

CHAPTER 113

MEDICAL PRACTITIONERS, PHARMACISTS, MIDWIVES AND NURSES

Ordinances AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE CEYLON MEDICAL COLLEGE, THE CEYLON MEDICAL COUNCIL, MEDICAL PRACTITIONERS, DENTISTS, MIDWIVES. APOTHECARIES, PHARMACISTS, AND NURSES. Nos. 26 of 1927, 5 of 1930, 2 of 1933, 9 of 1933, 35 of 1938, 55 of 1938, 35 of 1939, 45 of 1941, 20 of 1942, 25 of 1946,

Acts Nos. 10 of 1949, 14 of 1949, 27 of 1949, 36 of 1949, 46 of 1949, 12 of 1952, 23 of 1954, 23 of 1955, 31 of 1961, 37 of 1961, 16 of 1965, 10 of 1979.

[5th October. 1928.]

PART I

PRELIMINARY

Short title. 1. This Ordinance may be cited as the Medical Ordinance.*

Jury service. 2. All persons registered under this Ordinance and in actual practice shall be exempt from serving on any jury.

In this section "property" shall not include any property transferred to the ownership or control of the University of Ceylon by or under the Ceylon University Ordinance ; and " affairs " shall not include any affairs of the University of Ceylon.

4. The College shall be maintained out of funds provided for the purpose by Parliament. Cost of maintenance.

PART II

THE CEYLON MEDICAL COLLEGE

College Council to manage the Medical College.

3. The Ceylon Medical College (in this Ordinance called " the College"), its property, and affairs shall be managed by the Council of the Ceylon Medical College (in this Ordinance called " the College Council") in accordance with the regulations for the time being in force under this Ordinance.

5. (1) The College Council is a body corporate by the name and style of " The Council of the Ceylon Medical College", having perpetual succession, a common seal, and power to acquire and hold land and other property, and consists of— Constitution of College Council.

(a) the person for the time being discharging the duties of the Director of Health Services ;

* The provisions of the Medical Ordinance shall not apply to or in relation to the practice of, or to persons practising, medicine, surgery, pharmacy or nursing according to ayurveda — See section 83 of the Ayurveda Act.

This is a reference to the University of Ceylon, established under the repealed Ceylon University Ordinance and continued as the University of Sri Lanka under the repealed University of Ceylon Act, No. 1 of 1972.

MEDICAL PRACTITIONERS, &c.

- (b) the person for the time being discharging the duties of Deputy Director of Health (Medical Services);
 - (c) the person for the time being discharging the duties of Professor of Medicine of the University of Ceylon* or such other person as may be nominated by the Minister in place of such Professor under subsection (2);
 - (d) the person for the time being discharging the duties of Professor of Surgery of the University of Ceylon* or such other person as may be nominated by the Minister in place of such Professor under subsection (2);
 - (e) the person for the time being discharging the duties of Professor of Anatomy of the University of Ceylon* or such other person as may be nominated by the Minister in place of such Professor under subsection (2);
 - (f) the person for the time being discharging the duties of Professor of Physiology of the University of Ceylon* or such other person as may be nominated by the Minister in place of such Professor under subsection (2);
 - (g) the person for the time being discharging the duties of Professor of Obstetrics and Gynaecology of the University of Ceylon* or such other person as may be nominated by the Minister in place of such Professor under subsection (2);
 - (A) a person nominated by the Minister out of those engaged in teaching at any Government Nurses Training School;
 - (i) a person nominated by the Minister out of those possessing the degree of Bachelor of Pharmacy or the qualification of Member of the Pharmaceutical Society or other equivalent qualification;
 - (j) a medical practitioner, nominated as aforesaid, who is neither a lecturer in the University of Ceylon* or the Ceylon Medical College, nor an officer in the service of the Government, nor in receipt of a pension from the Government.
- (2) The Minister may at any time nominate any person to be a member of the College Council in place of any Professor referred to in paragraphs (c), (d), (e), (f) and (g) respectively of subsection (1).
- (3) A nominated member of the College Council holds office for three years unless he previously resigns or his appointment is revoked by the Minister, and shall be eligible for renomination.
- (4) If any member of the College Council leaves Sri Lanka without the intention of returning thereto, or is absent from Sri Lanka for more than six consecutive months, he shall thereupon cease to be a member.
- (5) The Minister may appoint and revoke the appointment of any person to be a temporary nominated member in the place of any nominated member being temporarily absent, or ill, or unable, or unwilling to act.
6. (1) At every meeting of the College Council the Director of Health Services, or in his absence the Deputy Director of Health (Medical Services), or, in the absence of both, a member chosen by the members present or by a majority of them, shall preside as chairman.
- (2) Every question which comes before the College Council shall be decided by a majority of the votes of the members present and voting.
- (3) No question shall be decided at any such meeting unless five members at the least, besides the chairman, are present at the time of the decision.
- (4) The chairman and every member present at the meeting shall have one vote, and the chairman, in case of an equality of votes, shall have a second or casting vote.

Procedure of
College

* See footnote to section 3.

Certificates, &c.

7. (1) Subject to any regulations for the time being in force, the College Council may confer on persons who have passed the prescribed examinations and fulfilled the prescribed conditions—

(a) certificates of efficiency as midwives ;

(b) certificates of efficiency as apothecaries;

[§ 2, 16 of 1965.]

(bb) certificates of efficiency as estate apothecaries;

[§ 2, 10 of 1979.]

(bbb) diplomas of efficiency as apothecaries;

(c) certificates of efficiency as pharmacists; and

(d) certificates of efficiency as nurses.

(2) Any person on whom any diploma or certificate has been conferred under subsection (1) may be deprived of such diploma or certificate by the College Council in such circumstances and in accordance with such procedure as may be prescribed.

Fees.

8. The College Council may charge the prescribed fees (which shall be paid into the Consolidated Fund) for entrance into the College, for continuance therein, for admission to examinations, for attendance at lectures or classes, and for any diploma or certificate issued by the College Council.

Appointments.

9. (1) Where any lecturers or other teachers are necessary for the purposes of any course of study not provided by the University of Ceylon,* such lecturers or teachers may be appointed by the College Council.

Examiners may in like manner be appointed by the College Council whenever necessary.

(2) There may also be appointed such officers and servants of the College, as may be necessary.

Professors, &c., of College to be public servants.

10. Every professor, lecturer, examiner, officer or servant of the College shall be deemed to be a public servant within the meaning of section 19 of the Penal Code.

* See footnote to section 3.

11. Regulations may be made as to—

Power to make regulations.

(a) the mode and time of convening the meetings of the College Council and of transacting business thereat;

(b) the duties of professors, lecturers, examiners, officers, and servants;

(c) the previous course of instruction to be followed by candidates for the examinations of the College;

(d) the maintenance of good order and discipline among students of the College or persons attending the examinations or lectures of the College, and the exclusion from such lectures and examinations of students or persons contravening such regulations;

(e) the examinations to be passed and other conditions to be fulfilled by candidates for diplomas and certificates;

(f) the fees to be charged under this Part;

(g) the keeping of accounts of the income and expenditure of the College;

(h) generally all matters relating to the College.

PART III

THE CEYLON MEDICAL COUNCIL

12. (1) The Ceylon Medical Council (in this Ordinance called "the Medical Council") shall consist of eleven members, including the president and vice-president, to be appointed as follows, namely—

Constitution and duties of Ceylon Medical Council.

(a) the president nominated by the Minister;

(b) one member elected by the teachers of the Faculty of Medicine of the University of Ceylon ;*

(c) two members elected by the medical practitioners who are registered under the Medical Acts ;

(d) two members elected by all other medical practitioners; may be, in accordance with the provisions of this Pan.

(e) one member elected by dentists ;

(f) four members nominated by the Minister, of whom at least two members shall not be in Government employ or in receipt of a pension from Government.

(2) A vice-president shall be elected from among the members of the Medical Council, by the Medical Council-

(3) The Medical Council shall perform the duties imposed on it by this Ordinance, and may make representations to the Government on any matter connected with the medical profession in Sri Lanka.

Members of Medical Council to be medical practitioners.

13. No person shall be eligible to be a member of the Medical Council unless he is a medical practitioner or a dentist.

Tenure of office of members.

14. The members of the Medical Council shall hold office for a term of five years, but shall be eligible for re-election or renomination.

