Amends section 2

14 The Dental Practitioners Act 1950 is amended in section 2 as follows—

- (a) in subsection (1)(b), in subparagraph (ii) of the proviso thereto, by deleting the words “Permanent Secretary of the Department of Health” and substituting the word “Registrar”;
- (b) in subsection (3), by inserting after the words “and fine”, the words “for a first offence, and to a fine of \$20,000 or imprisonment for one year or to both for a second or subsequent offence”.

Inserts heading: Part 3

15 The Dental Practitioners Act 1950 is amended by inserting above the heading to section 5 the following—

“PART 3
BERMUDA DENTAL BOARD” .

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Amends section 5

16 The Dental Practitioners Act 1950 is amended in section 5 as follows—

- (a) by repealing subsection (2);
- (b) by inserting after subsection (7) the following—

“(7A) The Senior Dental Officer may attend a meeting of the Board and may assist the Board in its deliberations on any matter, but shall not be counted for the purpose of constituting a quorum and shall have no vote.”

Inserts section 5A

17 The Dental Practitioners Act 1950 is amended by inserting after section 5A the following—

“Protection from personal liability

5A A member of the Board or any committee thereof shall not be personally liable for damages for anything done or omitted to be done in the discharge or purported discharge of the Board’s functions under this Act, unless the act or omission was done or made in bad faith.”.

Inserts heading: Part 4

18 The Dental Practitioners Act 1950 is amended by deleting the heading “REGISTRATION, ETC., OF DENTAL PRACTITIONERS” where it appears above the heading to section 6 and substituting the following—

“PART 4
REGISTER AND REGISTRATION”.

Inserts sections 5B and 5C

19 The Dental Practitioners Act 1950 is amended by inserting after the heading to Part 4 the following—

“Registrar

5B (1) For the purposes of this Act, there shall be a Registrar for the Board to be known as the Registrar of Dental Practitioners.

(2) The Chief Executive Officer of the Bermuda Health Council shall be the Registrar of Dental Practitioners.

(3) The Registrar shall perform the functions conferred on him by this Act or by any other statutory provision.

Delegation by Registrar

5C (1) The Registrar may, by instrument in writing, delegate to an officer or an agent of the Registrar any function or power conferred on the Registrar.

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(2) The Registrar may perform such of his functions as he thinks fit through an officer or agent of the Registrar and in the performance of those functions the officer or agent shall be subject to the directions of the Registrar.

(3) A delegation under subsection (1) may—

(a) be made subject to such conditions, qualifications and exceptions as the Registrar may specify in the instrument of delegation;

(b) be revoked or varied by a subsequent instrument.

(4) The Registrar may perform any function or exercise any power notwithstanding that he has delegated it to some other person.

(5) The Statutory Instruments Act 1977 does not apply in respect of an instrument under this section.”.

Amends section 6

20 The Dental Practitioners Act 1950 is amended in section 6, by deleting the words “Permanent Secretary of the Department of Health” in the heading and wherever they appear and substituting the word “Registrar”.

Amends section 7

21 The Dental Practitioners Act 1950 is amended in section 7—

(a) in subsection (1)(b), by deleting the words “such fee as may be prescribed under the Government Fees Act 1965 [title 15 item 18]” and substituting the words “the appropriate fee”;

(b) in subsection (3)—

(i) by deleting the word “enquiries” and substituting the word “inquiries”;

(ii) in paragraph (a), by deleting the words “Permanent Secretary” and substituting the word “Registrar”;

(c) by deleting the words “Permanent Secretary of the Department of Health” wherever they appear and substituting the word “Registrar”.

Amends section 7AA; inserts section 7AB

22 (1) The Dental Practitioners Act 1950 is amended in section 7AA(2)(b), by deleting the words “statement of conduct” and substituting the words “code of conduct”.

(2) The Dental Practitioners Act 1950 is amended by inserting after section 7AA the following—

“Period of validity of registration

7AB (1) Unless sooner cancelled and subject to subsections (2) and (3), the registration of a dental practitioner shall have effect for a period of two years from the date of his registration or such shorter period as may be specified in the certificate of registration issued to him.

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(2) Subsection (3) applies where a person is registered as a dental practitioner on a date that falls between the start, and end, of the applicable registration cycle for dental practitioners.

(3) Where this subsection applies, the registration of the dental practitioner may, if the Board so determines appropriate, have effect for such longer period than two years but not exceeding three years as may be specified in the certificate of registration issued to him.”.

Amends section 7A

23 The Dental Practitioners Act 1950 is amended in section 7A(2)(d), by deleting the words “such fee as may be prescribed under the Government Fees Act 1965” and substituting the words “the appropriate fee”.

Amends sections 9, 11 and 12

24 The Dental Practitioners Act 1950 is amended in sections 9, 11 and 12 by deleting the words “Permanent Secretary of the Department of Health” wherever they appear and substituting the word “Registrar”.

Inserts heading: Part 5

25 The Dental Practitioners Act 1950 is amended by inserting above the heading to section 12A the following—

“PART 5

INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS”.

Amends section 12B

26 The Dental Practitioners Act 1950 is amended in section 12B as follows—

- (a) in subsection (1) as follows—
 - (i) by deleting the words “a statement of” and substituting the words “a code in relation to”;
 - (ii) by deleting the words “the statement” and substituting the words “the code”;
 - (iii) by deleting the words “by post”;
- (b) in subsection (3), by deleting the words “the statement” and substituting the words “the code”;
- (c) by deleting the words “statement of conduct” in the heading and wherever they appear and substituting the words “code of conduct”.

Amends section 12C

27 The Dental Practitioners Act 1950 is amended in section 12C as follows—

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- (a) in subsection (2)(b), by deleting the words “to prosecute, or cause to be prosecuted” and substituting the words “to cause there to be an inquiry into”;
- (b) in subsection (6), by deleting the words “Permanent Secretary of the Department of Health” and substituting the word “Registrar”.

Amends section 13

28 The Dental Practitioners Act 1950 is amended in section 13 as follows—

- (a) in subsection (1)(b)(i), by deleting the word “enquire” and substituting the word “inquire”;
- (b) in subsection (1)(c), by deleting the words “Permanent Secretary of the Department of Health” wherever they appear and substituting the word “Registrar”;
- (c) by deleting the word “enquiry” wherever it appears and substituting the word “inquiry”.

Amends section 14

29 The Dental Practitioners Act 1950 is amended in section 14—

- (a) by deleting the words “Permanent Secretary of the Department of Health” wherever they appear and substituting the word “Registrar”;
- (b) by repealing and replacing subsection (4) as follows—

“(4) The Registrar, in any case where the Board decide that the name of a registered person should be struck off the register, shall, subject to any directions by the Court, on the tenth day after he has given notice to the registered person in accordance with subsection (2) or (2A), as the case may be, strike the name of the registered person off the register and—

- (a) inform the person by written notice under subsection (2) or (2A) that his name has been struck off the register;
- (b) by the same or another notice given as aforesaid require the person to return his certificate of registration or licence, as the case may be, within seven days after receiving the notice; and
- (c) cause a notification of the striking off to be made in the Gazette.

(4A) A notification under subsection (4)(c) is not a statutory instrument and shall not be subject to the Statutory Instruments Act 1977.”.

Amends section 15

30 The Dental Practitioners Act 1950 is amended in section 15 by deleting the words “Permanent Secretary of the Department of Health or” wherever they appear.

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Amends section 16

31 The Dental Practitioners Act 1950 is amended in section 16—

- (a) in subsection (1), by deleting the word “enquiry” and substituting the word “inquiry”; and
- (b) in subsection (2), by deleting the word “enquiries” and substituting the word “inquiries”.

