

THE MEDICAL ACT

REGULATIONS
(*under section 15*)

The Medical (Registration and Disciplinary Proceedings) Regulations, 1976 L.N. 362B/76
66P/88
127/93
32c/96

The Medical (Practising Certificate) Regulations, 1996 L.N. 201/96

THE MEDICAL ACT

REGULATIONS
(under section 15)

THE MEDICAL (REGISTRATION AND DISCIPLINARY PROCEEDINGS)
REGULATIONS, 1976

(Made by the Medical Council and approved by the Minister on the
3rd day of June, 1976)

L.N. 362B/76
Amend:
L.N. 66F/88
127/93
32C/96

[1st November, 1976.]

Preliminary

1. These Regulations may be cited as the Medical (Registration and Disciplinary Proceedings) Regulations, 1976.

2. In these Regulations, unless the context otherwise requires—
“the University” means the University of the West Indies;
“the University Hospital” means the hospital established under the University Hospital Act.

Registration

3.—(1) Subject to subsection (3) of section 6 and to subsection (1) of section 8 of the Act, no person shall be registered as a medical practitioner unless he—

- (a) (i) has qualified as a medical practitioner from the University or from any other institution approved by the General Medical Council of Britain;
(ii) has qualified as a medical practitioner from an American or Canadian institution approved by the Council and is licensed to practise in the country in which he so qualified; or
(iii) holds a medical qualification other than those specified in sub-paragraphs (i) and (ii);

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- (b) after so qualifying, has done a period of internship not exceeding two years as the Council may determine; and
- (c) has passed any examination referred to in subsection (2) of section 7 of the Act which may be set by the Council.

(2) Where the Council requires any person to submit to any examination with respect to his qualifications pursuant to subsection (2) of section 7 of the Act, the Council shall appoint such examiner or examiners as it thinks appropriate to conduct the relevant examination, and shall refer the application, together with all the relevant documentary evidence, to such examiner who shall deal with the matter as soon as may be after receipt of the relevant application and documentation.

(3) Every person required to submit to an examination as aforesaid shall pay to the Council, prior to that examination, a fee of five thousand dollars in respect of such examination.

4.—(1) Any person wishing to be registered as a medical practitioner shall apply to the Council in the form specified as Form A in the Schedule, and shall satisfy the Council that he possesses the qualifications specified in paragraph (1) of regulation 3, by means of the furnishing of the relevant documents, or otherwise.

Schedule
Form A.

(2) There shall be paid in respect of any person registered as a medical practitioner, a registration fee of two hundred dollars, which shall be paid upon the applicant being notified by the Council that his application has been successful.

(3) The certificate of registration to be issued pursuant to subsection (3) of section 7 of the Act to every person registered as a medical practitioner under the Act or deemed to be so registered in accordance with subsection (3) of section 6, shall be in the form specified as Form B in the Schedule.

Form B.

5.—(1) Where a certificate of registration issued pursuant to the Act and these Regulations is lost, destroyed or defaced, the person to whom that certificate was issued may apply to the Council for a duplicate certificate.

(2) Every application for a duplicate certificate pursuant to paragraph (1) shall be made in the form specified as Form A in the Schedule and shall be accompanied by an explanation as to why the duplicate certificate is required.

Form A.

(3) The Registrar may issue to any person applying in accordance with this regulation, a duplicate certificate of registration in the form specified as Form B in the Schedule, which certificate shall be clearly marked in bold lettering with the word "DUPLICATE". Form B.

(4) There shall be paid in respect of any duplicate certificate of registration issued pursuant to this regulation, a fee of five hundred dollars.

6.—(1) The Registrar shall cause to be entered in the register in respect of every person registered as a medical practitioner, in addition to his name, address and qualifications, the following particulars—

- (a) the institution at which he obtained his qualifications;
- (b) the date he obtained such qualifications; and
- (c) the date of his registration.

(2) A copy of the register shall be published in the *Gazette* pursuant to subsection (2) of section 6 of the Act as soon as may be after the 1st day of November, 1976, and once in every calendar year thereafter.

7.—(1) Any registered medical practitioner who has obtained qualifications in related subjects in addition to those already entered in the register in relation to him, may apply in writing to the Council to have these additional qualifications entered in the register.

(2) Where a registered medical practitioner applies to the Council pursuant to paragraph (1), satisfies the Council that he is the holder of those additional qualifications and pays a fee of five hundred dollars, the Registrar shall enter the additional qualifications obtained by that medical practitioner in the register in addition to those previously entered in relation to him.