Vacation of seat by member of Medical Council.

15. A member of the Medical Council shall be deemed to have vacated his seat—

- (a) on sending his resignation in writing to the president or registrar;
- (b) on his absence without excuse sufficient in the opinion of the Medical Council from three consecutive meetings of the Medical Council;
- (c) on his absence from Sri Lanka for twelve consecutive months;
- (d) on erasure of his name from a register;
- (e) on his being declared an insolvent or bankrupt by any competent court;
- (f) on expiry of his term of office.

Filling up of vacancies.

16. When the seat of any member becomes vacant, the vacancy shall be filled up by election or nomination, as the case

17. (1) The Medical Council shall appoint a registrar, who shall act as secretary of the Medical Council and also as treasurer, unless the Medical Council shall appoint another person as treasurer. Every person so appointed shall be removable at the pleasure of the Medical Council. Registrar and other officers.

(2) The Medical Council may also employ such other persons as it may deem necessary for the purposes of this Ordinance.

(3) All persons appointed or employed under this section shall be deemed to be public servants within the meaning of section 19 of the Penal Code.

18. (1) Every order or decision of the Medical Council under this Ordinance shall be subject to appeal to the Minister whose decision shall be final. Appeals to Minister.

(2) The Medical Council and the registrar shall give all information which may be required by the Minister for the purposes of any such appeals.

19. Regulations may be made for all or any of the following purposes:— Power to make regulations.

- (a) the election of members to the Medical Council and of the vice-president;
- (b) the procedure at meetings of the Medical Council, including the quorum;
- (c) the appointment, suspension, removal, duties, and remuneration of officers and servants of the Medical Council ;
- (d) the keeping of the accounts of the receipts and expenses in carrying out the provisions of this Ordinance, and the auditing of such accounts.

PART IV

THE REGISTERS

20. (1) The registrar shall, in accordance with the provisions of this Registers to be kept by registrar.

Ordinance, keep the following registers substantially in the form contained in the First Schedule, namely—

- (a) a register of medical practitioners qualified to practise medicine and surgery in Sri Lanka;
- (b) a register of dentists qualified to practise dentistry and dental surgery in Sri Lanka;
- (c) a register of women qualified to practise as midwives in Sri Lanka;
- (d) a register of persons qualified to act as pharmacists in Sri Lanka; and
- (e) a register of persons qualified to practise as nurses in Sri Lanka.

(2) No person under the age of twenty-years shall be registered.

(3) No alien shall be registered except with the approval of the President on the recommendation of the Minister.

(4) The registrar shall enter in the appropriate register the name of every person who proves his claim to be registered, and shall report the name of every such person to the Medical Council at its next meeting.

(5) The registrar shall enter in a separate part of the register mentioned in paragraph (a) of subsection (1) the name of every person who proves his claim to be provisionally registered as a medical practitioner under subsection (2) of section 29, and if that person is registered thereafter as a medical practitioner under subsection (1) of that section, the registrar shall strike off the name of that person from such part of the aforesaid register as contains the names of persons provisionally registered as medical practitioners.

(5A) The registrar shall enter in a separate part of the appropriate register kept under subsection (1) the name of any person whose application for registration as a medical practitioner, dentist or nurse is allowed by the Medical Council under

section 67A and, if such person leaves Sri Lanka, shall strike off his name from the register.

(6) An applicant for registration shall deliver to the registrar the appropriate declarations required by the Schedules which shall be declared before a Justice of the Peace or a Commissioner for Oaths, and such other evidence of his right to be registered as the registrar may require.

(7) The registrar may refer any case of doubt or difficulty to the Medical Council.

(8) In this section, "alien" means a person other than a person who is a Commonwealth citizen within the meaning of the British Nationality Act, 1948.

(II & 12 Geo. vi, c. 56.)

21. If any person fraudulently procures or attempts to procure himself or any other person to be registered under this Ordinance by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, he and every person aiding or assisting him shall be guilty of an offence, and shall on conviction by the High Court be liable to imprisonment of either description for any term not exceeding two years, or to a fine not exceeding two thousand rupees, or to both such imprisonment and fine.

Punishment for fraudulently procuring persons to be registered.

22. The registers kept by the registrar of the Council of the Ceylon Medical College under the Medical Registration Ordinance, 1905,* and the Dentists Registration Ordinance, No. 3 of 1915,* or by the registrar of the Ceylon Medical Council under either of those Ordinances and the Ceylon Medical Council Ordinance, No. 24 of 1924,* are the property of and shall be kept by the Medical Council, and shall be deemed to be kept under this Ordinance, and every person whose name is entered in any such register shall be deemed to be registered under this Ordinance.

Continuance of existing registers.

23. (1) Whenever any person registered under this Ordinance changes his residence he shall forthwith notify his new address to the registrar, who shall enter it in the register.

Change of residence.

* Repealed by Ordinance No. 26 of 1927.

[§2,37 of 1961 .]

(2) The registrar may send a letter by registered post to any registered person addressed to him according to his address in the register to inquire whether he has changed his residence, and if he does not receive an answer to such letter within six months of the sending thereof, he may erase from the register the name of such person ;

(b) an attorney-at-law or counsel to advise the Council and to act as judicial assessor.

Provided always that the same shall be restored at the request of the Medical Council.

26. (I) The registrar shall keep each register correct and up to date in accordance with this Ordinance, and shall cancel in the register the name of any person who has died.

Registrar to keep each register up to date.

Change of qualification.

24. (1) Any person registered under this Ordinance who may obtain any degree or qualification other than the degree or qualification in respect of which he is registered may cause such other degree or qualification to be inserted in the register, in addition to the degree or qualification already registered.

(2) The registrar shall, by and in accordance with the orders of the Medical Council, erase any entry from, or correct any entry in, a register when such entry is proved to the satisfaction of the Medical Council to have been fraudulently or incorrectly made, and shall enter in the register and sign the reason for every erasure or correction.

(2) The fee for insertion shall be ten rupees for each degree or qualification.

27. The registrar shall, as soon as may be after the first day of January in each year, cause a copy of each register as it exists on such first day of January to be published in the Gazette.

Publication of registers in Gazette.

Power to erase name from register and to restore any name to register.

25. (1) The Medical Council may, if it thinks fit—

(a) on any ground authorized by this Ordinance, order that the name of any person be erased from a register or, in lieu of such erasure, may order that he be suspended from the rights, privileges, and immunities conferred upon him by resgistration during the period specified in the order;

28. (I) In all proceedings, whether civil or criminal—

Proof of contents of registers.

(b) order that the name of any person be restored to a register.

(a) any extract from or copy of a register certified by the registrar to be true shall be admissible in evidence without proof, and shall be sufficient prima facie evidence of the contents of the register;

(2) Before making an order under subsection (1) (a), the Medical Council shall give the person affected an opportunity of showing cause why the order should not be made, and for that purpose permit him to be represented or assisted by his legal adviser or advisers.

(b) a certificate by the registrar that the name of any person is or is not registered in a register or was or was not so registered at a date or during a period specified in the certificate shall be admissible in evidence, and shall be sufficient prima facie evidence of the facts stated therein.

(3) At any proceedings against a person under this section, the Medical Council may employ the services of—

(2) For the purposes of this section, no proof need be given, unless the court otherwise requires, of the signature of the registrar to any such copy, extract, or certificate, or of his appointment as registrar.

(a) an attorney-at-law or counsel to lead the evidence and present the case against that person, and

PART V

MEDICAL PRACTITIONERS

Registration as medical practitioners.

29. (1) A person shall, upon application made in that behalf to the Medical Council, be registered as a medical practitioner—

- (a) if he is of good character, and
- (b) if he—
 - (i) holds the degree of Bachelor of Medicine of the University of Ceylon* and a certificate granted by the Medical Council under section 32, or
 - (ii) is registered or qualified to be registered under the Medical Acts, or
 - (iii) holds a qualifying diploma within the meaning of the Medical Acts and a certificate granted by the Medical Council under section 32, or
 - (iv) not being qualified to be registered under any of the preceding subparagraphs,—
 - (aa) is a citizen of Sri Lanka according to the law for the time being in force relating to citizenship, and
 - (bb) holds the degree of Bachelor of Medicine or an equivalent qualification of any university or medical school of any country other than Sri Lanka which is recognized by the Medical Council for the purposes of this section, and
 - (cc) unless exempted under the provisions of subsection (2A), has passed a special examination prescribed in that behalf by the Medical Council, and
 - (dd) holds a certificate granted by the Medical Council under section 32.