Amends section 17

32 The Dental Practitioners Act 1950 is amended in section 17(4) by deleting the words “Permanent Secretary of the Department of Health” wherever they appear and substituting the word “Registrar”.

Amends section 17A

33 The Dental Practitioners Act 1950 is amended in section 17A by deleting the word “enquiry” and substituting the word “inquiry”.

Inserts headings: Parts 6 and 7

34 The Dental Practitioners Act 1950 is amended—

- (a) by inserting above the heading to section 18 the following—

“PART 6
EXEMPTED DENTAL PRACTITIONERS”;

- (b) by inserting above the heading to section 25 the following—

“PART 7
MISCELLANEOUS”.

Amends section 25

35 The Dental Practitioners Act 1950 is amended in section 25 as follows—

- (a) by renumbering that provision as subsection (1) and—
 - (i) by deleting therefrom the words “Permanent Secretary of the Department of Health” wherever they appear;
 - (ii) by deleting the words “seven days” and substituting the words “28 days”;
- (b) by inserting after subsection (1) the following—

“(2) On an appeal under this section, the Supreme Court may make such order in the matter as it thinks proper, including an order as to the costs of the appeal.

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(3) An order of the Supreme Court under subsection (2) is final.

(4) The practice and procedure to be followed in relation to an appeal under this section are as prescribed by rules of court.

(5) The Board may appear as respondent on such appeal and, whether they appear at the hearing of the appeal or not, they shall be deemed to be a party to the appeal for the purpose of enabling directions to be given as to the costs or expenses of the appeal.”.

Amends section 27A

36 The Dental Practitioners Act 1950 is amended in section 27A by deleting the words “not later than 1 April” and substituting the words “at such time as the Minister may determine”.

Inserts section 27B

37 The Dental Practitioners Act 1950 is amended by inserting after section 27A the following—

“Fees

27B (1) The appropriate fees shall be payable to the Bermuda Health Council.

(2) A person applying to register as a dental practitioner shall at the time of filing of the application for registration in respect of that application pay to the Bermuda Health Council the appropriate fee.

(3) A person applying for re-registration shall within every two years after the date when the person’s name is first entered in the register, or such longer period as may be applicable pursuant to section 7AB(3), pay to the Bermuda Health Council the appropriate fee.

(4) In this section, “appropriate fee” means the fee set forth in Schedule 2.

(5) Schedule 2 shall have effect as to fees that are payable under this Act.”.

Inserts section 27C

38 The Dental Practitioners Act 1950 is amended by inserting after section 27B the following—

“Amendment of Schedule 2

27C (1) The Minister may by order amend Schedule 2 to vary any fee specified therein or to add or revoke fees.

(2) An order made by the Minister under subsection (1) shall be subject to the affirmative resolution procedure.”.

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Amends section 28

39 The Dental Practitioners Act 1950 is amended in section 28(1)(da), by deleting the word “enquiries” and substituting the word “inquiries”.

Amends Schedule 1

40 The Dental Practitioners Act 1950 is amended—

- (a) by numbering the Schedule as Schedule 1; and
- (b) in paragraph 9 by deleting the word “Two” and substituting the word “Three”.

Inserts Schedule 2

41 The Dental Practitioners Act 1950 is amended by inserting after Schedule 1 the following—

“SCHEDULE 2

(section 27B)

FEES	
(1) Applying for registration as a dental practitioner under section 7	\$520
(2) Applying for re-registration as a dental practitioner under section 7A	\$345
(3) Applying for authorization—	
(a) for a visiting dental practitioner under section 19	\$75
(b) for a locum tenens under section 21	\$75
(4) Applying for registration as a dental hygienist or dental technician under section 7	\$205
(5) Applying for re-registration as a dental hygienist or dental technician under section 7A	\$135
(6) Fee for late re-registration as a dental practitioner under section 7	\$140
(7) Fee for late re-registration as a dental hygienist or dental technician under section 7A	\$60
(8) Requesting a certificate of professional standing regarding a dental practitioner, dental hygienist or dental technician	\$25
(9) Requesting a duplicate copy of registration certificate after issuance	\$25 ”.

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AMENDMENT OF MEDICAL PRACTITIONERS ACT 1950

Amends section 1

42 The Medical Practitioners Act 1950 is amended in section 1 as follows—

- (a) by repealing the definition of “Permanent Secretary”;
- (b) in the definition of “register”, by deleting the words “Permanent Secretary” and substituting the word “Registrar”;
- (c) by inserting in the appropriate alphabetical order the following—

“ancillary committee” means an ancillary committee referred to in section 12AA(7);

“Code” means the code of conduct provided for in section 5AB;

“continuing medical education programme” has the meaning given in section 7B(4);

“Registrar” means the person for whose appointment section 5BA provides;”.

Amends section 5AB

43 The Medical Practitioners Act 1950 is amended in section 5AB—

- (a) in subsection (2), by deleting the words “by post”;
- (b) in subsection (5), by deleting the word “enquiry” and substituting the word “inquiry”.

Inserts sections 5BA and 5BB

44 The Medical Practitioners Act 1950 is amended by inserting after the note in relation to section 5B the following—

“Registrar

5BA (1) For the purposes of this Act, there shall be a Registrar for the Council to be known as the Registrar of Medical Practitioners.

(2) The Chief Medical Officer shall be the Registrar of Medical Practitioners.

(3) The Registrar shall perform the functions conferred on him by this Act.

Delegation by Registrar

5BB (1) The Registrar may, by instrument in writing, delegate to an officer or an agent of the Registrar any function or power conferred on the Registrar.

(2) The Registrar may perform such of his functions as he thinks fit through an officer or agent of the Registrar and in the performance of those functions the officer or agent shall be subject to the directions of the Registrar.

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- (3) A delegation under subsection (1) may—
- (a) be made subject to such conditions, qualifications and exceptions as the Registrar may specify in the instrument of delegation;
 - (b) be revoked or varied by a subsequent instrument.
- (4) The Statutory Instruments Act 1977 shall not apply to an instrument made under this section.”.

Amends sections 6, 7, 9, 10 and 12

45 The Medical Practitioners Act 1950 is amended in sections 6, 7, 9, 10 and 12 by deleting the words “Permanent Secretary” wherever they appear and substituting the word “Registrar”.

Amends section 13

46 The Medical Practitioners Act 1950 is amended in section 13 by deleting the word “enquiry” in the heading and wherever it appears and substituting the word “inquiry”, and by deleting the word “enquire” and wherever it appears and substituting the word “inquire”.

Amends section 14

47 The Medical Practitioners Act 1950 is amended in section 14 by deleting the words “Permanent Secretary” wherever they appear and substituting the word “Registrar”.

Amends section 15

48 The Medical Practitioners Act 1950 is amended in section 15 by deleting the word “enquiry” wherever it appears and substituting the word “inquiry”, and by deleting the word “enquire” wherever it appears and substituting the word “inquire”.

Amends section 16

49 The Medical Practitioners Act 1950 is amended in section 16 by deleting the words “Permanent Secretary” wherever they appear and substituting the word “Registrar”.

Amends section 17

- 50 The Medical Practitioners Act 1950 is amended in section 17—
- (a) in subsection (1), by deleting the word “enquiry” wherever it appears and substituting the word “inquiry”;
 - (b) in subsection (2), by deleting the word “enquiries” wherever it appears and substituting the word “inquiries”;
 - (c) in subsection (2A), by deleting the words “Permanent Secretary” and substituting the word “Registrar”.