Special Registration

8.—(1) Applications for special registration pursuant to section 8 of the Act shall be made—

- (a) in the case of the medical practitioners specified in subparagraph (a) of paragraph 1 of the Third Schedule to the Act, by—
 - (i) the Faculty of Medicine of the University;
 - (ii) the Registrar of the University; or
 - (iii) the Board of Management of the University Hospital;

- (b) in the case of the medical practitioner specified in subparagraph (b) of paragraph 1 of the Third Schedule to the Act, by the person in charge of the institution in which any such medical practitioner will pursue his course of study;
- (c) in the case of the medical practitioner specified in subparagraph (c) of paragraph 1 of the Third Schedule to the Act, by—
 - (i) the Faculty of Medicine of the University;
 - (ii) the Registrar of the University Hospital;
 - (iii) the Board of Management of the University Hospital;
 - (iv) the authority in Jamaica having responsibility for the organization which has sponsored such medical practitioner, or the Ministry responsible for health, as the case may require; and
- (d) in the case of the medical practitioners specified in subparagraphs (d) and (e) of paragraph 1 of the Third Schedule to the Act, by the Chief Medical Officer in the Ministry responsible for health.

(2) An application pursuant to paragraph (1) shall be made in writing addressed to the Registrar and shall contain the following particulars—

- (a) the full name, age and address of the medical practitioner in respect of whom the application is being made;
- (b) the qualifications of such medical practitioner and particulars of the institution from which those qualifications were obtained;
- (c) the period for which the special registration is required;
- (d) the institution at which the medical practitioner in respect of whom the application is made will work during the period of his special registration; and
- (e) the duties which that medical practitioner will undertake during the period of special registration.

(3) An application for special registration shall be supported by—

- (a) the certificate, diploma, licence or other document granted to the medical practitioner to whom the application relates, by the

institution from which he obtained his medical qualifications;
and

- (b) a certificate from the person by whom the application is made to the effect that the medical practitioner to whom the application relates is a fit and proper person to be specially registered under the Act.

(4) Where the period of special registration for which an application is made does not exceed three months, it shall not be necessary for the application to be supported by the documents specified in sub-paragraph (a) of paragraph (3), but such application shall be supported instead by a certificate from the person making the application, to the effect that the medical practitioner to whom the application relates is the holder of the qualifications aforesaid.

(5) There shall be paid in respect of every special registration—

- (a) for three months or less ... two hundred dollars
- (b) for over three months ... five hundred dollars.

(6) The Registrar shall enter in a separate part of the register, the names and other particulars referred to in paragraph (1) of any medical practitioner specially registered pursuant to section 8 of the Act and this regulation.

Provisional Registration

9.—(1) Application for provisional registration pursuant to section 9 of the Act shall be made in writing addressed to the Registrar and shall contain the following particulars—

- (a) the full name, age and address of the applicant;
- (b) the qualifications of the applicant and particulars of the institution from which those qualifications were obtained; and
- (c) the hospital or other institution in which he has been selected for employment in a resident medical capacity.

(2) Every application pursuant to paragraph (1) shall be supported by—

- (a) the certificate, diploma, licence or other document granted to the medical practitioner to whom the application relates, by the institution from which he obtained his medical qualifications; and
- (b) a certificate from the hospital or institution in which he has been selected for employment to the effect that the applicant has been selected for employment in that hospital or institution.

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(3) There shall be paid in respect of every provisional registration, a fee of two hundred dollars.

Schedule.
Form A.

10.—(1) Any person who, having been provisionally registered under the Act and regulation 9, subsequently becomes eligible to be registered as a medical practitioner, may apply to the Registrar for registration, in the form specified as Form A in the Schedule, indicating that he was previously provisionally registered and how he has become eligible for registration.

(2) There shall be paid in respect of any registration as a medical practitioner pursuant to this regulation, a fee of forty dollars, which shall be paid upon the applicant being notified that his application has been successful.

(3) The Registrar shall issue to every person registered under this regulation, a certificate of registration in accordance with paragraph (3) of regulation 4.

Disciplinary Proceedings

11.—(1) Where an allegation is made to the Council against any registered medical practitioner (including any specially registered or provisionally registered medical practitioner) as regards any of the matters specified in subsection (1) of section 11 of the Act, the Council shall direct the Registrar to make such investigations in relation to the allegation as he thinks necessary, and the Registrar shall report thereon to the Council, stating whether or not the allegation has been substantiated.