[§3,16 of 1965.]

(2) For the purposes only of enabling the acquirement of such experience as is required for obtaining from the Medical Council a certificate under section 32, a person shall, upon application made in that behalf to the Medical Council, be registered provisionally as a medical practitioner—

- (a) if he is of good character, and
- (b) if he—
 - (i) holds the degree of Bachelor of Medicine of the University of Ceylon,* or
 - (ii) has passed the examination necessary for obtaining the degree of Bachelor of Medicine of the University of Ceylon* but has not obtained that degree owing to a delay on the part of that university in conferring that degree on him, or
 - (iii) holds a qualifying diploma within the meaning of the Medical Acts but has not acquired such experience as is required for becoming registered under those Acts, or
 - (iv) not being qualified to be registered under any of the preceding sub-paragraphs,—
 - (aa) is a citizen of Sri Lanka according to the law for the time being in force relating to citizenship, and
 - (bb) holds a degree of Bachelor of Medicine or an equivalent qualification of any university or medical school of any country other than Sri Lanka, which is recognized by the Medical Council for the purposes of this section, and

[§ 3,16 of 1965.]

* See footnote to section 3.

(cc) unless exempted under the provisions of subsection (2A), has passed a special examination prescribed in that behalf by the Medical Council.

(a) has been engaged in employment in a resident medical capacity for the prescribed period in one or more prescribed hospitals or institutions,

(b) has, during his employment as mentioned in paragraph (a) of this subsection, been engaged for the prescribed period in the practice of medicine and for the prescribed period in the practice of surgery, and

(c) has rendered satisfactory service while employed as aforesaid,

such Council shall grant, in the prescribed form, a certificate that such Council is so satisfied.

(2) Where a person who is provisionally registered as a medical practitioner has, during his employment as mentioned in subsection (1), been engaged in the practice of midwifery for any period not exceeding the prescribed period, such period spent in the practice of midwifery shall, for the purposes of paragraph (b) of subsection (1), be deemed to be a period spent in the practice of medicine or a period spent in the practice of surgery as he may elect.

(3) Where an applicant to the Medical Council for a certificate under this section has, during his employment as mentioned in subsection (1), been engaged in the practice of medicine and in the practice of either surgery or midwifery or both surgery and midwifery, the period of that employment shall, in order to compute the period of his practice of medicine and the period of his practice of surgery for the purposes of paragraph (b) of subsection (1), be apportioned in such manner as may be determined by the Medical Council.

(4) Where a person who is provisionally registered as a medical practitioner applies to the Medical Council for a direction under this subsection and satisfies such Council that, by reason of lasting physical disability, he will be or has-been prevented from entering upon or completing the period of experience of the practice of surgery or midwifery required for the purposes of any of the preceding provisions of this section,

(2A) Where the Medical Council is satisfied that the medical qualification on the faith of which a person applies for registration under subsection (1) or subsection (2) is of a sufficiently high standard and such qualification is obtained in a country which recognizes the degree of Bachelor of Medicine of the University of Ceylon*, the Council may exempt such person from the requirement of passing the special examination referred to in subparagraph (cc) of each of the said subsections.

(3) The fee for registration, or provisional registration, as a medical practitioner shall be fifty rupees and it shall be paid to the registrar on application for registration.

(4) A person who has paid the fee for his provisional registration as a medical practitioner shall not be required to pay any fee for his subsequent registration as a medical practitioner.

30. All medical officers of the Army, Navy, or Air Force of the United Kingdom serving in Sri Lanka on full pay shall be deemed to be duly registered medical practitioners.

31. Where a person, who is not qualified to be registered under section 29 (I), is certified, by written statement given under the hand of the Director of Health Services and lodged with the registrar, to be in the employment of the Government of Sri Lanka as a medical officer, such person shall be deemed to be a duly registered medical practitioner, while he is so employed.

32. (1) Where a person who is provisionally registered as a medical practitioner applies to the Medical Council for a certificate under this section and such Council is satisfied that he—

[§ 3, 16 of 1965.]

Medical officers of the United Kingdom Army, Navy or Air Force deemed to be registered medical practitioners.

Certain Government medical officers deemed to be registered medical practitioners.

Certificate of experience in prescribed hospitals or institutions.

* See footnote to section 3.

such Council may direct that, in lieu of the period which as aforesaid he will be or has been prevented from entering upon or in lieu of the balance of the period which as aforesaid he will be or has been prevented from completing, he may count for those purposes an equal period of experience of the practice of medicine during his employment as mentioned in subsection (1) which is in addition to the period of experience of the practice of medicine required for the purposes of paragraph (b) of subsection (1).

(5) Where a person who is provisionally registered as a medical practitioner is, in accordance with the terms of his employment in a prescribed hospital or institution, residing conveniently near that hospital or institution, his employment in that hospital or institution shall be deemed to be employment in a resident medical capacity notwithstanding that his residence is not in that hospital or institution.

33. The name of a medical practitioner may be erased from the register if, whether before or after the commencement of this Ordinance—

- (a) his name is erased from the register kept under the Medical Acts by reason of his conviction for an offence or of his having been guilty of infamous conduct in any professional respect; or
- (b) he is deprived of any diploma, degree, or certificate on the faith of which he was registered as a medical practitioner, or by virtue of which he became qualified to be registered under the Medical Acts; or
- (c) he is convicted of an offence which shows him to be unfit to practise as a medical practitioner; or ,
- (d) he is convicted under section 49 (c), (d), or (e) of the Births and Deaths Registration Ordinance* or under section 68 (1) (c), (d), or (e) of the Births and Deaths Registration Act, or, while acting as a registrar under that Ordinance or as a registrar or

deputy registrar under that Act, of dishonestly registering or aiding or abetting the registration of a false cause of death; or

(e) he is guilty of infamous conduct in any professional respect.

34. In any written law, whether passed or made before or after the commencement of this Ordinance, the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or "registered medical practitioner" or any words importing a person recognized by law as a practitioner in medicine or surgery shall be construed as meaning a medical practitioner registered under this Ordinance.

35. Every medical practitioner shall be entitled to practise medicine and surgery in Sri Lanka, and to demand and recover reasonable charges for medical or surgical aid rendered by such person, and the costs of medicines and surgical appliances supplied by him in the course of his practice.

36. No person, other than a medical practitioner, shall be entitled to recover any charge in any court of law for any medical or surgical advice, attendance, or for the performance of any operation as a medical practitioner, or for any medicine which he shall have prescribed and supplied.

37. No certificate signed after the 1st day of April, 1906, and required by any written law to be signed by a physician, surgeon, or any other medical or surgical practitioner, shall be valid unless the person signing it is a medical practitioner.

38. No person, not being a medical practitioner, shall—

- (a) take or use any name, title, or addition implying a qualification to practise medicine or surgery by modern scientific methods, or implying or tending to the belief that he is a medical practitioner registered under this Ordinance, or by any act or omission intentionally cause or permit any person to

Meaning of "legally qualified medical practitioner", &c.

Registered medical practitioners entitled to practise medicine and surgery.

Right to recover charges for medical or surgical advice, &c.

Medical certificates.

Restrictions on practice by unregistered persons.

When may medical practitioner's name be erased from register.

* Repeated by Act No. 17 of 1951.

believe that he is a registered medical practitioner, and to act upon such belief; or

(b) except as mentioned in section 41, practise for gain, or profess to practise, or publish his name as practising medicine or surgery.

Rights of persons provisionally registered as medical practitioners.

39. Every person provisionally registered as a medical practitioner under subsection (2) of section 29 shall have the right—

(a) to practise medicine, surgery and midwifery for the purposes only of such employment as is mentioned in subsection (1) of section 32,

(b) to recover in a court of law such remuneration or charges as he may be entitled to under the terms of such employment,

(c) to sign and issue any such certificate as is referred to in section 37 in respect of any patient treated by him in the course of such employment, and

(d) to use any name or title implying a qualification to practise medicine, surgery and midwifery,

but shall not be entitled to any of the other rights, privileges or immunities of a medical practitioner registered under subsection (1) of section 29.