Amends section 18

51 The Medical Practitioners Act 1950 is amended in section 18—

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- (a) in subsection (1), by deleting the words “Permanent Secretary” and substituting the word “Registrar”;
- (b) in subsection (2), by deleting the word “enquiries” and substituting the word “inquiries”.

Amends section 18A

52 The Medical Practitioners Act 1950 is amended in section 18A(1) by deleting the word “enquiry” and substituting the word “inquiry”.

Amends section 19

53 The Medical Practitioners Act 1950 is amended in section 19(4) by deleting the words “Permanent Secretary” wherever they appear and substituting the word “Registrar”.

Amends section 29A

54 The Medical Practitioners Act 1950 is amended in section 29A by deleting the word “January” and substituting the words “at such time as the Minister may determine”.

Amends section 30

55 The Medical Practitioners Act 1950 is amended in section 30(1)(cb) by deleting the word “enquiry” and substituting the word “inquiry”.

AMENDMENT OF NURSING AND MIDWIFERY ACT 1997

Inserts heading: Part 1

56 The Nursing and Midwifery Act 1997 is amended by inserting above the heading to section 1 the following—

“PART 1
PRELIMINARY”.

Amends section 2

57 The Nursing and Midwifery Act 1997 is amended in section 2 by inserting in the appropriate alphabetical order the following—

- “Code” means the code of conduct referred to in section 6B;
- “continuing professional education” has the meaning given in section 6A(2);
- “Registrar” means the person for whose appointment section 3B provides;”.

Inserts heading: Part 2

58 The Nursing and Midwifery Act 1997 is amended by inserting above the heading to section 3 the following—

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“PART 2

BERMUDA NURSING AND MIDWIFERY COUNCIL”.

Amends section 3

59 The Nursing and Midwifery Act 1997 is amended in section 3 as follows—

(a) by inserting after subsection (1) the following—

“(1A) The Minister may appoint one or more persons to act as alternate to a member appointed under subsection (1).

(1B) An alternate member shall be appointed in accordance with the requirements for the appointment of the member, and his term of appointment shall, if not sooner terminated, end at the expiration of the term of the member.”;

(b) in subsection (4)(e), by deleting the words “enquiries” and “enquire” respectively, and substituting the words “inquiries” and “inquire” respectively.

Inserts heading: Part 3

60 The Nursing and Midwifery Act 1997 is amended by inserting under section 3A the following—

“PART 3

REGISTER AND REGISTRATION”.

Inserts sections 3B and 3C

61 The Nursing and Midwifery Act 1997 is amended by inserting after the heading to Part 3 the following—

“Registrar

3B (1) For the purposes of this Act, there shall be a Registrar for the Council to be known as the Registrar of Nursing and Midwifery.

(2) The Chief Nursing Officer, after consultation with the Council, shall designate, by instrument in writing, a person to be the Registrar of Nursing and Midwifery.

(3) The Registrar shall perform the functions conferred on him by this Act.

(4) The Statutory Instruments Act 1977 shall not apply in relation to an instrument made under subsection (2) or section 3C(1).

Delegation by Registrar

3C (1) The Registrar may, by instrument in writing, delegate to an officer or an agent of the Registrar any function or power conferred on the Registrar.

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(2) The Registrar may perform such of his functions as he thinks fit through an officer or agent of the Registrar and in the performance of those functions the officer or agent shall be subject to the directions of the Registrar.

(3) A delegation under subsection (1) may—

(a) be made subject to such conditions, qualifications and exceptions as the Registrar may specify in the instrument of delegation;

(b) be revoked or varied by a subsequent instrument.

(4) The Registrar may perform any function or exercise any power notwithstanding that he has delegated it to some other person.”

Amends section 5; inserts section 5A

62 (1) The Nursing and Midwifery Act 1997 is amended by repealing section 5(6).

(2) The Nursing and Midwifery Act 1997 is amended by inserting after section 5 the following—

“Period of validity of registration

5A (1) Unless sooner cancelled and subject to subsections (2) and (3), the registration of a registered nurse, nursing associate or midwife shall have effect for a period of two years from the date of his registration or such shorter period as may be specified in the certificate of registration issued to him.

(2) Subsection (3) applies where a person is registered as a nurse, nursing associate or midwife on a date that falls between the start, and end, of the applicable registration cycle for nurses, nursing associates or midwives.

(3) Where this subsection applies, the registration of the nurse, nursing associate or midwife may, if the Council so determines appropriate, have effect for such longer period than two years but not exceeding three years as may be specified in the certificate of registration issued to him.”.

Amends section 6

63 The Nursing and Midwifery Act 1997 is amended in section 6 as follows—

(a) in subsection (2), by deleting the words “in September or October” of the year in which” and substituting the words “before the date when”;

(b) by repealing subsection (4).

Inserts heading: Part 4

64 The Nursing and Midwifery Act 1997 is amended by inserting above the heading to section 6B the following—

“PART 4

INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS”.

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Amends section 6B

65 The Nursing and Midwifery Act 1997 is amended in section 6B as follows—

- (a) by repealing and replacing the heading to that section as “Code of conduct”;
- (b) by deleting the words “as amended from time to time” at the end of subsection (1), and substituting the words “and shall send a copy of the Code as amended from time to time to each person at his address on the register”;
- (c) by inserting after subsection (1) the following—

“(1A) The Code may contain guides to ethical conduct, standards of practice or scopes of practice. ”.

- (d) in subsection (2), by deleting the words “and nursing associate” and substituting the words “, nursing associate and midwife”;
- (e) by inserting after subsection (2) the following—

“(3) Where an inquiry has been conducted by the Council under section 6E or 6F, the Council may make a finding of negligence, incompetence or other improper conduct, notwithstanding that the conduct in question is not prohibited by the Code, but they shall not make such a finding if that conduct is authorised by the Code.”

Amends sections 6E and 6F

66 The Nursing and Midwifery Act 1997 is amended in sections 6E and 6F by deleting the word “enquiry” in the heading and wherever it appears and substituting the word “inquiry”.

Inserts heading: Part 5

67 The Nursing and Midwifery Act 1997 is amended by inserting above the heading to section 7 the following—

“PART 5
MISCELLANEOUS”.

Amends section 8

68 The Nursing and Midwifery Act 1997 is amended in section 8(4) by deleting the words “3000 dollars” and substituting the words “\$10,000 or imprisonment for six months or to both for a first offence, and to a fine not exceeding \$20,000 or imprisonment for one year or to both for a second or subsequent offence”.

Amends sections 8A and 8AA

69 The Nursing and Midwifery Act 1997 is amended in sections 8A(2) and 8AA(2) by deleting the words “3000 dollars” and substituting the words “\$10,000 or imprisonment for

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six months or to both for a first offence, and to a fine not exceeding \$20,000 or imprisonment for one year or to both for a second or subsequent offence”.

Amends section 8C

70 The Nursing and Midwifery Act 1997 is amended in section 8C by inserting after the words “or deputy chairman of the Council” the words “or the Registrar”.

Amends section 8D

71 The Nursing and Midwifery Act 1997 is amended in section 8D by deleting the words “April 30 ” and substituting the words “such time as the Minister may determine”.

Amends First Schedule

72 The Nursing and Midwifery Act 1997 is amended in the First Schedule—

(a) in paragraph 3(a) by deleting the words “(initially by the Minister and, as from such later day as the Minister may appoint, by the Council itself)” and substituting the words “by the Minister”;

(b) in paragraph 7 by inserting the following after subparagraph (2A)—

“(2B) The Chief Nursing Officer may attend a meeting of the Council and may assist the Council in its deliberations on any matter, but shall not be counted for the purpose of constituting a quorum and shall have no vote.”.

