

MEDICAL & DENTAL PRACTITIONERS BILL 1988
(NAME OF BILL)

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Bill

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Covering letter from Minister to Clerk to Parliament
~~(Authorisation from Minister of Finance under s.60 of Constitution)~~

✓ FROM: Attorney General's Chambers

✓ TO: Minister of Health & Medical Services
(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

TO: ~~Minister of Finance~~
~~(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)~~

✓ TO: Clerk to National Parliament
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23.3.88

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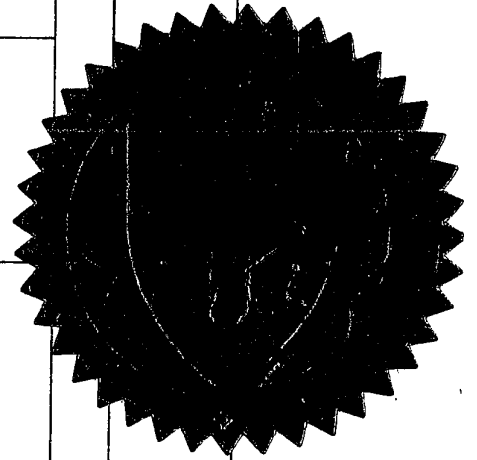
✓ TO: Clerk to National Parliament
(for reference during 1st, 2nd and 3rd Readings)
(Date passed *30.3.88* Act No. *7*)

✓ TO: Attorney General's Chambers
(for checking before Assent)

✓ TO: Governor-General *28.4.88*
(for Assent)

TO: Clerk to National Parliament
(for distribution: 2 copies Attorney General's Chambers
1 copy Ministry
1 copy Parliament Office

1 copy Registrar of the High Court



**MEDICAL AND DENTAL
PRACTITIONERS ACT 1988**

(NO. 7 OF 1988)



MEDICAL AND DENTAL PRACTITIONERS ACT 1988

(NO. 7 OF 1988)

Passed by the National Parliament this thirtieth day of March 1988.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.


M. Yuhaika
Clerk to the National Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this twenty-eighth day of April 1988.


B. Devesi
Governor-General

Date of Commencement: see section 1.

AN ACT to regulate medical and dental practitioners in Solomon Islands; to repeal the Medical and Dental Act and for matters connected therewith or incidental thereto.

ENACTED by the National Parliament of Solomon Islands.

MEDICAL AND DENTAL PRACTITIONERS ACT 1988

ARRANGEMENT OF SECTIONS

Section:

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18. Rules made under repealed Act to continue.

SCHEDULE

This Act may be cited as the Medical and Dental Practitioners 1988, and shall come into operation on such date as the Minister appoint by notice published in the Gazette.

Short title
and commence-
ment.

In this Act, unless the context otherwise requires -

Interpre-
tation.

“Board” means the Medical and Dental Board established under section 3;

“consultant” means a specialist who is for the time being the head of a department of any institute or hospital;

“court” means the High Court of Solomon Islands;

“dental officer” means a dental practitioner who works in any institution or hospital in Solomon Islands;

“dental practitioner” means a person registered as a dental practitioner under this Act;

“institute” means a medical or dental establishment in Solomon Islands;

“medical officer” means a medical practitioner who works in any institution or hospital in Solomon Islands;

“medical practitioner” means a person registered as a medical practitioner under this Act;

“Registrar” means the Registrar of the Board appointed under section 5;

“Specialist” means a person registered as a specialist medical or dental practitioner under this Act; and

“Under Secretary” means a registered medical or dental practitioner for the time being performing the duties of such office in the Ministry of Health and Medical Services.

(1) There shall be established for the purposes of this Act a body to be called the Medical and Dental Board, which shall be a body corporate to which the provisions of Part VII of the Interpretation and General Provisions Act, 1978, shall apply.

Establishment
of Board.

(2) The provisions of the Schedule shall have effect with respect to the constitution and procedure of the Board and otherwise in relation thereto.

No. 20 of
1978.
Schedule.

Subject to the provisions of this Act, the Board shall have power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its functions and in particular, without prejudice to the generality of the foregoing the Board shall have power -

Functions of
the Board.