Saving for Government apothecaries, estate apothecaries and estate dispensers,

***41.** (1) Nothing in this Ordinance shall make it unlawful for any of the following persons to practise medicine and surgery for gain or prevent him from recovering his charges for services rendered or medicine or goods supplied by him in the course of his practice, namely—

(a) any Government apothecary actually employed in the public service as an apothecary and for the time being in charge of a dispensary or hospital;

(b) any Government apothecary who, having, before the 1st day of April, 1906, qualified to enter Government

service as an apothecary, has, whether before or after the commencement of this Ordinance, retired from the Government service;

(c) any Government apothecary who is registered under subsection (2) of this section as being entitled to practise medicine and surgery, and whose name is for the time being in the register maintained under that subsection;

(cc) any estate apothecary or apothecary who is registered under subsection (2A) of this section as being entitled to practise medicine and surgery and whose name is for the time being in the register mentioned under that subsection;

(ccc) any Government apothecary who is registered under subsection (2B) of this section as being entitled to practise medicine and surgery and whose name is for the time being in the register maintained under that subsection;

(d) any estate apothecary or estate dispenser appointed by a superintendent to an estate or group of estates with the approval of the Director of Health Services, but only during the time he is actually so employed, provided that the practice of such estate apothecary or estate dispenser shall be limited to the estate or group of estates to which he is so appointed.

(2) Any Government apothecary, whether he is in the service of the Government or has ceased to be in such service, may, on production of a certificate from the Director of Health Services to the effect that he—

(a) has or had been employed as an apothecary in the public service for an aggregate period of at least fifteen years; and

(b) has or had within such period, served in one or more hospitals under one or more medical practitioners for an aggregate period of at least two years; and

*Section 40 is repealed by Act No. 31 of 1961.

(c) has or had performed his duties as an apothecary efficiently and satisfactorily,

(b) The registrar shall maintain a register of the persons registered under this subsection and erase therefrom the name of any person ordered to be erased by the Medical Council under subsection (3) of this section. [§ 4, 16 of 1979.]

be registered by the registrar, on payment of the prescribed fee, as being entitled to practise medicine and surgery.

The registrar shall maintain a register of the persons registered under this subsection and erase therefrom the name of any person ordered to be erased by the Medical Council under subsection (3) of this section.

(2B) (a) Any Government apothecary whether he is in the service of the Government or has ceased to be in such service may, on production of a certificate from the Director of Health Services to the effect that he— [§ 3,10 of 1979.]

A certificate under this subsection may be issued to a Government apothecary who has been guilty of misconduct if the Director of Health Services is satisfied that such apothecary has, since such misconduct, been of good conduct for such period of time as the Director considers reasonable.

(i) has had an aggregate period of eight years of efficient and satisfactory service as a Government apothecary;

(ii) has, within that period, served in one or more district or provincial hospitals under one or more medical practitioners for an aggregate period of at least three years; and

For the purposes of this subsection and subsection (2A) "public service" includes service under a corporation, the capital of which is wholly or partly provided by the Government.

(iii) holds a diploma conferred by the College Council,

[§ 3, 10 of 1979.]

(2A) (a) Any estate apothecary or apothecary may, on furnishing proof to the satisfaction of the Director of Health Services that—

be registered by the registrar on payment of the prescribed fee, as being entitled to practise medicine and surgery.

(i) (a) he, being an estate apothecary, has had an aggregate period of at least fifteen years of efficient and satisfactory service as an estate apothecary; or

(b) The registrar shall maintain a register of persons registered under this subsection and erase therefrom the name of any person ordered to be erased by the Medical Council under subsection (3).

(b) he, being an apothecary, has had an aggregate period of at least fifteen years of efficient and satisfactory service as an apothecary on an estate or on an estate and in the public service ; and

(3) Provided that where it is shown to the satisfaction of the Medical Council that any person being an apothecary entitled to practise medicine and surgery under subsection (1) (b) or under subsection (1) (c) or under subsection (1) (cc) or under subsection (1) (ccc) or an estate apothecary entitled to practise medicine and surgery under subsection (1) (cc) has been guilty of inefficiency or negligence in the treatment of a patient or has been guilty of conduct which shows him to be unfit to practise medicine and surgery, the Medical Council may make an order that such person be suspended from the privileges and immunities conferred on him by this section, either permanently or during the period [§ 3, 10 of 1979]

(ii) has, within that period, served in one or more hospitals under one or more medical practitioners for an aggregate period of at least two years,

be registered by the registrar on payment of the prescribed fee, as being entitled to practise medicine and surgery.

suspended from the privileges and immunities conferred on him by this section, either permanently or during the period

specified in the order, and, where necessary, an order that the name of any person be erased from the register of apothecaries maintained as the case may be, under subsection (2) or subsection (2A) or subsection (2B).

(4) Every order under subsection (3) shall be published in the Gazette.

Women medical missionaries.

42. The Medical Council, on being satisfied that any lady belonging or attached to any missionary or other body or society possesses the requisite knowledge and skill for the medical treatment of women and children, may grant permission to such person to practise medicine and midwifery as a woman medical missionary as regards the treatment of women and children, but not otherwise. Such permission shall not authorize the person to whom it is granted to practise medicine for gain or elsewhere than at the place or places named therein.

PART VI

DENTISTS

Qualifications for registration as dentist.

43. (1) No person shall be registered as a dentist unless he is of good character and either—

(a) is registered or qualified to be registered under the Dentists Acts ; or

(b) holds a degree or diploma in dentistry conferred or granted by the University of Ceylon.*

[§ 5, 16 of 1965.]

(1A) Notwithstanding the provisions of subsection (1), a person who is not qualified to be registered as a dentist under that subsection may, if he—

(a) is a citizen of Sri Lanka according to the law for the time being in force relating to citizenship, and

(b) holds a degree in Dentistry or Stomatology or an equivalent qualification of any university or

medical school of any country other than Sri Lanka, which is recognized by the Medical Council for the purposes of this subsection, and

(c) has passed a special examination prescribed in that behalf by the Medical Council,

be registered as a dentist:

Provided, however, that where the Medical Council is satisfied that the qualification on the faith of which a person applies for registration is of a sufficiently high standard and such qualification has been obtained in a country which recognizes the degree of dental surgery of the University of Ceylon*, the Council may exempt such person from the requirement of passing the special examination referred to in paragraph (c).

(2) The fee for registration of a dentist shall be fifty rupees payable on application to the registrar.

(3) Notwithstanding anything in this Ordinance, the following provisions shall have effect, that is to say:—

Savings for past registrations and for registration upon completion of apprenticeship, &c.

(a) Every person who, immediately prior to the 6th day of June, 1949, held a diploma as a licentiate in dental surgery or a diploma of efficiency in dentistry issued by the College Council and was registered as a dentist, shall be deemed for all the purposes of this Ordinance to be a dentist possessing the qualifications indicated in this section.

(b) Every person who, immediately prior to the date aforesaid, was qualified to be registered as a dentist by reason of his holding any diploma, certificate or degree referred to in paragraph (c) of subsection (1) of this section and was so registered, shall, for all the purposes of this Ordinance, but subject to the provisions of paragraph (e) of this subsection, be deemed to be a dentist.

* See footnote to section 3. Repealed by section 3 of Act No. 27 of 1949.

(c) The regulations relating to the registration of dentists published in Gezette No. 8,089 of 9th November, 1934, shall continue in force for the purpose, but only for the purpose, of enabling certificates referred to in regulation 1 of those regulations to be issued in accordance therewith to persons who, prior to the 6th day of June, 1949, commenced work as assistants in all branches to a dental surgeon or surgeon dentist; and the aforesaid regulations shall so continue in force subject to the modification that, notwithstanding anything in the proviso to paragraph (c) of regulation 2 thereof, the certificate referred to in that paragraph may be entertained if the dental surgeon or surgeon dentist, to whom the person mentioned in the certificate is an assistant, sends to the registrar within one month of the 6th day of June, 1949, a notice specifying the date on which such person commenced work as such assistant.

Every person to whom a certificate is issued under regulation 1 of those regulations (as so continued in force) may - be registered as a dentist, and if so registered shall, for all the purposes of this Ordinance, but subject to the provisions of paragraph (e) of this subsection, be deemed to be a dentist.