Amends Second Schedule

73 The Nursing and Midwifery Act 1997 is amended in the Second Schedule as follows—

(a) in paragraph 1A, by deleting the word “Council” and substituting the word “Minister”;

(b) in paragraph 14 by deleting the words “March 1” and substituting the words “at such time as the Minister may determine”.

AMENDMENT OF OPTOMETRISTS AND OPTICIANS ACT 2008

Inserts heading: Part 1

74 The Optometrists and Opticians Act 2008 is amended by inserting above the heading to section 1 the following—

“PART 1
PRELIMINARY”.

Amends section 2

75 The Optometrists and Opticians Act 2008 is amended in section 2 as follows—

(a) by repealing the definition of “Permanent Secretary”;

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- (b) in the definition of “the register”, by deleting the words “Permanent Secretary” and substituting the word “Registrar”;
- (c) by inserting in the appropriate alphabetical order the following—
 - “appropriate fee” means the fee referred to in section 28A;
 - “Code” means the code of conduct referred to in section 13;
 - “continuing professional education” has the meaning given in section 11(4);
 - “Registrar” means the person for whose appointment section 4A provides;”.

Inserts heading: Part 2

76 The Optometrists and Opticians Act 2008 is amended by inserting above the heading to section 3 the following—

“PART 2
OPTOMETRISTS AND OPTICIANS COUNCIL”.

Amends section 3

77 The Optometrists and Opticians Act 2008 is amended in section 3 as follows—

- (a) by repealing subsection (1B);
- (b) in subsection (2), by deleting the full stop at the end of paragraph (c) and substituting a semicolon, and inserting after paragraph (c) the following—
 - “(d) one shall be a person, not being a registered optometrist or optician, appointed by the Minister as a person appearing to him to be qualified by his training or experience or both to assist the Council in matters of a legal or ethical nature.”.

Inserts section 3A

78 The Optometrists and Opticians Act 2008 is amended by inserting after section 3 the following—

“Protection from personal liability

3A A member of the Council or any committee thereof shall not be personally liable for damages for anything done or omitted to be done in the discharge or purported discharge of the Council’s functions under this Act, unless the act or omission was done or made in bad faith.”.

Inserts heading: Part 3

79 The Optometrists and Opticians Act 2008 is amended by inserting under section 4 the following—

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“PART 3
REGISTER AND REGISTRATION”.

Inserts sections 4A and 4B

80 The Optometrists and Opticians Act 2008 is amended by inserting after the heading to Part 3 the following—

“Registrar of Optometrists and Opticians

4A (1) For the purposes of this Act, there shall be a Registrar for the Council to be known as the Registrar of Optometrists and Opticians.

(2) The Chief Executive Officer of the Bermuda Health Council shall be the Registrar of Optometrists and Opticians.

(3) The Registrar shall perform the functions conferred on him by this Act or by any other statutory provision.

Delegation by Registrar

4B (1) The Registrar may, by instrument in writing, delegate to an officer or an agent of the Registrar any function or power conferred on the Registrar.

(2) The Registrar may perform such of his functions as he thinks fit through an officer or agent of the Registrar and in the performance of those functions the officer or agent shall be subject to the directions of the Registrar.

(3) A delegation under subsection (1) may—

(a) be made subject to such conditions, qualifications and exceptions as the Registrar may specify in the instrument of delegation;

(b) be revoked or varied by a subsequent instrument.

(4) The Registrar may perform any function or exercise any power notwithstanding that he has delegated it to some other person.

(5) The Statutory Instruments Act 1977 shall not apply with respect to an instrument made under this section.”

Amends section 5

81 The Optometrists and Opticians Act 2008 is amended in section 5 by deleting the words “Permanent Secretary” wherever they appear and substituting the word “Registrar”.

Amends section 6; inserts section 6A

82 (1) The Optometrists and Opticians Act 2008 is amended in section 6 as follows—

(a) in subsection (1)(b), by deleting the words “fee prescribed in the Government Fees Regulations 1976” and substituting the words “appropriate fee”;

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(b) by deleting the words "Permanent Secretary" wherever they appear and substituting the word "Registrar";

(2) The Optometrists and Opticians Act 2008 is amended by inserting after section 6 the following—

"Period of validity of registration

6A (1) Unless sooner cancelled and subject to subsections (2) and (3), the registration of an optometrist or optician shall have effect for a period of two years from the date of his registration or such shorter period as may be specified in the certificate of registration issued to him.

(2) Subsection (3) applies where a person is registered as an optometrist or optician on a date that falls between the start, and end, of the applicable registration cycle for optometrists or opticians.

(3) Where this subsection applies, the registration of the optometrist or optician may, if the Council so determines appropriate, have effect for such longer period than two years but not exceeding three years as may be specified in the certificate of registration issued to him."

Amends section 7

83 The Optometrists and Opticians Act 2008 is amended in section 7 by deleting the words "Permanent Secretary" wherever they appear and substituting the word "Registrar".

Amends section 8

84 The Optometrists and Opticians Act 2008 is amended in section 8 in subsection (2) (d), by deleting the words "fee provided in the Government Fees Regulations 1976" and substituting the words "appropriate fee".

Amends section 9

85 The Optometrists and Opticians Act 2008 is amended in section 9(1) by deleting the words "Permanent Secretary" and substituting the word "Registrar".

Inserts heading: Part 4

86 The Optometrists and Opticians Act 2008 is amended by inserting above the heading to section 13 the following—

"PART 4

INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS".

Amends section 13

87 The Optometrists and Opticians Act 2008 is amended in section 13—

(a) by numbering the provision as subsection (1) and deleting the words "by post";

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(b) by inserting after subsection (1) the following—

“(2) The Code may contain guides to ethical conduct, standards of practice or scopes of practice.

(3) In exercise of their powers under section 16, the Council shall, subject to subsection (4), be guided by any relevant provision of the Code.

(4) Where an inquiry has been conducted by the Council under section 16, the Council may make a finding of negligence, incompetence or other improper conduct with respect to a person, notwithstanding that the conduct in question is not prohibited by the Code, but they shall not make a finding of improper conduct with respect to the person if that conduct is authorized by the Code.”.

Amends section 14

88 The Optometrists and Opticians Act 2008 is amended in section 14(2)(b) by deleting the words “prosecute, or cause to be investigated,” and substituting the words “investigate, or cause to be inquired into,”.

Amends section 16

89 The Optometrists and Opticians Act 2008 is amended in section 16 as follows—

(a) in subsection (4), by deleting the words “Permanent Secretary” wherever they appear and substituting the word “Registrar”;

(b) by deleting the word “enquire” wherever it appears and substituting the word “inquire”;

(c) by deleting the word “enquiry” in the heading and wherever it appears and substituting the word “inquiry”.

Amends section 17

90 The Optometrists and Opticians Act 2008 is amended in section 17(1) by deleting the word “enquiry” and substituting the word “inquiry”.

Amends section 18

91 The Optometrists and Opticians Act 2008 is amended in section 18—

(a) in subsection (4)(a), by deleting the words “unless in the meantime an appeal has been duly entered in respect of the decision; or” and substituting the words “subject to any directions of the Court”;

(b) by repealing subsection (4)(b);

(c) by deleting the words “Permanent Secretary” wherever they appear and substituting the word “Registrar”.