(a) to register medical and dental practitioners;

(b) to regulate training for provisionally registered medical

- or dental practitioners in accredited public hospitals;
- (c) to appoint examiners to conduct examinations or otherwise examine persons applying for registration as medical or dental practitioners;
- (d) to issue certificates of registration to persons admitted or enrolled as medical or dental practitioners; and
- (e) to exercise disciplinary control and ensure the maintenance of proper standards of professional conduct by persons registered as medical or dental practitioners.

Appointment
of Registrar
and other
officers.

5. (1) For the purposes of carrying out the provisions of this Act, there shall be appointed -
- (a) a Registrar, who shall also be the Secretary; and
 - (b) such other officers as may be necessary for the due administration of this Act.
- (2) Any appointment made under subsection (1) shall, where the person appointed is to be a public officer, be made pursuant to the Constitution, but otherwise shall be made by the Board on such terms and conditions as it thinks fit.

The Register.

6. (1) The Board shall cause the Registrar to keep a register (to be known as the Medical and Dental Register) of the names, addresses, qualifications, and such other particulars as may be prescribed, of all persons, who are registered pursuant to sections 7 and 8.

(2) The register shall be open to inspection by any member of the public at all reasonable times, and a copy of the register shall be published in the Gazette by the Registrar at such times and in such manner as may be prescribed.

(3) Every person whose name is entered in the register pursuant to subsection (1), shall pay the prescribed fee to the Registrar.

(4) Subject to the provisions of subsections (1) and (3), for the purposes of this Act, a person is registered as a medical or dental practitioner as the case may be, if his name appears on the register.

(5) Every person whose name is entered in the register shall be entitled to use the title 'doctor' implying that he is recognised by law as a person authorised or qualified to practise in Solomon Islands.

Registration.

7. (1) Any person who -
- (a) applies to the Board in the prescribed form for registration as a medical or dental practitioner; and

- (b) satisfies the Board that he -
 - (i) possesses the prescribed qualifications;
 - (ii) is of good character; and
 - (iii) is a fit and proper person to practise medicine or dentistry; and

(c) pays such registration fee as may be prescribed, shall be entitled to be registered as a medical or dental practitioner, as the case may be.

(2) The Registrar shall issue to every person registered as a medical or dental practitioner, as the case may be, a certificate of registration in the prescribed form.

8. (1) Any person who -

- (a) applies to the Board in the prescribed form for provisional or temporary registration as a medical or dental practitioner; and

Provisional
or temporary
registration.

- (b) satisfies the Board that he -

- (i) possesses the prescribed qualifications;
- (ii) is of good character; and
- (iii) is a fit and proper person to be provisionally or temporarily registered; and

(c) pays such registration fee as may be prescribed, shall be entitled to be provisionally or temporarily registered as a medical or dental practitioner, as the case may be.

(2) The Registrar shall issue to every person registered pursuant to subsection (1), a certificate of provisional or temporary registration in the prescribed form.

(3) For the purposes of this Act, the holder of a provisional or temporary registration certificate shall for all purposes be entitled to all rights and privileges as that of a holder of a certificate of registration and be liable for any breach in like manner.

9. (1) It shall be the duty of the Registrar -

- (a) to remove from the register any entry which the Board directs him to remove;
- (b) to correct in accordance with the Board's directions, any entry in the register, which the Board directs him to correct as being in the opinion of the Board an entry which was incorrectly made; and
- (c) to make from time to time any necessary alterations in any of the particulars mentioned in subsection (1) of section 6.

Corrections
of register.

(2) The Board may at any time direct the Registrar to restore to the register any name removed therefrom.

Additional qualifications may be entered in the register.

10. Any person registered pursuant to sections 7 or 8, who obtains any medical, surgical or dental diploma or other qualifications other than by virtue of which he was registered, may apply to the Board to amend the register so far as it relates to the qualifications of that person, and on any such application the Board shall, if satisfied that the qualification meets the requirements of the Board or is of sufficient standing to warrant it being entered in the register, direct the Registrar to amend the register accordingly and the Registrar shall thereupon insert in the register particulars of that qualification.

Censure, suspension and striking off.

