

N.P.R.C. Decree
No. 12



Sierra Leone

1994

**The Medical Practitioners and Dental Surgeons
Decree, 1994**

Short title.

**Being a Decree to establish the Medical and Dental Council, to
provide for the registration of medical practitioners and dental
surgeons and for other related matters.**

[5th May, 1994] Date of Com-
mencement.

PURSUANT to paragraph 3 of the Proclamation entitled "The
Administration of Sierra Leone (National Provisional Ruling Council)
Proclamation, 1992", the National Provisional Ruling Council makes and
Issues the following Decree—

PART I – INTERPRETATION

Interpretation.

1. In this Decree unless the context otherwise requires—

“dental surgeon” means any person who professes to practise dental surgery and is registered under this Decree;

“houseman” means a qualified medical practitioner or dental surgeon undergoing a period of supervision prior to registration on a permanent register;

“medical practitioner” means any person who professes to practise medicine or surgery and is registered under this Decree;

“Secretary of State” means the Secretary of State for the time being responsible for Health;

“under-doctored area” means an area in which the ratio of patients to a doctor is more than twice the national average as determined by the Secretary of State on the advice of the Chief Medical Officer.

PART II – ESTABLISHMENT OF MEDICAL AND DENTAL COUNCIL

Establishment
of Medical and
Dental Council.

2. There shall be established a body to be known as the Medical and Dental Council (hereafter referred to as “the Council”).

Composition
of Council.

3. (1) The Council shall consist of—

- (a) the Chief Medical Officer or his representative;
- (b) three representatives of the Sierra Leone Medical and Dental Association, at least one of whom shall be a dental surgeon or a medical practitioner;

- (c) two representatives of the College of Medicine and Allied Health Sciences, nominated by the Principal of the College;
- (d) a representative of the Sierra Leone branch of the West African College of Physicians;
- (e) a representative of the Sierra Leone branch of the West African College of Surgeons; and
- (f) two other persons appointed by the Secretary of State.

(2) The Council shall elect from among its members a President who shall have not less than ten years experience in the medical or dental profession from the date of permanent registration.

(3) The members of the Council, except the Chief Medical Officer, shall hold office for three years and shall after that be eligible for re-appointment or re-nomination as the case may be.

(4) If any member of the Council dies, resigns or is removed from office, a new member may be nominated or appointed in his place for the remainder of the term.

(5) The Registrar shall cause to be published in the Gazette the names of all the members of the Council.

(6) Decisions of the Council shall not be invalidated by reason of any defect in the appointment of a member or any vacancy in the membership of the Council.

4. The Council shall be responsible for—

Functions of
the Council.

- (a) registering and disciplining medical practitioners and dental surgeons;
- (b) drawing up a code of ethics for the conduct of medical practitioners and dental surgeons;

- (c) the recognition and accreditation of institutions for medical and dental education and
- (d) performing any other function that the National Provisional Ruling Council may determine.

Meetings of Council.

5. (1) The Council shall meet for despatch of its business at such time and place as the President may determine.

(2) Every meeting of the Council shall be presided over by the President, but in his absence one of the other members elected by the members from among themselves shall preside.

(3) Subject to subsection (1) of this section, three members of the Council may in writing addressed to the President convene a special meeting of the Council.

(4) Decisions of the Council may be by consensus, but where there is no consensus decisions shall be taken by a simple majority of the members present; and in the case of equality of votes the President or person presiding shall have a casting vote.

(5) Subject to this Decree, the Council shall regulate the procedure for its meetings.

(6) The quorum for a meeting of the Council shall be five.

Secondment of law officers.

6. The Attorney-General may nominate a law officer of not less than five years standing to advise the Council or any of its committees on legal matters, but such officer shall not vote on any matter for decision by the Council or any of its committees.

PART III – REGISTRATION OF MEDICAL PRACTITIONERS AND DENTAL SURGEONS

Medical practitioners to be registered.

7. (1) Any person who is a medical practitioner and a citizen of Sierra Leone may apply in writing to the Council to be registered in the permanent register for medical practitioners.

(2) Subject to section 9, the Council shall register the applicant if—

(a) his qualification and experience satisfy the requirements for registration as a medical practitioner in Sierra Leone or any other country of the Commonwealth; or

(b) in the opinion of the Council, his qualification and experience are equivalent to those required for registration under paragraph (a) of subsection (2) of this section.

(3) A medical practitioner shall before being registered pay a fee to be determined by the Council.

8. (1) Any person who is a dental surgeon and a citizen of Sierra Leone may apply in writing to the Council to be registered in the permanent register for dental surgeons. Dental surgeons to be registered.

