

THE PROFESSIONS SUPPLEMENTARY TO
MEDICINE ACT

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SCHEDULES

THE PROFESSIONS SUPPLEMENTARY TO
MEDICINE ACT

Acts
49 of 1965,
24 of 1995,
4 of 2000,
7 of 2011.

[8th December, 1969.]

1. This Act may be cited as the Professions Supplementary to Medicine Act. Short title.
2. In this Act, unless the context otherwise requires— Interpreta-
tion.
- “the Council” means the Council for Professions Supplementary to Medicine established under section 3;
- “functions” includes duties and powers;
- “the register” means the Register of Professions Supplementary to Medicine specified in section 9;
- “the Registrar” means the Registrar appointed under section 5;
- “specified profession” means a profession specified in the First
Schedule.
- 3.—(1) There shall be established for the purposes of this Act a body to be called the Council for Professions Supplementary to Medicine. Establish-
ment of
the Council.
- (2) The provisions of the Second Schedule shall have effect with respect to the constitution and procedure of the Council and otherwise in relation thereto. Second
Schedule.
4. The functions of the Council shall be— Functions of
the Council.
- (a) to regulate the training of students in the specified professions;
- (b) to register members of the specified professions;

- (c) to ensure the maintenance of proper standards of conduct by members of the specified professions registered under this Act.

Appointment
of Registrar.

5. The Council shall appoint and employ at such remuneration, if any, and on such terms and conditions as the Minister may approve a Registrar and such other officers and servants as it thinks necessary for the proper carrying out of the provisions of this Act.

Funds of
the Council.

6. The funds of the Council shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament, and such other moneys as may be lawfully paid to the Council.

Accounts
and audit.

7. The Council shall keep proper accounts of its receipts, payments, assets and liabilities and such accounts shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister.

Annual
reports and
estimates.

8.—(1) The Council shall in each year prepare and submit to the Minister on or before the thirtieth day of June a report of its proceedings during the twelve months ending on the thirty-first day of March in such year, including a statement of its accounts audited in accordance with section 7, and a copy of the report shall be printed and laid on the Table of the House.

(2) The Council shall on or before the thirty-first day of October in each year, submit to the Minister for approval its estimates of revenue and expenditure in respect of the period commencing on the first day of April next following and ending on the thirty-first day of March of the subsequent year.

The register.

9.—(1) The Council shall cause the Registrar to keep a register (to be known as the Register of Professions

Supplementary to Medicine) of the names, addresses and qualifications, and such other particulars as may be prescribed, of all persons who are entitled in accordance with the provisions of this Act to be registered under this Act and apply in the prescribed manner to be so registered.

(2) The register shall be so constituted that a separate part thereof is allocated to each specified profession.

(3) For the purposes of this Act, a person is registered as a member of a specified profession if his name is in the part of the register allocated to that profession.

10.—(1) It shall be the duty of the Registrar—

- (a) to remove from the register any entry which the Council under paragraph (c) of subsection (1) of section 12 directs him to remove;
- (b) to correct in accordance with the Council's directions any entry in the register which the Council directs him in writing to correct as being in the opinion of the Council an entry which was incorrectly made;
- (c) to make from time to time any necessary alterations in any of the particulars mentioned in subsection (1) of section 9 which are contained in the register.

Corrections
of the
register.

(2) If the Registrar—

- (a) sends by post to any person registered as a member of any specified profession a registered letter, addressed to him at his address in the part of the register allocated to that profession, enquiring whether he has ceased to practise that profession or has changed his address and

receives no reply to the letter within three months from the date of posting it; and

- (b) upon the expiration of that period sends in like manner to that person a second similar letter and receives no reply to that letter within three months from the date of posting it,

the Council may direct the Registrar to remove from the part of the register allocated to that profession the name of that person.

(3) The Council may at any time direct the Registrar to restore to the register any name removed therefrom under subsection (2).

Registration. 11.—(1) Any person who—

- (a) applies to the Council in the prescribed form for registration as a member of a specified profession; and
- (b) satisfies the Council that he possesses the prescribed qualifications; and
- (c) pays such registration fee as may be prescribed, shall be entitled to be registered as a member of that profession.

(2) Notwithstanding the provisions of subsection (1), if any person—

- (a) applies, within six months after the 8th December, 1969, to the Council in the prescribed form for registration as a member of a specified profession; and
- (b) satisfies the Council that he practised that profession during the five years immediately preceding the said 8th December, 1969; and
- (c) pays such registration fee as may be prescribed, the Council may, after considering the application and

making such other enquiries as it thinks fit, direct that he be registered as a member of that profession.

(3) The Registrar shall issue to every person registered under this Act a certificate of registration in the prescribed form.