11. (1) If any person registered under this Act, is found upon enquiry by the Board -

- (a) to be suffering from any physical or mental illness rendering him unfit to practise; or
- (b) to have procured his registration under this Act, as a result of any misleading, false or fraudulent misrepresentation; or
- (c) to have been convicted of a criminal offence; or
- (d) to be guilty of dishonesty, negligence, malpractice or incompetence in the performance of his functions as a medical or dental practitioner, or of conduct that is unprofessional or unbecoming of a medical or dental practitioner, as the case may be; or
- (e) to have had his qualifications for registration withdrawn or cancelled by the University or institute by which it was awarded; or
- (f) for any other reason which, in the opinion of the Board renders such person unfit to practise, the Board may, if it thinks fit -
 - (i) censure him; or
 - (ii) suspend his registration for a period not exceeding twelve months; or
 - (iii) direct the Registrar in writing to remove his name from the register; or
 - (iv) impose a fine not exceeding five hundred dollars.

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

- (3) The Board shall, as soon as practicable after -
 - (a) the registration of any person has been suspended; or

- (b) the name of any person has been removed from the register; or
- (c) the name of any person which was so removed is restored, cause a notice of the appropriate fact to be published in the Gazette.
- (4) Whenever the name of any person has been removed from the register, the Board may in writing require such person to return to the Registrar his certificate of registration and that person shall comply with that requirement.

12. Any person aggrieved by a decision of the Board made pursuant to sections 7, 8 or 11 may within thirty days of the date of notification of such decision appeal to the court and on any such appeal the court may make such order as it thinks proper having regard to merits of the case and the public welfare.

Appeal
to High
Court.

13. (1) Any person who -

- (a) procures or attempts to procure registration for himself or any other person by making or producing, any false or fraudulent representation or declaration either verbally or in writing or otherwise;
 - (b) wilfully makes or causes to be made, any falsification in any matter relating to the register;
 - (c) forges or uses, or tends to, or allows to be used by any other person any certificate issued under this Act; or
 - (d) makes or has in his possession any document so closely resembling such certificate as to be calculated to deceive,
- shall be guilty of an offence and shall be liable on conviction before a Magistrate to a fine not exceeding five hundred dollars or to imprisonment not exceeding one year or to both such fine and imprisonment.

Offences
and penalties.

(2) Any person who, not being registered as a medical or dental practitioner, as the case may be, under this Act -

- (a) takes or uses any name, title, addition or description implying or calculated to lead persons to believe that he is registered under this Act, or that he is recognised by law as a person authorised or qualified to practise medicine or dentistry, as the case may be; or
- (b) assumes any affix indicative of any designation relating to the practice of medicine or dentistry, as the case may be; or
- (c) advertises or holds himself out as a person authorised or qualified to practise medicine or dentistry, as the case may be,

shall be guilty of an offence and shall be liable on conviction before a Magistrate to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

- (3) Any person who -
- (a) not being registered under this Act practises or performs any function in relation to medicine or dentistry;
 - (b) being registered under this Act, allows or permits a person not so registered to practise medicine or dentistry, as the case may be, on any premises used by the registered person in the performance of his professional duties,

shall be guilty of an offence and be liable on conviction before a Magistrate to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

- (4) The provisions of subsection (3) shall not apply to -
- (a) any students of dentistry or medicine performing services as a part of their course of instruction or part of any examination;
 - (b) any person registered or licensed under any other law, who performs or provides any service which he is authorised or entitled to perform thereunder; or
 - (c) any services approved by the Board to be performed by any person in the course of his training for registration.

Registered persons may charge for services.

14. Every registered medical or dental practitioner shall be entitled to practise medicine or dentistry, as the case may be, in Solomon Islands, and so demand and recover any reasonable charges for services rendered by him and for all drugs, medicine and appliances supplied by him.

Regulations.