(d) Any person who satisfies the registrar that he had, during the period of five years preceding the 6th day of June, 1949, continuously carried on the trade of a dental mechanic and makes application to the registrar before such date* as may be prescribed by the Minister for registration as a dentist may, if he passes an examination conducted by a board of examiners consisting of a dental surgeon who is a teacher of the Ceylon University and who is selected by the Dean of the

Faculty of Medicine of that University, a surgeon of the General Hospital, Colombo, nominated by the Minister, and the officer in charge of the Dental Institute, Colombo, be granted by the board a certificate that he holds the requisite knowledge and skill for practice as a dentist; and where the certificate is so granted to any person, that person may be registered as a dentist, and if so registered shall, for all the purposes of this Ordinance, but subject to the provisions of paragraph (e) of this subsection, be deemed to be a dentist.

(e) No person who, as provided in paragraphs (b), (c) or (d) of this subsection, is deemed to be a dentist, shall assume or use the title of Dental Surgeon or Surgeon Dentist.

(f) Every person who contravenes the provisions of paragraph (e) of this subsection, shall be guilty of an offence against this Ordinance.

44. All dentists of the Army, Navy, or Air Force of the United Kingdom serving in Sri Lanka on full pay shall be deemed to be duly registered as dentists.

Dentists of the United Kingdom Army, Navy or Air Force deemed to be registered dentists.

45. The name of a dentist may be erased from the register if, whether before or after the commencement of this Ordinance—

When may dentist's name be erased from register.

(a) his name is erased from the register kept under the Dentists Acts by reason of his conviction for an offence or of his having been guilty of infamous or disgraceful conduct in a professional respect; or

(b) he is deprived of any diploma, degree, or certificate, on the faith of which he was registered as a dentist or by virtue of which he became qualified to be registered under the Dentists Acts; or

* 31st December, 1953.—Gazette No. 10,418 of 27th June, 1952.
See footnote to section 3

- (c) he is convicted of an offence which shows him to be unfit to practise as a dentist; or
- (d) he is guilty of infamous conduct in any professional respect.

Meaning of "legally qualified dentist", &c.

46. In any written law, whether passed or made before or after the commencement of this Ordinance, the words "legally qualified dentist" or "duly qualified dentist" or "registered dentist" or any words importing a person recognized by law as a dentist shall be construed as meaning a dentist registered under this Ordinance.

Registered dentists entitled to practise dentistry and dental surgery.

47. Every dentist shall be entitled to practise dentistry and dental surgery in Sri Lanka, and to demand and recover reasonable charges for services rendered by him as such dentist, and the costs of medicines and surgical appliances supplied by him.

Right to recover charges for dental operation, &c.

48. No person, other than a dentist or a medical practitioner, shall be entitled to recover any charge in any court of law for any dental operation, service, work, or attendance, or for any medicine for dental treatment which he shall have prescribed and supplied.

Restrictions on practice by unregistered persons.

49. (1) No person, not being a dentist, shall-

- (a) take or use the name or title of dentist or dental surgeon or surgeon dentist or any other name, words, title, or description, either alone or in conjunction with any other word or words, implying or tending to the belief that he is entitled to practise dentistry or dental surgery; or
- (b) practise, or hold himself out whether directly or by implication as practising or as being prepared to practise dentistry.

(2) For the purposes of this Ordinance, the practice of dentistry shall be deemed to include the performance of any such operation and the giving of any such treatment, advice or attendance as is usually performed or given by dentists, and any

person who performs any operation or gives any treatment, advice or attendance on or to any person as preparatory to or for the purpose of or in connexion with the fitting, insertion, or fixing of artificial teeth shall be deemed to have practised dentistry within the meaning of this Ordinance.

(3) Nothing in this section shall operate to prevent—

(a) the practice of dentistry by a medical practitioner; or

(b) the extraction of a tooth by an apothecary where the case is urgent and no medical practitioner or dentist is available and the operation is performed without the application of any general or local anaesthetic; or

[§6,16 of 1965.]

(c) the performance by a qualified dental nurse in the employment of the Government of Sri Lanka of minor dental work in any public dental service under the supervision of a dentist or a medical practitioner.

(4) A dentist shall not assume or use the title of doctor unless he is also a medical practitioner and shall not assume or use the titles of dental surgeon or surgeon dentist unless he possesses the qualifications indicated in section 43 (1):

Provided that any dentist who holds a degree entitling him to use the title "Doctor" in the country where the degree was granted, and who used such title in Ceylon on or before the 1st day of January, 1916, may continue to use such title.

50. (1) Any person who at the commencement of this Ordinance holds a special licence issued under section 20 of the Dentists Registration Ordinance, No. 3 of 1915,* shall be entitled to practise dentistry and dental surgery in the same manner as a dentist, and shall (with the necessary modifications) have the same rights and immunities and be subject to the same liabilities and penalties as a dentist:

Persons holding special licence issued under the Dentists Registration Ordinance, No. 3 of 1915.*

*Repealed by Ordinance No. 26 of 1927.

Provided that no such person shall use any other title or designation than that of " Licensed Dentist".

(2) Any such licence may be revoked by the Medical Council on any ground for which the name of a dentist can be erased from the register of dentists.

(3) The registrar shall, as soon as may be after the first day of January in each year, cause a list of all persons holding such licences on such first day of January to be published in the Gazette.

PART VII

MIDWIVES

Qualifications for registration as midwife.

51. (1) No person shall be registered as a midwife unless she is a woman of good character and either—

- (a) is certified or qualified to be certified under the Midwives Acts; or
- (b) holds a certificate of efficiency as a midwife issued by the College Council; or
- (c) holds a certificate of efficiency in midwifery issued by the Director of Health Services; or
- (d) otherwise satisfies the Medical Council that she possesses sufficient knowledge and skill for efficient practice as a midwife.

(2) The fee for registration as a midwife shall be five rupees payable to the registrar on application.

When may midwife's name be erased from register.

52. The name of a midwife may be erased from the register if—

- (a) her name is removed from the roll of midwives kept under the Midwives Acts for disobedience to any rules and regulations or for other misconduct; or
- (b) she is deprived of any diploma, degree, or certificate, on the faith of which she was registered as a midwife: or

(c) she is convicted of an offence which shows her to be unfit to practise as a midwife; or

(d) she shows such negligence or incapacity as a midwife that she cannot be safely allowed to continue to practise as such.

53. (1) Every midwife shall be entitled to designate herself as a registered midwife and to practise as a midwife. Use of title "registered midwife".

(2) No person, not being a midwife, shall take or use the name or title of registered or licensed midwife, or any name, words, title, or description implying or tending to the belief that she is a midwife registered under this Ordinance or by any act or omission intentionally cause or permit any person to believe that she is a registered midwife and to act upon such belief.

54. (1) No woman, not being a midwife or a medical practitioner, shall— Restriction on practice of midwifery by unauthorized persons.

- (a) practise for gain or profess to practise, or publish her name as practising midwifery;
- (b) attend any woman in child-birth otherwise than under the direction of a medical practitioner or in case of emergency; or
- (c) be entitled to recover any charge in any court of law for services rendered by her as a midwife.

(2) This section applies only to an area to which it is applied by regulation.

(3) A regulation under this section shall not come into operation until the date specified in the regulation, such date being not less than three months from the date of publication of the regulation in the Gazette.

55. Regulations may be made regulating and restricting the practice of midwifery by midwives, whether registered under this Ordinance or not, and providing for their proper supervision. Regulation of the practice of midwifery by midwives.

PART VIII

PHARMACISTS

Qualifications for registration as pharmacist.

56. (1) No person shall be registered as pharmacist, unless he is of good character and either—

(a) is registered or qualified to be registered under the Pharmacy Acts as a pharmaceutical chemist, or as a chemist and druggist; or

(b) serves an apprenticeship for two years in accordance with the provisions contained in the Sixth Schedule and thereafter obtains a certificate of efficiency as a pharmacist issued by the College Council; or

[§ 7, 16 of 1965.]

(c) is an apothecary; or

[§ 7, 16 of 1965.]

(d) is an estate apothecary.

[§ 7, 16 of 1965.]

(2) The fee for registration as a pharmacist shall be payable to the registrar on application for registration, and shall be twenty-five rupees for registration under subsection (1) (a) or (b) and ten rupees for registration under subsection (1) (c) or (J). But no fee shall be payable by an apothecary if he is still in the service of the Government.