(2) The Registrar may, at any stage of his investigations into any allegation aforesaid, take advice from any attorney-at-law appointed by the Council, and may obtain proof of evidence in support of that allegation, and may, in such cases as he thinks fit, decline to proceed with the investigation, unless the evidence in support of the allegation (other than the evidence of a conviction) is verified by statutory declaration.

(3) The Registrar shall invite the registered medical practitioner against whom all allegation has been made to furnish any written statement or explanation which he may wish to submit in relation to that allegation and shall consider such statement or explanation as may be furnished before taking a decision on the matter.

(4) Where it is proved by a competent officer of the court in which the proceedings took place, that the aforesaid registered medical practitioner has been convicted of a criminal offence and that such conviction has not been subsequently quashed on appeal, the Registrar shall so inform the Council and the Council may forthwith and without further enquiry, direct the Registrar to remove the name of that registered medical practitioner from the register.

12.—(1) Where the Council, upon examination of the report of the Registrar made to them on his investigations pursuant to regulation 11, decide that disciplinary proceedings should be held in respect of the allegation, they may fix a date for hearing the matter and may direct the attorney-at-law appointed by them to take all necessary steps for verifying the evidence to be submitted to them, for obtaining the relevant documents and for ensuring the attendance of witnesses at the hearing.

(2) The Registrar shall send to the registered medical practitioner against whom an allegation has been made and in respect of which it has been decided to hold disciplinary proceedings, a notice in writing specifying the nature and particulars of the allegation against him and informing him of the time and place of the meeting of the Council at which the disciplinary proceedings will be held.

(3) A notice under paragraph (2) shall be sent to the registered medical practitioner aforesaid by registered post to his address entered in the register or if the Registrar has reason to believe that that address is not his present address, then to any other address which may be known to the Registrar, and shall be posted so as to allow at least twenty-one days to elapse between the date posted and the date fixed for the matter to be dealt with.

(4) Where there is a complainant in respect of any allegation being dealt with by the Council, the Registrar shall also send him a copy of the notice which was sent to the registered medical practitioner under paragraph (2).

(5) Any party to any disciplinary proceedings being held under the provisions of this regulation may be represented in those proceedings by an attorney-at-law or other person, so, however, if that person intends to be so represented, he shall give not less than seven days' notice of that intention to the Registrar.

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13.—(1) Where any disciplinary proceedings are being held, the attorney-at-law, Registrar or other person appointed by the Council for that purpose, shall state to the Council the allegation against the registered medical practitioner, and submit evidence in support of the allegation, and that registered medical practitioner or his representative shall be entitled to cross-examine any witness appearing in support of the allegations against him.

(2) At the conclusion of the statement of the allegation against the registered medical practitioner aforesaid and the evidence in support thereof, the registered medical practitioner or his representative shall be invited by the Chairman to address the Council and to tender evidence in answer to the allegation and to call any witness in support of such evidence, and the attorney-at-law, Registrar or other person appointed by the Council for the purpose, shall be entitled to cross-examine the registered medical practitioner or any witness giving evidence on his behalf, and to reply to the whole matter after the registered medical practitioner or his representative has replied.

14.—If a registered medical practitioner against whom an allegation has been made, after notice has been sent to him in accordance with regulation 12, does not attend either personally or by a representative at any proceedings being held in relation to that allegation, the Council may proceed to hear and determine the matter in his absence.

15.—(1) Upon the conclusion of any disciplinary proceedings the Council shall, after consideration of all relevant evidence, pronounce its findings either forthwith or at a later date, in writing.

(2) The Registrar, shall immediately after the pronouncement by the Council of its findings in any matter, inform the registered medical practitioner against whom the allegation had been made, by registered letter addressed to his last known address, of the decision of the Council and, after twenty-one days after the date of posting of such letter, or where there is an appeal from such decision, at the unsuccessful conclusion of such appeal, remove the name of the aforesaid registered medical practitioner from the register if directed to do so by the Council, or carry out the decision of the Council otherwise as may be appropriate to any particular matter, and make a note beside the entry in the register relating to the registered medical practitioner concerned, of the decision of the Council.