Amends section 19

92 The Optometrists and Opticians Act 2008 is amended in section 19(1)—

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- (a) by deleting the words “Permanent Secretary” where they first appear and substituting the word “Council”;
- (b) by deleting the words “Permanent Secretary” wherever they appear and substituting the word “Registrar”;

Amends section 20

93 The Optometrists and Opticians Act 2008 is amended in section 20 by deleting the word “enquiry” and substituting the word “inquiry”, and by deleting the word “enquiries” wherever it appears and substituting the word “inquiries”.

Amends section 21

94 The Optometrists and Opticians Act 2008 is amended in section 21.

- (a) in subsection (2) by deleting the word “enquiry” and substituting the word “inquiry”;
- (b) by repealing and replacing subsection (6) as follows—

“(6) The Registrar, in any case where the Council direct that the name of a registered person should be removed from the register, shall on the tenth day after the Registrar has given notice to the registered person of the Council’s decision, and subject to any directions of the Court, remove the name of the registered person from the register.”.

Amends section 22

95 The Optometrists and Opticians Act 2008 is amended in section 22(4) by deleting the words “Permanent Secretary” wherever they appear and substituting the word “Registrar”.

Amends section 23

96 The Optometrists and Opticians Act 2008 is amended in section 23 by deleting the word “enquiry” and substituting the word “inquiry”.

Inserts heading: Part 5

97 The Optometrists and Opticians Act 2008 is amended by inserting above the heading to section 24 the following—

“PART 5
MISCELLANEOUS”.

Amends section 24

98 The Optometrists and Opticians Act 2008 is amended in section 24—

- (a) by renumbering that provision as subsection (1); and
- (b) by inserting after subsection (1) the following—

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“(2) On an appeal under this section, the Supreme Court may make such order in the matter as it thinks proper, including an order as to the costs of the appeal.

(3) An order of the Supreme Court under subsection (2) is final.

(4) The practice and procedure to be followed in relation to an appeal under this section are as prescribed by rules of court.

(5) The Council may appear as respondent on such appeal and, whether they appear at the hearing of the appeal or not, they shall be deemed to be a party to the appeal for the purpose of enabling directions to be given as to the costs or expenses of the appeal.”.

Amends section 25

99 The Optometrists and Opticians Act 2008 is amended in section 25 by deleting the words “: Punishment on summary conviction: a fine of \$2,000 and, in respect of a second or subsequent conviction, a fine of \$5,000”, and substituting the words “and is liable on summary conviction to a fine of \$10,000 or imprisonment for 6 months or to both for a first offence, and a fine of \$20,000 or imprisonment for 1 year or to both for a second or subsequent offence”.

Amends section 28

100 The Optometrists and Opticians Act 2008 is amended in section 28 by deleting the words “not less than 14 days” and inserting the words “at such time as the Minister may determine”.

Inserts section 28A

101 The Optometrists and Opticians Act 2008 is amended by inserting after section 28 the following—

“Fees

28A (1) The appropriate fees shall be payable to the Bermuda Health Council.

(2) A person applying to register as an optometrist or optician shall at the time of filing the application for registration in respect of that application pay to the Bermuda Health Council the appropriate fee.

(3) A person applying for re-registration shall not later than every two years after the date when the person’s name is first entered in the register, or such longer period as may be applicable pursuant to section 6A(3), pay to the Bermuda Health Council the appropriate fee.

(4) In this section, “appropriate fee” means the fee set forth in the Fourth Schedule.

(5) The Fourth Schedule shall have effect as to fees that are payable under this Act.”

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Inserts section 28B

102 The Optometrists and Opticians Act 2008 is amended by inserting after section 28A the following—

“Amendment of Fourth Schedule

28B (1) The Minister may by order amend the Fourth Schedule to vary any fee specified therein and add or revoke fees.

(2) An order made by the Minister under subsection (1) shall be subject to the affirmative resolution procedure.”

Amends Third Schedule

103 The Optometrists and Opticians Act 2008 is amended in the Third Schedule by repealing and replacing paragraph 1(c) as follows—

“(c) one shall be a barrister and attorney who is admitted and enrolled in Bermuda.”.

Inserts Fourth Schedule

104 The Optometrists and Opticians Act 2008 is amended by inserting after the Third Schedule the following—

“FOURTH SCHEDULE

(section 28A)

FEES	
(1) Applying for registration as an Optometrist or Optician under section 6	\$380
(2) Applying for authorisation to practise as a locum tenens Optometrist or Optician under section 12	\$75
(3) Applying for re-registration as an Optometrist or Optician under section 8	\$250
(4) Fee for late re-registration as an Optometrist or Optician under section 8	\$100
(5) Requesting a certificate of professional standing regarding an Optometrist or Optician	\$25
(6) Requesting a duplicate copy of registration certificate after issuance	\$25

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AMENDMENT OF PHARMACY AND POISONS ACT 1979

Amends section 2

105 The Pharmacy and Poisons Act 1979 is amended in section 2—

(a) by repealing and replacing the definition of “Registrar” as follows—

“Registrar” means—

(a) with respect to pharmacists, the official for whose appointment section 7(1) provides;

(b) with respect to pharmacies, the Chief Medical Officer;”;

(b) by inserting in the appropriate alphabetical order the following—

“appropriate fee” means a fee referred to in section 14A;

“Bermuda Health Council” means the Bermuda Health Council established under section 3 of the Bermuda Health Council Act 2004;

“Code” means the code of conduct referred to in section 8;

“continuing professional development” means the minimum hours of continuing professional development required under section 7(5A)(d);

“register” means the register of pharmacists kept under section 7(2);”.

Inserts section 4C

106 The Pharmacy and Poisons Act 1979 is amended by inserting after section 4B the following—

“Annual Report

4C The Council shall submit to the Minister, at such time as the Minister may determine after the end of each year, an annual report concerning such activities of the Council as the Minister may prescribe.”.

Amends section 7

107 The Pharmacy and Poisons Act 1979 is amended in section 7—

(a) in subsection (1), by deleting the words “, who shall be appointed by the Minister,” and substituting the words “for the purposes of this Act to be known as the Registrar of Pharmacists”;

(b) by inserting after subsection (1) the following—

“(1A) The Chief Executive Officer of the Bermuda Health Council shall be the Registrar of Pharmacists.

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(1B) The Registrar may, subject to such conditions as he may consider appropriate, in writing delegate such functions conferred on him on such terms as he considers appropriate to an officer of the Bermuda Health Council.

(1C) A delegation under subsection (1B) may—

- (a) be made subject to such conditions, qualifications and exceptions as the Registrar may specify in the instrument of delegation;
- (b) be revoked or varied by a subsequent instrument.

(1D) The Statutory Instruments Act 1977 does not apply in respect of an instrument made under this section.”;

- (c) in subsection (4), by deleting the words “Where a person who is qualified for registration as a pharmacist under this Act applies in the required form to the Registrar and pays the appropriate fee, the Registrar shall”, and substituting the words “Where a person applies in the required form to the Registrar and pays the appropriate fee the Council shall, if the person is qualified for registration as a pharmacist under this Act, direct the Registrar to”;
- (d) in subsection (4A), by adding after the words “first registration” the words “or within such longer period than two years but not exceeding three years as may be specified in the certificate of registration issued to him pursuant to section 7AA”;
- (e) in subsection (4B), by deleting the word “Registrar” and substituting the word “Council”;
- (f) in subsection (6), by deleting the word “Registrar” and substituting the word “Council”;
- (g) by repealing subsection (7A);
- (h) by repealing subsection (8).