(3) No medical practitioner shall be registered as a pharmacist.

(4) If any pharmacist is registered as a medical practitioner, his name shall forthwith be removed from the register of pharmacists.

When may pharmacist's name be erased from register.

57. The name of a pharmacist may be erased from the register if—

(a) his name is erased from the register of pharmaceutical chemists and chemists and druggists kept under the Pharmacy Acts by reason of his conviction for an offence ; or

(b) he is deprived of any diploma, degree, or certificate, on the faith of which he was registered as a pharmacist; or

(c) he is convicted of an offence which shows him to be unfit to practise as a pharmacist; or

(d) he shows such negligence or incapacity as a pharmacist that he cannot be safely allowed to continue to practise as such.

58. (1) No person, not being a pharmacist, shall assume or use any name, title, addition, or sign implying that he is a pharmacist, or chemist and druggist, or druggist, or dispensing chemist, or is entitled to act as a pharmacist or to dispense drugs or poisons. Unlawful pretence to be a pharmacist.

(2) No person, not being registered as a pharmaceutical chemist under the Pharmacy Acts and as a pharmacist under this Ordinance, shall use the title of pharmaceutical chemist or pharmaceutist.

(3) Provided that a person who employs a pharmacist personally to superintend and manage the sale and dispensing of poisons may, having previously informed the registrar in writing of the name of such pharmacist, assume and use, for the purposes of his business, any title, addition, or sign which might lawfully be used by such pharmacist,

59. No person, not being a pharmacist, shall practise for gain or profess to practise or publish his name as practising pharmacy. Restriction on practice of pharmacy by unqualified persons.

60. Every pharmacist or person entitled to use the title of pharmacist who keeps open shop for the sale or dispensing of poisons shall exhibit and keep exhibited in a conspicuous position therein a legible notice in Sinhala, Tamil and English, stating his name and qualification, and the name and qualification of every pharmacist employed therein. Name and qualification of pharmacist to be exhibited in shop.

PART IX

NURSES

61. (1) There shall, for the purposes of this Part, be an advisory board consisting of— Advisory board-

- (a) six persons elected in the prescribed manner by the Ceylon Nurses Association;
- (b) two medical practitioners appointed by the Minister;
- (c) two persons, not being medical practitioners or registered nurses, appointed by the Minister; and
- (d) one member of the teaching profession appointed by the Minister in charge of the subject of Higher Education.

(2) The Minister shall nominate one of the persons appointed by him under subsection (1) to be the chairman of the advisory board.

(3) It shall be the function of the advisory board to make recommendations to the Ceylon Medical Council or the College Council on such matters relating to the administration of this Part of this Ordinance as may from time to time be referred to the board for advice or as may, in the opinion of the board, require consideration by any such Council; and the Ceylon Medical Council or the College Council shall give due consideration to the recommendations of the board.

(4) Regulations may be made providing for the procedure to be followed at meetings of the advisory board. Subject to the provisions of any such regulation, the board may regulate its own procedure.

(5) Every member of the advisory board shall, unless he earlier vacates his office by resignation or revocation of appointment, hold office for a period of two years from the date of the election or appointment of such member.

62. (1) The register of nurses maintained under subsection (1) of section 20 shall be divided into separate parts as follows:—

Register of nurses to be in separate parts.

- (a) Part A shall contain the names of all persons of the female sex who satisfy the conditions of admission to the register as general nurses.
- (b) Part B shall contain the names of all persons of the male sex who satisfy the conditions of admission to the register as general nurses.
- (c) Part C shall contain the names of all persons who satisfy the conditions of admission to the register as public health nurses.
- (d) Part D shall contain the names of all persons who satisfy the prescribed conditions of admission to the register as assistant nurses.
- (e) Part E shall contain the names of all persons who comply with the conditions specified in subsection (3) of section 63.
- (f) Part F shall contain the names of all persons who, having qualified as nurses outside Sri Lanka, satisfy the Ceylon Medical Council that they possess sufficient knowledge and skill to enable them to carry on efficiently the practice of nursing.

(2) Regulations may be made providing for the maintenance of additional parts in the register of nurses, and prescribing the conditions of admission to any such additional part.

(3) The name of any person entitled to be registered in more than one part of the register may be registered accordingly.

63. (1) The conditions of admission to the register as a general nurse shall be that the applicant— Conditions of admission to register.

- (a) holds a certificate of efficiency as a nurse issued by the College Council or by the Director of Health Services; or
- (b) is certified or qualified to be certified under the Nurses Act, 1919, of the Parliament of the United Kingdom. (9 & 10 Geo. v, c. 94.)

(2) The conditions of admission to the register as a public health nurse shall be that the applicant is a female and holds the following certificates, that is to say—

- (a) a certificate of efficiency as a nurse issued by the College Council or the Director of Health Services;
- (b) a certificate of efficiency as a midwife issued by the College Council or the Director of Health Services ; and
- (c) a certificate issued by the Director of Health Services to the effect that she has had the prescribed training in public health and passed the Public Health Nursing Examination.

(3) The conditions of admission to Part E of the register shall be—

- (a) that the application for registration in Part E is made before the 30th day of September, 1949 ; and
- (b) that the Ceylon Medical Council is satisfied, upon production of two certificates in that behalf, that the applicant was actually engaged in the practice of nursing for at least one year during the period of three years ending on the date of application.

(4) Notwithstanding anything in the preceding provisions of this section, no applicant shall be registered under this Ordinance as a nurse except upon payment to the registrar of a fee of ten rupees:

Provided, however, that in the case of a person who is to be registered (whether at the same time or at different times) in more than one part of the register, the fee for registration in any second or subsequent part shall be five rupees.

64. The name of any person registered under this Ordinance as a nurse may be erased from the register of nurses—

- (a) if the name of that person is removed from the Roll of Nurses kept under the Nurses Act, 1919. of the

Parliament of the United Kingdom, for disobedience to any rules or regulations or for other misconduct; or

- (b) if that person is deprived of any diploma, degree, or certificate on the faith of which that person was registered as a nurse ; or
- (c) if that person is convicted of an offence which is punishable with imprisonment and which shows that person to be unfit to practise as a nurse; or
- (d) if that person is of a character or has been guilty of conduct unbefitting the profession of a nurse; or
- (e) if, by reason of negligence or incapacity as a nurse, that person cannot be safely allowed to continue to practise as such.

65. (1) No person, not being a registered nurse, shall— a Unlawful pretence to be a nurse, &c.

- (a) use the title of " registered nurse " or its equivalent in any other language, either alone or in combination with any other word or letters; or
- (b) use any name, title, addition, description, uniform or badge implying that that person is registered under this Ordinance as a nurse; or
- (c) use any title, uniform or badge prescribed for the use of nurses so registered.

(2) No person whose name is included in any part of the register of nurses shall use any name, title, addition, description, uniform or badge, or otherwise do any act of any kind, implying that the name of such person is also included in some other part of that register in which it is not in fact so included.

(3) No person shall, with intent to deceive, make use of any certificate of registration as a nurse which has been issued to any other person.

Erasure of names from register of nurses.

(9&10 Geo. v, c. 94.)

Restriction on practice of nursing by unregistered persons.

66. No person, not being a registered nurse, shall—

- (a) practise or profess to practise nursing for gain, or publish his or her name as practising nursing; or
- (b) be entitled to recover any charge in any court for services rendered as a nurse.

Regulation of the practice of nursing.

67. Regulations may be made restricting and regulating the practice of nursing by nurses and providing for their proper supervision.

69. Every person who attempts to commit or abets the commission of an offence against this Ordinance shall himself be guilty of the same offence. Abetment and attempts.

70. All fees imposed by this Ordinance may from time to time be increased or decreased by regulations. Fees.

71. Regulations may be made from time to time altering or adding to any of the Schedules. Variation of Schedules.

72. (1) Subject to the provisions of the following subsections, the Minister may make regulations for the purposes specified in sections 11, 19 and 55 and generally for the purpose of giving effect to the principles and provisions of this Ordinance. Regulations.

(2) Before making any regulation for any purpose specified in section 11 the Minister shall consult the College Council.

(3) Before making any regulation for any purpose specified in section 19 or section 55, the Minister shall consult the Medical Council.