16.—(1) Any appeal to the Tribunal pursuant to section 13 of the Act shall be commenced by notice in writing addressed to the Tribunal, and such notice shall be lodged with the Chairman of the Tribunal and a copy delivered to the Registrar within twenty-one days from the date of the decision appealed against.

(2) Any such notice of appeal shall include—

- (a) the name and address of the appellant;
- (b) particulars of the decision of the Council against which the appeal is being made;
- (c) the grounds of appeal; and
- (d) copies of all relevant correspondence and documents.

(3) Notwithstanding anything hereinbefore contained, the Tribunal may hear and entertain any appeal lodged after the time limit herein provided, if in all the circumstances of the matter, they think it is just and proper to do so.

17. All expenses incurred by a registered medical practitioner in connection with the investigation or any disciplinary proceedings brought against him or by any person appealing to the Tribunal from any decision of the Council shall be borne by that registered medical practitioner, or the person appealing, as the case may require.

Restoration of name to register

18.—(1) Where the name of any registered medical practitioner has been removed from the register in accordance with section 10 of the Act and these Regulations, any application for the restoration to the register of the name of that person shall be made in writing addressed to the Council and shall state the grounds on which the application is being made.

(2) Every application under paragraph (1) shall be signed by the person whose name was removed from the register and shall contain the names and addresses of at least three persons (at least two of whom shall be registered medical practitioners) willing and able to identify the applicant and to give evidence as to his conduct and character since the removal of his name from the register and such other relevant information as the Council may require.

(3) The Council may require the applicant to verify by statutory declaration any statement made in respect of his application, or any

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further statement which they may think necessary, and may, if they think fit, require the applicant to appear in person at a meeting of the Council at which the matter is to be considered.

19. If upon consideration of any application made pursuant to regulation 18 and the evidence furnished in support thereof, the Council is satisfied that the name of the applicant should be restored to the register, they shall direct the Registrar to restore the name of that applicant accordingly.

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SCHEDULE
FORM A (Regulations 4(1), 5(2), 10(1))
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*Application for registration as a medical practitioner
To the Medical Council*

Name of applicant.....
(in block letters)

Date of Application.....

Address of Applicant.....

.....

Date of birth of Applicant.....

Qualifications of Applicant.....

.....

Where were qualifications obtained?.....

.....

Signature of Applicant

NOTE: Please attach certified photostat or certified copies of certificates or diplomas.
Please attach names and addresses of three referees.

To be completed by the Registrar

Date of registration or refusal.....

Registration No.....

Reason for refusal, if refused.....

.....

Signature of Registrar

FORM B (Regulations 4(3), 5(3), 10(3))
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Certificate of Registration

Registration No.....

This is to certify that.....

.....

of.....

.....

has been duly registered as a medical practitioner under the Medical Act.

Dated at Kingston this day of 19 .

Registrar

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(under section 15)

THE MEDICAL (PRACTISING CERTIFICATE) REGULATIONS, 1996

(Made by the Medical Council and approved by the Minister on
the 31st day of December, 1996)

L.N. 201/96

[31st December, 1996.]

1. These Regulations may be cited as the Medical (Practising Certificate) Regulations, 1996.

2. A person issued with a practising certificate under the Medical Act shall pay to the Council the appropriate fee set out in the Schedule. **Schedule.**

3.—(1) A medical practitioner who is the holder of a practising certificate shall, within two months after the expiry of the practising certificate, pay to the Council the appropriate renewal fee set out in the Schedule, for the renewal of the practising certificate.

(2) Where a medical practitioner fails to pay the appropriate renewal fee within the period specified in paragraph (1) he shall, subject to paragraph (3), at the time of making payment, pay a renewal fee equivalent to twice the amount of the appropriate renewal fee.

(3) A medical practitioner who satisfies the Council that he has not practised within a period of twelve months prior to the date of renewal of the practising certificate shall pay the appropriate renewal fee referred to in paragraph (1).

SCHEDULE (Regulations 2 and 3 (1))

Fees for the issue and renewal of a Practising Certificate

1. Subject to paragraph 2, a registered medical practitioner in practice for the following periods, such periods of practice to be reckoned from the date on which he is entitled to practise medicine in Jamaica—

(a) less than five years	\$1,200.00
(b) five years or more but less than ten years	\$2,400.00
(c) in practice for ten years or more	\$3,600.00
2. A medical practitioner of sixty-five years of age and over			\$1,200.00

[The inclusion of this page is authorized by L.N. 73/1999]