(2) Subsections (2) and (3) of section 7 shall apply with such modifications as may be necessary to the registration of and payment of fees by dental surgeons.

9. The Council may refuse to register a medical practitioner or dental surgeon if he has been convicted of any offence involving fraud, dishonesty or moral turpitude. Council to refuse to register.

10. (1) The Council shall register any medical practitioner or dental surgeon who is a non-citizen of Sierra Leone in separate temporary registers for medical practitioners and dental surgeons respectively if the medical practitioner or dental surgeon— Council to register non-citizens.

(a) has received specific appointment with the Government of Sierra Leone;

(b) is attached to a missionary society recognised as such by the Government;

(c) is an employee of any organisation engaged in a specific project in Sierra Leone recognised by the Government; or

(d) has, on the advice of the Council, be directed to a specified under-doctored

(2) The Council shall before registering a medical practitioner or dental surgeon in a temporary register ensure that he qualified to be registered in the appropriate permanent register if he were a citizen of Sierra Leone.

(3) The Council shall before registering any medical practitioner or dental surgeon under this section require him to pay a fee to be prescribed by the Council.

(4) Registration under this section shall be renewed annually on the payment of a fee to be determined by the Council.

Council to refuse to register non-citizens.

11. The Council may refuse to register a medical practitioner or dental surgeon if he has been convicted of any offence involving fraud, dishonesty or moral turpitude.

Non-citizens on permanent register.

12. Any medical practitioner or dental surgeon who is a non-citizen and who, before the coming into force of this Decree, has been registered in the permanent register shall remain eligible for registration in the permanent register.

Council to register housemen.

13. (1) The Council may, on application by a person who is either a citizen or non-citizen and who has completed a course of training in medicine or dentistry either in Sierra Leone or elsewhere, and is undergoing a rotating internship, register such person in the provisional register for medical and dental housemen.

(2) The Council shall before registering a houseman under this section require him to pay a fee to be prescribed by the Council.

(3) A houseman shall, on completion of a rotating internship approved by the Council, be assessed by an assessment panel appointed by the Council in respect of the performance of his medical or dental duties.

(4) An assessment panel shall consist of such number of medical practitioners and dental surgeons as the Council may determine.

(5) Any person who fails to satisfy the assessment panel of the competence of his medical or dental skills shall be required to do such further period of internship as the Council may on the recommendation of the assessment panel prescribe.

(6) The assessment panel shall, after assessing each houseman in accordance with subsections (3) and (5), make a recommendation to the Council in respect of the medical or dental competence, as the case may be, of the houseman.

(7) Any houseman who is dissatisfied with a recommendation of the assessment panel may appeal to the Council, and the Council shall take such action as it thinks fit.

14. Without prejudice to sections 9 and 11, the Council shall not register any medical practitioner or dental surgeon whose name has been struck off any register of medical practitioners or dental surgeons in any country by reason of professional misconduct and whose name has not been restored unto the register.

15. The Council shall, not later than fourteen days after deciding not to register a person, communicate the decision to the person concerned.

16. (1) Any person who is aggrieved by a decision of the Council not to register him may, within thirty days of the date on which the refusal was communicated to him, appeal against the refusal to the High Court.

(2) Any appeal shall be made by notice filed in the High Court setting out the grounds of appeal.

(3) The Council may appear as respondent to the appeal and for the purpose of enabling any directions to be given as to costs the Council shall be deemed to be a party to the appeal whether or not it appears on the hearing of the appeal.

17. The Registrar shall keep separate registers in the form set out in the Schedule in respect of the following categories of persons—

(a) a permanent register of medical practitioners;

- (b) a permanent register of dental surgeons;
- (c) a temporary register of medical practitioners;
- (d) a temporary register of dental surgeons;
- (e) a provisional register of medical housemen;
- (f) a provisional register of dental housemen and
- (g) a post-graduate register.

Registrar to
publish names.

18. The Registrar shall, not later than thirty days after the end of every calendar year, cause to be published in the Gazette the name of every person registered in each register.

Publication
evidence of
registration.

19. (1) The publication of each name in the Gazette shall be *prima facie* evidence that such person has been duly registered.

(2) All registers, copies or extracts from them certified by the Registrar shall be receivable in evidence in all courts.

Council to
issue certi-
ficates.

20. The Council shall, after registering a medical practitioner or dental surgeon in the appropriate register, issue to him a certificate in respect of the registration.

Privileges of
ship's sur-
geons.

21. A ship's surgeon shall, while discharging his duties on board, be entitled to the privileges of a person registered in a temporary register.

Insertion of
additional
qualifications
in register.