(4) No regulation shall have effect until it has been approved by Parliament. Notification of such approval shall be published in the Gazette; and upon such publication, the regulation to which the notification relates shall be as valid and effectual as though it were herein enacted.

73. For the purpose of defraying such expenses as may be incurred in the exercise of its powers and in the performance of its duties under this Ordinance, the Medical Council shall be entitled to receive— Expenses of Ordinance.

(a) all fees payable under Parts IV, V, VI, VII, VIII, and IX of this Ordinance;

(b) a sum of one thousand five hundred rupees annually from the Consolidated Fund.

74. In this Ordinance, unless the context otherwise requires— Interpretation.

" apothecary " means a person on whom a certificate of efficiency as an

[§ 8,16 of 1965-]

PART X

SUPPLEMENTARY

Registration as medical practitioners, dentists or nurses of certain persons not qualified under the preceding provisions of this Ordinance. [§ 3, 37 of 1961.3

67A. Notwithstanding anything in any other provision of this Ordinance, any person who is resident in Sri Lanka temporarily and who is not qualified to be registered under the preceding provisions of this Ordinance as a medical practitioner, dentist or nurse may in writing apply to the Medical Council to be registered as a medical practitioner, dentist or nurse for the period of his temporary residence in Sri Lanka, if he—

- (a) is possessed of sufficient knowledge and skill for efficient practice as a medical practitioner, dentist or nurse, and
- (b) is in Sri Lanka on the invitation of the Government or the University of Ceylon* for the purpose of practising as a medical practitioner, dentist or nurse,

and the Medical Council shall allow the application if it is satisfied that the applicant is qualified to make the application under the preceding provisions of this section.

General penalty.

68. Every person who contravenes this Ordinance or any regulation shall be guilty of an offence against this Ordinance and shall, unless otherwise expressly provided, be liable on summary conviction by a Magistrate for each offence to a fine not exceeding two hundred rupees.

*See footnote to section 3.

apothecary has been conferred by the College Council under section 7 (1)(b);

"counsel" means an attorney-at-law instructed by a registered attorney;

"dentist" means a person registered as a dentist under this Ordinance;

"Dentists Acts" means the Dentists Act, 1878 (41 & 42 Vict. c. 33), of the Parliament of the United Kingdom, and any Act amending that Act;

"dispensing" includes compounding ;

"estate apothecary" means a person on whom a certificate of efficiency as an estate apothecary has been conferred by the College Council under section 7(1) (bb);

"Medical Acts" means the Medical Act (21 & 22 Vict..c. 90) of the Parliament of the United Kingdom, and any Act amending that Act;

"medical practitioner" means a person registered as a medical practitioner under this Ordinance;

"midwife" means a woman registered as a midwife under this Ordinance ;

"Midwives Acts" means the Midwives Act, 1902 (2 Edw. 7, c. 17), of the Parliament of the United Kingdom, and any Act amending that Act;

"pharmacist" means a person registered as a pharmacist under this Ordinance;

"Pharmacy Acts" means the Pharmacy Act, 1852 (15 & 16 Vict. c. 56), of the Parliament of the United Kingdom, and any Act amending that Act;

"prescribed" means prescribed by regulation;

"registrar" means the registrar of the Ceylon Medical Council;

"register" means a register kept under the provisions of this Ordinance;

"registered nurse" means a person for the time being registered under this Ordinance as a nurse ;

"regulation" means a regulation made under this Ordinance.

[§ 8, 16 of 1965.]

[Section 20 (1).]

FIRST SCHEDULE

FORM OF REGISTER

Name	Residence	Date of Registration	Qualifications with Dates

[Section 20 (6).]

SECOND SCHEDULE

DECLARATIONS FOR REGISTRATION AS A MEDICAL PRACTITIONER

Where Applicant is registered under the Medical Acts.

I, (*name and address of applicant*), hereby declare as follows:—

1. I was on the (*date*) and still am registered as a medical practitioner under the Medical Acts as being (*state qualification, e.g.. "Fellow of the Royal College of Physicians of....."*).

2. I am the person named (*name*) in the Medical Register for the year..... at page..... entry No.....

2. I am the person named (*name*) in the certified copy now shown to me and marked A of the entry of my name in the register of the General Council of Medical Education and Registration of the United Kingdom of Great Britain and Northern Ireland (*or the Branch Council for.....*).

(Signature of Applicant.)

Dated this..... day of.....

Declared before me this..... day of.

(Signature of person taking the declaration.)

Justice of the Peace *or* Commissioner for Oaths.

Where Applicant is qualified to be registered under the Medical Acts.

I, (*name and address of applicant*), hereby declare as follows :—

1. I am qualified to be registered as a medical practitioner under the Medical Acts by virtue of (*stale qualification, e.g.. licentiate of.....*) to which I was admitted on the (*date*).

2. I am the person named (*name*) in the (*certificate or diploma or other document conferring or evidencing his qualification*) now produced and shown to me and marked A.

(Signature of Applicant.)

Dated this..... day of.....

Declared before me this..... day of.....

(Signature of person taking the declaration.)

Justice of the Peace *or* Commissioner for Oaths.

Where Applicant holds the Diploma of the Ceylon Medical College in Medicine and Surgery.

I, (*name and address of applicant*), hereby declare as follows:—

I am the person named (*name*) in the Diploma in Medicine and Surgery of the Ceylon Medical College BOW produced to me and marked A.

(Signature of Applicant.)

Dated this..... day of.....

Declared before me this..... day of.....

(Signature of person taking the declaration.)

Justice of the Peace *or* Commissioner for Oaths.

Where Applicant holds a Degree of Bachelor of Medicine or equivalent qualification recognized by the Medical Council.

[§ 9, 16 of 1965.]

[Section 29, (1) (*b*) (*iv*) and (2) (*b*) (*iv*)].

I, (*name and address of applicant*), hereby declare as follows :—

I am the person named (*name*) in the (*certificate, diploma or other document conferring or evidencing the degree or other qualification*) now produced to me and marked A.

(Signature of Applicant.)

Dated this..... day of.....

Declared before me this..... day of.....

(Signature of person taking the declaration.)

Justice of the Peace *or* Commissioner for Oaths.

[Section 20 (6).]

THIRD SCHEDULE

DECLARATIONS FOR REGISTRATION AS A DENTIST

Where Applicant is registered under the Dentists Acts.

I, (name and address of applicant), hereby declare as follows:—

- 1. I was on the (date) and still am registered as a dentist under the Dentists Acts as being (state qualification).
- 2. I am the person named (name) in the Dentists Register for the year..... at page..... entry No.....

Or

- 2. I am the person named (name) in the certified copy now shown to me and marked A of the entry of my name in the Dentists Register.

(Signature of Applicant.)

Dated this..... day of.....

Declared before me this..... day of.....

(Signature of person taking the declaration.)

Justice of the Peace or Commissioner for Oaths.

Where Applicant is qualified to be registered under the Dentists Acts.

I, (name and address of applicant), hereby declare as follows :—

- 1. I am qualified to be registered as a dentist under the Dentists Acts by virtue of (state qualification, e.g., diploma of.....).

- 1. I am the person named (name) in the (certificate or diploma or other document conferring or evidencing his qualification) now produced to me and marked A.

(Signature of Applicant.)

Dated this..... day of.....

Declared before me this..... day of.....

(Signature of person taking the declaration.)

Justice of the Peace or Commissioner for Oaths.

Where Applicant holds a Diploma in Dentistry of the Ceylon Medical College.

I, (name and address of applicant), hereby declare as follows:—

I am the person named (name) in the Diploma in Dentistry of the Ceylon Medical College now produced to me and marked A.

(Signature of Applicant.)

Dated this..... day of.....

Declared before me this..... day of.....

(Signature of person taking the declaration.)

Justice of the Peace or Commissioner for Oaths.

Where Applicant holds a Foreign or Colonial Qualification in Dentistry.

I, (name and address of applicant), hereby declare as follows:—

- 1. On the (date) I became and still am entitled to practise in dentistry in (country) by virtue of (state qualification, e.g., diploma of.....).

- 2. I am the person named (name) in the (diploma of.....) now produced to me and marked A.

(Signature of Applicant.)

Dated this....., day of.....

Declared before me this..... day of.....

(Signature of person taking the declaration.)

Justice of the Peace or Commissioner for Oaths-

Where Applicant holds a degree or other equivalent qualification recognized by the Medical Council.