Inserts section 7AA; amends section 7A

108 (1) The Pharmacy and Poisons Act 1979 is amended by inserting after section 7A the following—

“Period of validity of registration

7AA (1) Unless sooner cancelled and subject to subsections (2) and (3), the registration of a pharmacist shall have effect for a period of two years from the date of his registration or such shorter period as may be specified in the certificate of registration issued to him.

(2) Subsection (3) applies where a person is registered as a pharmacist on a date that falls between the start, and end, of the applicable registration cycle for pharmacists.

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(3) Where this subsection applies, the registration of the pharmacist may, if the Council so determines appropriate, have effect for such longer period than two years but not exceeding three years as may be specified in the certificate of registration issued to him.”.

(2) The Pharmacy and Poisons Act 1979 is amended in section 7A by repealing subsection (5).

Amends section 8

109 The Pharmacy and Poisons Act 1979 is amended in section 8 as follows—

(a) in subsection (2) by deleting the words “by post”;

(b) by inserting after subsection (2) the following—

“(2A) The Code may contain guides to ethical conduct, standards of practice or scopes of practice.”.

Amends sections 11 and 13

110 (1) The Pharmacy and Poisons Act 1979 is amended in section 11 by deleting the word “Minister” wherever it appears and substituting the word “Council”.

(2) The Pharmacy and Poisons Act 1979 is amended in section 13 by deleting the words “Permanent Secretary to the Minister” and substituting the word “Registrar”.

Inserts section 14A

111 The Pharmacy and Poisons Act 1979 is amended by inserting after section 14 the following—

“Fees

14A (1) The appropriate fees shall be payable to the Bermuda Health Council.

(2) A person applying to register as a pharmacist shall at the time of filing of the application for registration, in respect of that application pay to the Bermuda Health Council the appropriate fee

(3) A person applying to be re-registered shall, within every two years after the date when the person is first registered, or such longer period as may be applicable pursuant to section 7AA, pay to the Bermuda Health Council the appropriate fee.

(4) In this section, “appropriate fee” means the fee set forth in the Seventh Schedule.

(5) The Seventh Schedule shall have effect as to fees that are payable by registered persons under this Act.”

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Inserts section 14B

112 The Pharmacy and Poisons Act 1979 is amended by inserting after section 14A the following—

“Amendment of Seventh Schedule

14B (1) The Minister may by order amend the Seventh Schedule to vary any fee specified therein or to add or revoke fees.

(2) An order made by the Minister under subsection (1) shall be subject to the affirmative resolution procedure.”

Amends section 55

113 The Pharmacy and Poisons Act 1979 is amended in section 55—

- (a) in subsection (2), by deleting “6,”;
- (b) in subsection (3), by deleting the word “Any” and substituting the words “Subject to subsection (3A), any”;
- (c) by inserting after subsection (3) the following—

“(3A) A person who contravenes section 6 commits an offence and is liable on summary conviction to fine of \$10,000 or a term of imprisonment of six months or to both for a first offence, and to a fine of \$20,000 or a term of imprisonment of one year or to both for a second or subsequent offence”.

Amends Fifth Schedule

114 The Pharmacy and Poisons Act 1979 is amended in paragraph 12 of the Fifth Schedule by deleting the words “31 January” and substituting the words “such date as the Minister may determine”.

Inserts Seventh Schedule

115 The Pharmacy and Poisons Act 1979 is amended by inserting after the Sixth Schedule the following—

“SEVENTH SCHEDULE

(section 14A)

FEES	
(1) Applying for registration as a pharmacist under section 7	\$245
(2) Applying for re-registration as a pharmacist under section 7	\$165
(3) Fee for late re-registration as a pharmacist under section 7	\$65

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FEES	
(4) Applying to re-register as a non-practising pharmacist under section 7A(1)	\$50
(5) Applying to re-register for a change of status from non-practising pharmacist to practising pharmacist within 1 year registration cycle	\$115
(6) Requesting a certificate of professional standing regarding a pharmacist	\$25
(7) Requesting a duplicate copy of registration certificate after issuance	\$25

AMENDMENT OF PSYCHOLOGICAL PRACTITIONERS ACT 2018

Amends section 2

116 The Psychological Practitioners Act 2018 is amended in section 2 by inserting in the appropriate alphabetical order the following—

“appropriate fee” means the fee referred to in section 32A;

“Bermuda Health Council” means the Bermuda Health Council established under section 3 of the Bermuda Health Council Act 2004;

“continuing education” has the meaning given in section 12(2)(c)(ii);

“Registrar” means the person for whose appointment section 8A provides;”.

Inserts sections 8A and 8B

117 The Psychological Practitioners Act 2018 is amended by inserting after the heading “Part III Registration of Psychologists” the following—

“Registrar

8A (1) For the purposes of this Act, there shall be a Registrar for the Council to be known as the Registrar of Psychologists.

(2) The Chief Executive Officer of the Bermuda Health Council shall be the Registrar of Psychologists.

(3) The Registrar shall perform the functions conferred on him by this Act or by any other statutory provision.

Delegation by Registrar

8B (1) The Registrar may, by instrument in writing, delegate to an officer or an agent of the Registrar any function or power conferred on the Registrar.

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(2) The Registrar may perform such of his functions as he thinks fit through an officer or agent of the Registrar and in the performance of those functions the officer or agent shall be subject to the directions of the Registrar.

(3) A delegation under subsection (1) may—

(a) be made subject to such conditions, qualifications and exceptions as the Registrar may specify in the instrument of delegation;

(b) be revoked or varied by a subsequent instrument.

(4) The Registrar may perform any function or exercise any power notwithstanding that he has delegated it to some other person.

(5) The Statutory Instruments Act 1977 shall not apply in respect of an instrument made under this section.”.

Amends section 10

118 The Psychological Practitioners Act 2018 is amended in section 10 as follows—

(a) in subsection (1)(c), by deleting the words “fee prescribed in the Government Fees Regulations 1976” and inserting the words “appropriate fee”;

(b) by deleting the words “Registrar-General” and substituting the word “Registrar”.

Amends section 11

119 The Psychological Practitioners Act 2018 is amended in section 11 as follows—

(a) by numbering that provision as subsection (1), inserting after the word “Council” the words “or it is sooner cancelled and subject to subsections (2) and (3),”;

(b) by inserting after subsection (1) the following—

“(2) Subsection (3) applies where a person is registered as a psychologist on a date that falls between the start, and end, of the applicable registration cycle for psychologists.

(3) Where this subsection applies, the registration of the psychologist may, if the Council so determines appropriate, have effect for such longer period than three years, but not exceeding four years, as may be specified in the certificate of registration issued to him.”

Amends section 12

120 The Psychological Practitioners Act 2018 is amended in section 12(2)(d) by deleting the words “re-registration fee prescribed under the Government Fees Regulations 1976” and substituting the words “set forth in Schedule 3”.

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Amends section 13

121 The Psychological Practitioners Act 2018 is amended in section 13 as follows—

- (a) in subsection (1), by deleting the words “Registrar General” and substituting the word “Registrar”;
- (b) in subsection (3), by deleting the words “prescribed under the Government Fees Regulations 1976” and substituting the words “as set forth in Schedule 3”.

Amends section 14

122 The Psychological Practitioners Act 2018 is amended in section 14 by deleting the words “Registrar General” wherever they appear and substituting the word “Registrar”.

Amends section 17

123 The Psychological Practitioners Act 2018 is amended in section 17—

- (a) in subsection (1), by deleting the word “enquiry” and substituting the word “inquiry”;
- (b) in subsection (3), by deleting the word “enquiries” wherever they appear and substituting the word “inquiries”;
- (c) by deleting the words “Registrar General” wherever they appear and substituting the word “Registrar”.