22. Any person registered under this Decree who has obtained a higher degree or additional qualification than that in respect of which he was registered shall be entitled to have such higher degree or additional qualification, as the case may be, inserted in the appropriate register in substitution for or in addition to the qualification in respect of which he was registered.

23. If the Registrar—

Registrar to
remove name
if he receives
no reply.

- (a) sends by post a letter addressed to any registered person enquiring whether the registered particulars relating to him are correct and the Registrar receives no reply to the letter within six months from the date of posting; and
- (b) upon the expiration of six months sends a second letter and receives no reply within three months from the date of posting.

he may remove the particulars relating to such registered person from the relevant register; but the Council may direct the Registrar to restore to the appropriate register any particulars removed.

PART IV— DISCIPLINE OF MEDICAL PRACTITIONERS AND DENTAL SURGEONS

24. (1) There shall be a Disciplinary Committee of the Council (hereafter referred to as the "Committee") which shall consist of—

Establishment
of Disciplinary
Committee.

- (a) three members of the Council;
- (b) one medical practitioner and one dental surgeon, all of whom shall not have had less than ten years experience in their respective professions;

appointed by the Council.

(2) The Council shall appoint one of the persons referred to in paragraph (a) of subsection (1) of this section as Chairman of the committee.

(3) Members of the Committee shall hold office for a term of three years and shall be eligible for re-appointment.

(4) Where the Chairman or any member of the Committee is for any reason temporarily unable to perform his functions the Council shall appoint another person to act for the period of his inability.

Meetings of
Committee.

25. (1) The Committee shall meet for despatch of its business at such time and place as the Chairman may determine.

(2) The quorum for a meeting of the Committee shall be three.

(3) Decisions of the Committee may be by consensus, but where there is no consensus decisions shall be taken by a simple majority of the members present and voting; and in the event of equality of votes the Chairman or other person presiding shall have a casting vote.

Committee to
inquire into
complaints.

26. (1) The Committee shall inquire into any complaint against a person registered under this Decree relating to the person's professional conduct.

(2) Where after the inquiry the Committee finds that the person—

(a) has been guilty of professional misconduct;
or

(b) has been fraudulently registered;

it may recommend to the Council to apply any of the following disciplinary measures against the person—

(i) a reprimand;

(ii) suspension from practice for such period as the Council may think fit; or

(iii) direct the Registrar to remove the person's name from the register.

Council to de-
fer decision.

27. (1) The Council may, if it thinks fit, defer its decision as to the giving of a direction under subsection (2) (b) (iii) of section 26 indefinitely or for a specified period:

Except that no decision shall be deferred for periods exceeding one year in the aggregate.

(2) A person shall not be found guilty as mentioned in paragraph (a) of subsection (2) of section 26 unless the finding stands at a time when no appeal or further appeal is pending or may be brought in connection with such finding.

(3) No person shall be suspended or have his name removed from the register unless he shall have been given a reasonable opportunity of defending himself either through counsel or by himself.

(4) The person concerned may call and cross-examine witnesses and adduce such evidence as he deems necessary in his defence.

28. (1) Where the Council gives a direction it shall cause a notice of the direction to be served on the person to whom it relates. Appeal from direction of Council.

(2) The person to whom the direction relates may within twenty-eight days from the date on which the notice was served on him appeal to the High Court against the direction.

(3) The appeal shall be made by a notice filed at the registry of the High Court setting out the grounds of appeal.

(4) The Council may appear as respondent to the appeal and for the purpose of enabling directions as to the costs of the appeal to be given the Council shall be deemed to be the respondent.

(5) The Council shall be deemed to be a party to the appeal whether it appears at the hearing of the appeal or not.

29. A direction given by the Council shall take effect— Direction to take effect.

- (a) where no appeal has been brought against the direction within the time stipulated in subsection (2) of section 28;
- (b) where an appeal has been brought and has either been withdrawn or struck out;
- (c) where the appeal has been dismissed.

Persons removed from register not to practise.

30. (1) No person whose name has been removed from the Register shall practise as a medical practitioner or dental surgeon as the case may be.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand leones or to a term of imprisonment not exceeding one year or to both the fine and imprisonment.

Re-registration.

31. Where the name of a medical practitioner or dental surgeon has been removed from the register his name shall not be registered again except by direction of the Council.

PART V – ADMINISTRATION, FUNDS AND ACCOUNTS

Appointment of Registrar.

32. (1) There shall be a Registrar appointed by the Council.

(2) The Registrar shall be a person with considerable knowledge and experience in administration and shall be appointed on such terms and conditions as shall be contained in his letter of appointment.