12.—(1) If any person registered under this Act is found, in disciplinary proceedings conducted in the prescribed manner by the Council against such person to have been convicted of a criminal offence or to be guilty of professional misconduct, the Council may, if it thinks fit—

Censure,
suspension
and striking
off.

- (a) censure him; or
- (b) suspend his registration for a period not exceeding one year; or
- (c) direct the Registrar in writing to remove his name from the register.

(2) The Council may at any time, if it thinks just, direct the Registrar to restore to the register any name removed therefrom under subsection (1).

(3) Whenever the name of any person has been removed from the register, the Council may in writing require such person to return to the Registrar his certificate of registration, and such person shall comply with that requirement.

13.—(1) There is hereby established for the purpose of hearing appeals from the Council an Appeal Tribunal for Professions Supplementary to Medicine (hereinafter referred to as “the Tribunal”).

The
Tribunal.

(2) The provisions of the Third Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto.

Third
Schedule.

Appeals
from the
Council.

14.—(1) Any person who is aggrieved by the refusal of the Council to register him under this Act or by its decision to censure him or suspend his registration or cause his name to be removed from the register may appeal to the Tribunal against such refusal or decision within such time and in such manner as may be prescribed.

(2) The Tribunal may—

- (a) at the hearing of an appeal against refusal of registration, dismiss the appeal or allow the appeal and direct the Council to cause the registration to be effected;
- (b) at the hearing of any appeal other than an appeal against refusal of registration—
 - (i) dismiss the appeal and confirm the decision of the Council; or
 - (ii) allow the appeal and set aside the decision of the Council; or
 - (iii) allow the appeal and direct that the disciplinary proceedings in respect of which the decision of the Council was made be re-conducted by the Council; or
 - (iv) set aside the punishment inflicted by the Council and inflict in substitution therefor such other less severe punishment mentioned in subsection (1) of section 12 as the Tribunal may think proper.

Offences.

15.—(1) Any person who, not being registered as a member of any specified profession, at any time after the expiration of six months from the 8th December, 1969 practises that profession or takes or uses a name or title which either alone or in combination with any other words or letters implies that he is registered as a member of that profession shall be guilty of an offence and shall be

liable on summary conviction before a Resident Magistrate—

(a) in the case of a first offence, to a fine not exceeding two hundred and fifty thousand dollars; and

7/2011
Sch.

(b) in the case of a second or subsequent offence, to a fine not exceeding five hundred thousand dollars:

7/2011
Sch.

Provided that a person who is not registered as a member of a specified profession shall not be guilty of an offence under this subsection by reason of the performance by him of any functions which he is employed by the Government to perform.

(2) Any person who with intent to deceive—

(a) forges or uses or lends to or allows to be used by any other person any certificate issued under this Act; or

(b) makes or has in his possession any document so closely resembling such certificate as to be calculated to deceive,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months.

7/2011
Sch.

15A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.

Minister
may amend
monetary
penalties.
7/2011
Sch.

16.—(1) The Council, with the approval of the Minister, may make regulations generally for the proper carrying out of the provisions and purposes of this Act and in particular but without prejudice to the generality of the foregoing may make regulations—

Regulations.

(a) prescribing the minimum qualifications to be possessed as a prerequisite for registration as members of the specified professions;

- (b) providing for the courses of training which in the opinion of the Council will confer on persons completing them sufficient knowledge and skill to practise the specified professions;
- (c) as to the nature of the services which may be rendered by registered members of the specified professions;
- (d) prescribing registration fees, re-registration fees and examination fees;
- (e) prescribing the manner in which disciplinary proceedings may be instituted before the Council, the procedure to be followed in the conduct of such proceedings and matters incidental to or consequential on such proceedings;
- (f) prescribing the manner of appealing to the Tribunal, and as to the proceedings in any such appeal and matters incidental to or consequential on such proceedings;
- (g) prescribing any other matter or thing which may be, or is required by this Act to be, prescribed.

(2) Regulations made under this section may contain different provisions for the different specified professions.

(3) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under subsection (1) may provide in respect of a breach of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate's Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.

Amendment
of First
Schedule.

17.—(1) The Minister may from time to time by order amend or vary the First Schedule and any such order may contain such transitional, incidental and supplementary provisions as the Minister may consider necessary or expedient.

(2) Every order made under this section shall be subject to affirmative resolution.