Amends sections 18, 20, 21 and 22

124 The Psychological Practitioners Act 2018 is amended in sections 18, 20, 21 and 22 by deleting the words “Registrar General” wherever they appear and substituting the word “Registrar”.

Amends section 23

125 The Psychological Practitioners Act 2018 is amended in section 23—

- (a) in subsections (2) and (6), by deleting the words “Registrar General” and substituting the word “Registrar”;
- (b) by repealing and replacing subsection (4) as follows—

“(4) The Registrar, in any case where the Council decides that the name of a registered psychologist should be struck off the register shall, on the tenth day after he has given notice to the psychologist in accordance with subsection (2), strike the name of the psychologist off the register and shall—

- (a) inform the person by written notice that his name has been struck off the register;
- (b) by the same or another notice given as aforesaid require the person to return his certificate of registration within seven days after receiving the notice; and

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(c) cause a notification of the striking off to be made in the Gazette.

(4A) The Statutory Instruments Act 1977 shall not apply to a notification published in the Gazette under subsection (4)(c)."

Amends section 28

126 The Psychological Practitioners Act 2018 is amended in section 28—

- (a) by numbering that provision as subsection (1) and repealing paragraph (a);
- (b) by inserting after subsection (1) the following—

"(2) A person who contravenes section 3(1) or (2) commits an offence and is liable on summary conviction to fine of \$10,000 or imprisonment for six months or to both for a first offence, and to a fine of \$20,000 or imprisonment for one year or to both for a second or subsequent offence".

Inserts sections 32A and 32B

127 The Psychological Practitioners Act 2018 is amended by inserting after section 32 the following—

"Fees

32A (1) The appropriate fees shall be payable to the Bermuda Health Council.

(2) A person applying to register as a psychologist shall at the time of filing of the application for registration in respect of that application pay to the Bermuda Health Council the appropriate fee.

(3) A person applying for re-registration shall, not later than every three years after the date when the person is first registered, or such longer period as may be applicable pursuant to section 11(3), pay to the Bermuda Health Council the appropriate fee.

(4) In this section, "appropriate fee" means the fee set forth in Schedule 3.

(5) Schedule 3 shall have effect as to fees that are payable under this Act.

Amendment of Schedule 3

32B (1) The Minister may by order amend Schedule 3 to vary any fee specified therein and add or revoke fees.

(2) An order made by the Minister under subsection (1) shall be subject to the affirmative resolution procedure."

Inserts section 32C

128 The Psychological Practitioners Act 2018 is amended by inserting after section 32B the following—

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“Notices

32C Any application, notice or other document which is required or authorized under this Act to be made or given to, or served on, any person may be made, given or served by hand delivering it to the person or delivering it by registered mail to the person, or—

- (a) in the case of the Minister, by delivering it to an officer in the Ministry of Health;
- (b) in the case of the Council, by delivering it to the chairman or deputy chairman or Registrar of the Council; and
- (c) in the case of any person other than the Minister or the Council, by leaving it at, or sending it to his usual or last business address.”

Amends Schedule 1

129 The Psychological Practitioners Act 2018 is amended in Schedule 1 by inserting after paragraph 13 the following—

“13A The Council shall, not later than such date as determined by the Minister, after the end of each calendar year, submit a report to the Minister on the activities of the Council.”

Amends Schedule 2

130 The Psychological Practitioners Act 2018 is amended in Schedule 2, in paragraph 13, by deleting the words “31 January” and substituting the words “such date as the Minister may determine”.

Inserts Schedule 3

131 The Psychological Practitioners Act 2018 is amended by inserting after Schedule 2 the following—

“SCHEDULE 3

(section 32A)

FEES	
(1) Applying for registration as a psychologist under section 10(1)(c)	\$250
(2) Applying for re-registration as a psychologist under section 12(2)(d)	\$165
(3) Fee for late application for re-registration under section 13(3)	\$45
(4) Requesting a certificate of professional standing	\$25

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FEES

- (5) Applying for authorization—
- | | |
|--------------------------------------------------|------|
| (a) for a visiting practitioner under section 15 | \$70 |
| (b) for a locum tenens under section 16 | \$70 |

FINAL PROVISIONS

Consequential amendments: Bermuda Health Council Act 2004

132 (1) The Bermuda Health Council Act 2004 is amended in section 5 by inserting after paragraph (d) the following—

“(da) to perform the administrative functions relating to the registers for, and registration and re-registration of, health professionals that are conferred on the Council by this Act and by any other provision relating to health professionals including the collection of fees, and matters connected thereto;”.

(2) The Bermuda Health Council Act 2004 is amended in section 6(1)(c), by deleting the words “Ministry of Health and Family Services” and substituting the words “Ministry responsible for Health”.

Consequential amendments: general

133 Schedule 1, which sets forth amendments to statutory instruments, has effect.

Savings

134 Schedule 2, which sets forth provisions relating to savings, has effect.

Transitional

135 Schedule 3, which sets forth provisions relating to transitional matters, has effect.

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SCHEDULE 1

(section 133)

AMENDMENT OF STATUTORY INSTRUMENTS

Amendment of Government Fees Regulations 1976

1 The Schedule to the Government Fees Regulations 1976 is amended as follows—

- (a) by revoking Head 3 (Allied Health Professions Act 2018);
- (b) by revoking Head 20 (Dental Practitioners Act 1950);
- (c) by revoking Head 51 (Optometrists and Opticians Act 2008);
- (d) by revoking paragraphs (1) to (7) of Head 54 and renumbering paragraph (8) as paragraph (1) (Pharmacy and Poisons Act 1979); and
- (e) by revoking Head 58 (Psychological Practitioners Act 2018).

Amendment of Dental Hygienists Regulations 1950

2 (1) The Dental Hygienists Regulations 1950 are amended in regulation 2 in the definition of “the register” by deleting the words “by the Board” and substituting the words “by the Registrar”.

(2) The Dental Hygienists Regulations 1950 are amended in regulation 3(3), by deleting the colon and the words “Punishment on summary conviction: a fine of \$420” and substituting the words “and is liable on summary conviction to the penalty set forth in section 2(3) of the Dental Practitioners Act 1950.”

(3) The Dental Hygienists Regulations 1950 are amended in regulation in regulation 4—

- (a) in paragraph (1), by inserting after the word “maintained” the words “by the Registrar”;
- (b) by inserting after paragraph (3) the following—

“(4) The Board may, without prejudice to any other provision of these Regulations, cause the Registrar—

- (a) to publish in the Gazette; or
- (b) to circulate for the information of registered dental practitioners, such notices as appear to the Board expedient in the circumstances.

(5) A notice under paragraph (4) is not a statutory instrument and shall not be subject to the Statutory Instruments Act 1977.”.

(4) The Dental Hygienists Regulations 1950 are amended in regulation 5(3), by deleting the words “the applicant to be informed” and substituting the words “the Registrar to inform the applicant”.

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(5) The Dental Hygienists Regulations 1950 are amended in regulation 7, by inserting after the word “Board” where it appears the second time words “(through the Registrar)”.

Amendment of Dental Practitioners (Registration, etc.) Regulations 1950

3 The Dental Practitioners (Registration, etc.) Regulations 1950

- (a) by deleting the words “Permanent Secretary of the Department of Health” and the words “Permanent Secretary, Department of Health” as the case may be wherever they appear, and substituting the word “Registrar”;
- (b) in regulation 5, by inserting after the words “to be entered” the words “by the Registrar”.