15. The Board may, with the approval of the Minister, make regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular but without prejudice to the generality of the foregoing, may make regulations -

- (a) prescribing the manner in which registers and other records are to be maintained;
- (b) prescribing the requirements which shall be satisfied as prerequisite for registration as a medical or dental practitioner (including provisional and temporary registration) and all other matters pertaining to such registration;

- (c) prescribing the manner in which additional qualifications obtained by a person in the subject in respect of which he is registered may be added to those particulars already entered in relation to him in the register and the procedure to be followed to ensure that the particulars entered in the register are kept up to date;
- (d) prescribing fees;
- (e) designating from time to time approved training hospitals or institutions for persons seeking registration;
- (f) prescribing the manner of appealing to the Board, and as to the proceedings in any such appeal or enquiry and matters incidental to or consequential on those proceedings;
- (g) specifying the conditions and qualifications for registration;
- (h) prescribing the qualifications and manner of appointing consultants or specialists;
- (i) prescribing professional practice, conduct, etiquette and discipline;
- (j) prescribing any other matter or thing which may be, or is required by this Act to be prescribed.

16. Nothing in this Act shall affect the lawful occupation, trade or business of any registered pharmaceutical chemist, dental hygienist, midwife or any other paramedical person.

Act not to
affect chemist
etc.

17. (1) The Medical and Dental Act (hereinafter referred to as the "repealed Act") is hereby repealed.

Repeal of
Cap. 49 and
savings.

(2) Notwithstanding such repeal, from and after the date of coming into operation of this Act -

- (a) every person who immediately before the coming into operation of this Act was engaged in the practice of medicine or dentistry shall be deemed to be registered as a medical or dental practitioner, as the case may be, under this Act;
- (b) all members of the former Board shall become corresponding members of the new Board and continue in office until such time as a new Board is appointed;
- (c) all registers kept, certificates issued and other documents in use and valid on the date of coming into operation of this Act shall continue to be valid until such time as the Board makes other provisions in that behalf; and
- (d) any application for registration as a medical or dental practitioner as the case may be, made under the repealed

Act and pending on the date of coming into operation of this Act shall continue to be valid and deemed to be an application for registration duly made under this Act.

(3) In this section and section 18 the words "former Board" means the Board established under the repealed Act.

Rules made
under repealed
Act to
continue.

18. Any rules made by the former Board under the repealed Act shall be deemed to be regulations made by the Board and approved by the Minister under this Act and shall continue in force and be valid until these rules are cancelled or new regulations are made under this Act.

SCHEDULE (Section 3)

- | | |
|---|-----------------------------------|
| <p>1. The Board shall consist of -</p> <ul style="list-style-type: none"> (a) the holder of the time being of the post of Under Secretary, Ministry of Health and Medical Services; (b) two registered medical practitioners who work as medical officers in the Ministry of Health and Medical Services, one of whom shall be the Medical Superintendent of the Central Hospital and the other a senior medical officer; (c) one registered dental practitioner who shall be a dental officer in the Ministry of Health and Medical Services; (d) two registered medical practitioners, one of whom shall be to represent non-Government hospitals and the other to represent the Solomon Islands Medical Association, appointed by the Minister; and (e) one registered medical or dental practitioner to represent the private practitioners. | <p>Constitution of the Board.</p> |
| <p>2. The appointments shall be for a period of three years and members shall be eligible for reappointment.</p> | <p>Tenure of office.</p> |
| <p>3. The Under-Secretary, Ministry of Health and Medical Services shall be chairman of the Board.</p> | <p>Chairman.</p> |
| <p>4. If any member of the Board, other than the chairman, is absent or unable to act the Minister may appoint any person to act in the place of the member.</p> | <p>Acting appointments.</p> |
| <p>5. Any member of the Board may at any time resign his office by instrument in writing addressed to the Minister, and transmitted through the chairman, and from the date of receipt by the Minister of such instrument, that member shall cease to be a member of the Board.</p> | <p>Resignations.</p> |
| <p>6. Where any member resigns or is removed from office and a vacancy occurs in the Board such vacancy shall be filled by the appointment of another member who shall hold office for the remainder of the period for which the previous member was appointed, so however, that such appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member.</p> | <p>Filling of vacancies.</p> |

Funds of
the Board.

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

Accounts and
Audit.

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

Procedure
and meetings.

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

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

(3) A quorum of the Board shall be four.

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

(5) Minutes in proper form each meeting shall be kept.

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

Protection
of members.

10. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Remuneration.

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

Members not
Public officers.

12. The office of chairman or member of the Board shall not be a public office for the purposes of Chapter XIII of the Constitution of Solomon Islands.