FIRST SCHEDULE

(Section 2)

The Specified Professions

- | | |
|---|-------------------|
| (1) Medical Laboratory Technologist | L.N.
160/1974. |
| (2) Radiographer | |
| (3) Physiotherapist | |
| (4) Occupational Therapist | |
| (5) Dietitian practising in— | |
| (a) any public hospital; or | |
| (b) the University Hospital; or | |
| (c) Bellevue Hospital; or | |
| (d) the Hansen Home; or | |
| (e) any nursing home as defined by the Nursing Homes
Registration Act. | |
| (6) Speech Therapist | L.N.
160/1974. |
| (7) Dietetic Assistant who holds the Diploma or Associate Degree in
Dietetics and Nutrition from the College of Arts, Science and
Technology (C.A.S.T.) | L.N.
58/1995. |
| (8) Nutrition Assistant who holds the Diploma or Associate in Dietetics
and Nutrition from the College of Arts, Science and Technology
(C.A.S.T.) | L.N.
58/1995. |
| (9) Public Health Inspector who holds the Diploma in Public Health
Inspection from the West Indies School of Public Health | L.N.
58/1995. |

SECOND SCHEDULE

(Section 3)

1.—The Council shall consist of such number of members as shall be appointed by the Minister, as follows—

- | | |
|--|---|
| (a) one shall be nominated by the Medical Association of Jamaica; | Constitution
of the
Council.
4/2000
S.2(a). |
| (b) one shall be nominated by the Faculty of Medical Sciences of the
University of the West Indies; | |
| (c) two shall be chosen by the Minister, and | |
| (d) such other persons as may be chosen by the Minister, each of
whom shall represent one of the specified professions. | |

2. The appointment of a member of the Council shall, subject to the provisions of this Schedule, be for a period not exceeding two years and such member shall be eligible for reappointment.

Tenure of
office.

Chairman

3. The Minister shall appoint one of the members of the Council to be the chairman thereof.

Acting appointments.

4. If the chairman or any other member of the Council is absent or unable to act, the Minister may appoint any person to act in the place of the chairman or such other member.

Resignations.

5.—(1) Any member of the Council, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Council.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

Revocation of appointment.

6. The Minister may at any time revoke the appointment of any member of the Council if he thinks it expedient so to do.

Filling of vacancies.

7. If any vacancy occurs in the membership of the Council such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

Gazetting of appointments.

8. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Incorporation.

9.—(1) The Council shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of land and other property of whatever kind.

(2) The seal of the Council shall be kept in the custody of the chairman or the Registrar and shall be affixed to instruments pursuant to a resolution of the Council in the presence of the chairman or any other member of the Council and the Registrar.

(3) The seal of the Council shall be authenticated by the signatures of the chairman or any other member authorized to act in that behalf and the Registrar, and shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hands of the chairman, or any other member authorized to act in that behalf, and the Registrar.

(5) The Council may sue and be sued in its corporate name and may for all purposes be described by such name.

10.—(1) The Council shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Council may determine.

Procedure and meetings.

(2) The chairman may at any time call a special meeting of the Council and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any three members of the Council.

(3) The chairman shall preside at all meetings of the Council at which he is present, and if the chairman is absent from any meeting the members present and constituting a quorum shall elect one of their number to preside at that meeting.

(4) The quorum of the Council shall not be less than one-half of the membership.

4 2000
S. 2(b).

(5) The decisions of the Council shall be by a majority of votes and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Council shall be kept.

(7) The validity of the proceedings of the Council shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule the Council may regulate its own proceedings.

11.—(1) The Council may appoint such committees as it may think fit and may delegate to any such committee the power and authority to carry out on its behalf such functions as the Council may determine, so, however, that no such committee shall have power to make regulations.

Committees.

(2) The constitution of each committee shall be determined by the Council.

12.—(1) No member of the Council shall be personally liable for any act or default of the Council done or omitted to be done in good faith in the course of the operations of the Council.

Protection of members.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this paragraph, the Council shall be liable to the extent that it would be if the member were a servant or agent of the Council.

13. There shall be paid from the funds of the Council to the chairman and other members of the Council such remuneration whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Remuneration of members.

Members
not public
officers

14. The office of chairman or member of the Council shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

THIRD SCHEDULE (Section 13)

Constitution
of the
Tribunal

1 The Tribunal shall consist of a chairman and two other members appointed by the Minister.

Tenure of
office of
members

2 The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for such period not exceeding two years as the Minister may determine and shall be eligible for reappointment.

Acting
appoint-
ments

3. The Minister may appoint any person to act in the place of the chairman or any other member of the Tribunal in case of the absence or inability to act of the chairman or other member.

Resigna-
tions

4.—(1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Tribunal.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

Revocation
of appoint-
ments

5. The Minister may at any time revoke the appointment of the chairman or any other member of the Tribunal if he thinks it expedient so to do.

Filling of
vacancies.

6. If any vacancy occurs in the membership of the Tribunal, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

Publication
of member-
ship

7. The names of members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Power to
regulate
proceedings

8. Subject to the provisions of this Act, the Tribunal may regulate its own proceedings.

Members
not public
officers

9. The office of chairman or member of the Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.