Amendment of Medical Practitioners (Registration) Regulations 1950

4 The Medical Practitioners (Registration) Regulations 1950 are amended by deleting the words “Permanent Secretary” wherever they appear and substituting the word “Registrar”.

Amendment of Optometrists and Opticians Regulations 2010

5 The Optometrists and Opticians Regulations 2010 are amended—

- (a) by deleting the words “Permanent Secretary” wherever they appear and substituting the word “Registrar”;
- (b) by deleting the words “Permanent Secretary responsible for Health” wherever they appear and substituting the word “Registrar”.

Amendment of Pharmacists (Disciplinary Procedure) Regulations 1979

6 The Pharmacists (Disciplinary Procedure) Regulations 1979 are amended by deleting the word “enquiry” wherever it appears and substituting the words “inquiry”.

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SCHEDULE 2

(Section 134)

SAVINGS

Bermuda Dental Board

- 1 (1) Notwithstanding the repeal of section 5(2) of the Dental Practitioners Act 1950—
- (a) there is hereby continued as a body (unincorporate) the Bermuda Dental Board;
 - (b) a person who, immediately before the coming into operation of section 16(a) of the Health Professionals (Miscellaneous Amendments) Act 2020 (“this Act”)—
 - (i) was the Chairman of the former Bermuda Dental Board shall be the Chairman of the Bermuda Dental Board so continued under paragraph (a);
 - (ii) was a member, including an alternate member, of the Bermuda Dental Board shall be such member of the Bermuda Dental Board so continued under paragraph (a),
until the expiration of his term or his resignation or termination, whichever occurs first.
- (2) Upon the coming into operation of section 16(a) of this Act—
- (a) the register and any other property shall be the register and property of the Bermuda Dental Board;
 - (b) a certificate of registration or other document issued by the Bermuda Dental Board and valid immediately before the commencement of section 16(a) of this Act, shall be deemed to have been issued by the Bermuda Dental Board;
 - (c) any civil, criminal or administrative action or proceeding pending by or against the Bermuda Dental Board may be continued by or against the Bermuda Dental Board; and
 - (d) any conviction against, or any ruling, order or judgment in favour of or against the Bermuda Dental Board may be enforced by or against the Bermuda Dental Board,
- so continued under paragraph (1)(a).

Optometrists and Opticians Council

- 2 (1) Notwithstanding the repeal of section 3(1B) of the Optometrists and Opticians Act 2008 —
- (a) there is hereby continued as a body (unincorporate) the Optometrists and Opticians Council;

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(b) a person who, immediately before the coming into operation of section 77(a) of this Act—

(i) was the Chairman of the Optometrists and Opticians Council shall be the Chairman of the Optometrists and Opticians Council so continued under paragraph (a);

(ii) was a member, including an alternate member, of the Bermuda Dental Board shall be such member of the Bermuda Dental Board so continued under paragraph (a),

until the expiration of his term or his resignation or termination of his appointment, whichever occurs first.

(2) Upon the coming into operation of section 77(a) of this Act—

(a) the register and other property (if any) shall be the register and property of the Optometrists and Opticians Council;

(b) a certificate of registration or other document issued by Optometrists and Opticians Council and valid immediately before the commencement of section 77(a) of this Act, shall be deemed to have been issued by the Optometrists and Opticians Council;

(c) any civil, criminal or administrative action or proceeding pending by or against the Optometrists and Opticians Council may be continued by or against the Optometrists and Opticians Council; and

(d) any conviction against, or any ruling, order or judgment in favour of or against the Council may be enforced by or against the Optometrists and Opticians Council,

so continued under paragraph (1)(a).

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SCHEDULE 3

(Section 135)

TRANSITIONAL

Interpretation of Schedule 3

1 In this Schedule—

“commencement” means the day when this Act comes into operation, and
“commencement day” shall be construed accordingly;

“regulatory Act” means the—

- (a) Allied Health Professions Act 2018;
- (b) Dental Practitioners Act 1950;
- (c) Nursing and Midwifery Act 1997;
- (d) Optometrists and Opticians Act 2008;
- (e) Pharmacy and Poisons Act 1979, Parts II and III; or
- (f) Psychological Practitioners Act 2018,

and “regulatory Acts” shall be construed accordingly;

“regulatory authority” means—

- (a) Council for Allied Health Professions;
- (b) Bermuda Dental Board;
- (c) Bermuda Nursing and Midwifery Council;
- (d) Optometrists and Opticians Council;
- (e) Pharmacy Council;
- (f) Bermuda Psychologists Council,

and “regulatory authorities” shall be construed accordingly.

“the Act” means the Health Professionals Miscellaneous Amendments Act 2020.

Applications pending before a regulatory authority under regulatory Act

2 (1) An application for a certificate of registration or re-registration under the regulatory Acts, or any of them, which is pending immediately before the commencement day, shall be dealt with under the law in force immediately before the commencement of the Act, but the fees shall be payable to the Bermuda Health Council.

(2) Where an investigation or inquiry under a regulatory Act and matters connected therewith has not, immediately before the commencement day, been concluded the said investigation, inquiry or other matter shall be continued and completed under the law in force immediately before the commencement of the Act.

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Periods of time that are current

3 (1) Where the period of time specified in section 23(4)(a) of the Psychological Practitioners Act 2018 with respect to striking off the name of a dental practitioner has not expired immediately before the commencement of section 125(b) of the Act, the time period set forth in section 23(4)(a) of the Psychological Practitioners Act 2018 shall have effect with respect to such strike-off as if section 125(b) of the Act had not come into force.

(2) Where the period of time specified in section 25(1) of the Dental Practitioners Act 1950 for filing an appeal has begun to run and is still current with respect to any matter immediately before the commencement of section 35(a)(ii) of the Act, then section 25(1) of the Dental Practitioners Act 1950 shall have effect as if section 35(a)(ii) had been in force when that period of time began to run.

Stay of proceedings under repealed provisions

4 (1) Subparagraph (2) applies—

(a) where a decision has been made by the relevant regulatory authority to strike the name of a registered person from a register under section 20(4) of the Allied Health Professions Act 2018, section 14(4) of the Dental Practitioners Act 1950, section 21(6) of the Optometrists and Opticians Act 2008 or section 23(4) of the Psychological Practitioners Act 2018 (hereinafter referred to as “the said sections of the said Acts”) and the period is still running immediately before the commencement day; and

(b) either—

(i) the registered person in respect of whom a decision has been made, filed an appeal against the decision; or

(ii) the time period for filing an appeal against the decision is current and has not expired.

(2) Where this subparagraph applies, the procedure with respect to such strike-off shall, subject to any directions of the Supreme Court, be continued and completed pursuant to the law as set forth in the said sections of the said Acts as it applied immediately before the commencement day.

(3) Nothing in subparagraph (2) shall be construed as affecting any applicable power conferred on the relevant regulatory authority to apply to the Supreme Court under a regulatory Act for conditions or restrictions to be imposed on the registration of a registered person or the practice by him of his profession pending the outcome of his appeal.

Penalty for offence of unauthorised use of title

5 Where an offence was committed before the commencement of sections 6, 14, 68, 69, 99 and 113(c) and 126(b) of the Act, the penalty to be imposed upon conviction for that offence shall be the penalty authorised or required to be imposed by the Act or by the law that would have applied had the said sections of the Act not come into force, but the lesser of the two penalties shall be imposed.

[Assent Date: 11 December 2020]

[Operative Date: 11 December 2020]