[§10i 16 of 1965.]

[Section 43 (1A)]

I, (*name and address of applicant*), hereby declare as follows:—

I am the person named (*name*) in the (*certificate or diploma or other document conferring or evidencing his qualification*) now produced before me and marked A.

(*Signature of Applicant.*)

Dated this day of.....

Declared before me this..... day of.....

(*Signature of person faking the declaration.*)

Justice of the Peace or Commissioner for Oaths.

FOURTH SCHEDULE

DECLARATIONS FOR REGISTRATION AS A MIDWIFE

[Section 20 (6).]

Where Applicant is certified under the Midwives Acts.

I, (*name and address of applicant*), hereby declare as follows:—

1. I was on the (*date*) and still am a woman certified under the Midwives Acts.

2. I am the person named (*name*) in the Roll of Midwives for the year..... at page..... entry No.....

Or

2. I am the person named (*name*) in the certificate of the Central Midwives Board now produced to me and marked A.

(*Signature of Applicant.*)

Dated this..... day of.....

Declared before me this..... day of.....

(*Signature of person taking the declaration.*)

Justice of the Peace or Commissioner for Oaths.

Where Applicant is qualified to be certified under the Midwives Acts.

I, (*name and address of applicant*), hereby declare as follows:—

1. I am a woman qualified to be certified under the Midwives Acts by virtue of (*state qualification, e.g., diploma of:*).

2. I am the person named (*name*) in the (*certificate or diploma or other document conferring or evidencing her qualification*) now produced to me and marked A.

(*Signature of Applicant.*)

Dated this..... day of.....

Declared before me this..... day of.....

(*Signature of person taking the declaration.*)

Justice of the Peace or Commissioner for Oaths.

MEDICAL PRACTITIONERS, &c.

Where Applicant holds Certificate as a Midwife issued by the College Council.

I, *(name and address of applicant)*, hereby declare as follows :—

I am the person named *(name)* in the Certificate of Efficiency as a Midwife issued by the College Council now produced to me and marked A.

(Signature of Applicant.)

Dated this..... day of.....

Declared before me this..... day of.....

(Signature of person taking the declaration.)

Justice of the Peace *or* Commissioner for Oaths.

Where Applicant holds Certificate in Midwifery issued by the Director of Health Services.

I, *(name and address of applicant)*, hereby declare as follows :—

I am the person named *(name)* in the certificate in Midwifery of the Director of Health Services now produced to me and marked A.

(Signature of Applicant.)

Dated this.....day of.....

Declared before me this.....day of.....

(Signature of person taking the declaration.)

Justice of the Peace *or* Commissioner for Oaths.

Where Applicant possesses no Qualification.

I, *(name and address of applicant)*, hereby declare as follows :—

1. I have practised as a midwife at *(name of place)* for the period of..... years now last past.

2- I am well known to *(names and addresses of referees)* who are prepared to testify to my knowledge and skill as a midwife.

(Signature of Applicant.)

Dated this.....day of.....

Declared before me this.....day of.....

(Signature of person taking the declaration.)

Justice of the Peace *or* Commissioner for Oaths.

And

I, *(name and address)*, hereby declare as follows :—

1. I am *(stale occupation)*.

2. I know and have been well acquainted with *(name of applicant)* for the past..... years.

3. During that period, the said *(name of applicant)* has to my own personal knowledge regularly practised as a midwife at *(name of place)*. I have never heard any complaint of want of skill or negligence by the said *(name of applicant)*. She is to the best of my knowledge and belief a skilful midwife.

(Signature of Declarant.)

Dated this.....day of.....

Declared before me this.....day of.....

(Signature of person taking the declaration.)

Justice of the Peace *or* Commissioner for Oaths.

FIFTH SCHEDULE

[Section 20
(6).]

DECLARATIONS FOR REGISTRATION AS A PHARMACIST

Where Applicant is registered under the Pharmacy Acts.

I, (name and address of applicant), hereby declare as follows :—

- 1. I was on the *(date)* and still am registered under the Pharmacy Acts as a *(state whether pharmaceutical chemist or chemist and druggist)* by reason of the following qualification, namely:—
- 2. I am the person named *(name)* in the Register of Pharmaceutical Chemists and Chemists and Druggists for the year..... at page..... entry No.....

Or

- 2. I am the person named *(name)* in the certificate now produced to me and marked A of the entry of my name in the Register of Pharmaceutical Chemists and Chemists and Druggists.

(Signature of Applicant.)

Dated this.....day of.....

Declared before me this.....day of.....

(Signature of person taking the declaration.)

Justice of the Peace or Commissioner for Oaths,

Where Applicant is qualified to be registered under the Pharmacy Acts.

I, (name and address of applicant), hereby declare as follows:—

- 1. I am qualified to be registered under the Pharmacy Acts as a *(state whether pharmaceutical chemist or chemist and druggist)* by virtue of *(state qualification, e.g., diploma of.....)*.
- 2. I am the person named *(name)* in the *(certificate or diploma or other document conferring or evidencing his qualification)* now produced to me and marked A.

(Signature of Applicant.)

Dated this.....day of.....

Declared before me this.....day of.....

(Signature of person taking the declaration.)

Justice of the Peace or Commissioner for Oaths.

Where Applicant holds a Certificate as a Pharmacist issued by the College Council.

I, *(name and address of applicant)*, hereby declare as follows :—

- 1. I am the person named *(name)* in the Certificate of Efficiency as a Pharmacist issued by the College Council now produced to me and marked A.
- 2. I have during the two years ending on *(date)* served as an apprentice in pharmacy to *(name and address of master)*.

(Signature of Applicant.)

Dated this.....day of.....

Declared before me this.....day of.....

(Signature of person taking the declaration.)

Justice of the Peace or Commissioner for Oaths.

And

I, (name and address of master), hereby declare as follows :—

1. I am a registered pharmacist carrying on business at (name of place).

1. (Name of applicant) has during the two years ending (dale) served me as an apprentice in pharmacy under the Articles of Apprenticeship dated.....

3. During the said two years, the said (applicant) has diligently and faithfully served me as such apprentice.

(Signature of Declarant.)

Dated this.....day of.....

Declared before me this.....day of.....

(Signature of person taking the declaration.)

Justice of the Peace or Commissioner for Oaths.

[§ 11, 16 of 1965.]

Where Applicant holds a Certificate as an Apothecary issued by the College Council.

I, (name and address of applicant), hereby declare as follows:—

1. I am and have been since (date) an apothecary, and have since (date) until (date) practised as an apothecary at (name of place).

1. I am the person named (name) in the certificate of the Ceylon Medical College now produced and shown to me and marked A.

(Signature of Applicant.)

Dated this.....day of.....

Declared before me this.....day of.....

(Signature of person taking the declaration.)

Justice of the Peace or Commissioner for Oaths.

[§ 11,16 of 1965.]

Where Applicant holds a Certificate as an Estate Apothecary issued by the College Council.

I, (name and address of applicant), hereby declare as follows:—

1. I am and have been since (date) an estate apothecary, and have since (date) until (date) practised as an estate apothecary at (name of place).

2. I am the person named (name) in the certificate of the Ceylon Medical College now produced and shown to me and marked A.

(Signature of Applicant.)

Dated this.....day of.....

Declared before me this.....-day of.....

(Signature of person taking the declaration.)

Justice of the Peace or Commissioner for Oaths.

[Section 56 (1) (b).]

SIXTH SCHEDULE

APPRENTICESHIP REGULATIONS

1. An apprentice shall produce duly executed articles of apprenticeship to the registrar, who shall endorse thereon the date on which they were so produced. No service under any articles shall count until the articles have been so produced as aforesaid.

2. (1) An apprentice may complete his period of service under one or more practising pharmacists provided that, on leaving any master to whom he was bound in articles and becoming bound to another master, he shall in every case execute fresh articles of apprenticeship and shall exhibit the same to the registrar.

(2) The registrar shall satisfy himself as to the date on which the apprentice's service under the former articles ended and shall endorse such date on the new articles and also the date of production of the new articles.

3. The two years' service must be continuous except for not more than 40 days' holiday in any period of 12 months:

Provided that service shall not be considered discontinuous by reason of an interval of not more than one month on a change of masters but such interval shall not be counted in reckoning the year's service.