Duties of Registrar.

33. (1) The Registrar shall—

- (a) be responsible to the Council for the day-to-day administration of the council and shall act as Secretary to the Council and the Committee;
- (b) supervise the staff of the Council;
- (c) correct in accordance with any directive given by the Council, any entry in any register which has been incorrectly made;
- (d) make from time to time any necessary alterations in the particulars of registered persons;
- (e) remove from the relevant register the name of any registered person who has died; and

- (f) perform such other function as the Council may determine.

34. (1) The Council shall have such staff as may be necessary for the efficient performance of its functions. Staff of Council.

(2) The staff of the Council shall be officers in the service of the Government appointed by the Public Service Commission; any public officer so appointed shall in relation to pension and gratuity be treated as continuing in Government service.

35. (1) The funds of the Council shall include— Funds of Council.

- (a) grants made to the Council by the Government from the Consolidated Fund;
- (b) monies collected by the Council in the performance of its functions; and
- (c) donations, gifts or grants.

(2) The funds of the Council shall be applied to the accomplishment of the purposes of this Decree.

36. (1) The Council shall keep proper accounts and proper records in relation to the accounts consistent with established accounting principles. Council to keep proper accounts.

(2) The accounts of the Council shall be audited annually by the Auditor-General or an independent auditor appointed by the Council with the Auditor-General's approval.

(3) The Council shall provide the auditor with all necessary and appropriate facilities for the examination of its accounts and records.

PART VI – MISCELLANEOUS

37. (1) The Council may set up such other committees to deal with such matters as the Council may determine. Council to establish Committees.

(2) The committees shall consist of members of the Council and non-members as the Council thinks fit.

Private
practitioners
to display cer-
tificate on pre-
mises.

38. Every registered medical practitioner or dental surgeon engaged in private practice shall conspicuously display on the premises where he is practising the certificate issued to him under section 20.

Validity of
documents.

39. No certificate or other document required by law to be signed by a medical practitioner or dental surgeon shall be valid unless it is signed by a registered medical practitioner or dental surgeon.

Erasures to
register.

40. (1) No erasure shall be made by the Registrar in any register, certified copy or extract of the register; but if any error occurs, a line of red ink should be drawn through any word improperly inserted so as to have the original word legible.

(2) Any word which has been omitted shall either be underlined or written in the margin with red ink and the Registrar shall write his name in the margin opposite such correction.

Offences and
penalties.

41. (1) Any person who—

- (a) wilfully pretends to be a medical practitioner or dental surgeon; or
- (b) wilfully and falsely takes or uses the name or title of a medical practitioner or dental surgeon or any name, title or description implying that he is registered by law as a medical practitioner or dental surgeon,

commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand leones or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

(2) Any medical practitioner or dental surgeon who, not being registered as such under this Decree and who practises as a medical practitioner or dental surgeon commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand leones or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(3) Any person who for the purpose of registering or procuring the registration of a name, qualification or other matter in any register makes a statement which he knows to be false or does not believe to be true in a material particular, commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand leones or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(4) Any person who wilfully destroys or tears any register or causes it to be destroyed or torn commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand leones or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

42. The Secretary of State may by order make regulations to Regulations.
provide for—

- (a) the making of applications for registration and documents to be produced in support of the applications;
- (b) the notification to the Registrar, by the person to whom any registered particulars relate, of any change in those particulars,
- (c) procedure for meetings of the Committee;
- (d) the procedure for the accreditation of any institution by the Council;
- (e) such matters as are necessary for giving full effect to this Decree.

43. Nothing in this Decree shall be construed to prohibit or prevent the practice of customary systems of therapeutics or the practice of druggists authorised by any law; but nothing in this Decree shall be construed to authorise the practice of any customary system of therapeutics which is dangerous to life or health. Saving of
customary
therapeutics.

Repeal of Act
No. 3 of 1966
and saving.

44. (1) The Medical and Dental Surgeons Act, 1966 is repealed

(2) Notwithstanding the repeal of the Medical and Dental Surgeons Act, 1966, any registration or certificate made or issued under it shall, unless otherwise determined by the Council, remain valid.

SCHEDULE

No.	Full Name	Address	Qualification	Date of qualification	Institution	Date of local registration	Fee	Remarks

MADE and ISSUED this 12th day of April, 1994.

CAPTAIN VALENTINE E. M. STRASSER

Chairman,

National Provisional Ruling Council.

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTING DEPARTMENT, SIERRA LEONE

BY AUTHORITY OF THE NATIONAL PROVISIONAL RULING COUNCIL.

GAZETTE NO. 21 OF 5TH MAY, 1994.