

TANGANYIKA



No. 42 OF 1963

I ASSENT,

Julius. K. Nyerere

President

19TH SEPTEMBER, 1963

An Act to amend the Medical Practitioners and Dentists Ordinance

[20TH SEPTEMBER, 1963]

ENACTED by the Parliament of Tanganyika.

1. This Act may be cited as the Medical Practitioners and Dentists Ordinance (Amendment) Act, 1963, and shall be read as one with the Medical Practitioners and Dentists Ordinance (hereinafter called the Ordinance). Short title and construction
Cap 409

2. Section 2 of the Ordinance is hereby amended-

(a) by deleting from the definition "diploma" the words "within or without Her Majesty's dominions"; and

(b) by deleting the definitions "licence" and "the Service" and substituting therefor the following new definitions

Section 2
of Cap. 409
amended

Act 1963
No. 42

" 'licence' means a licence issued under section 19 and includes a licence to which the provisions of section 42 apply and a licence the validity of which is preserved under paragraph (a) of subsection (2) of section 19 of the Medical Practitioners and Dentists Ordinance (Amendment) Act, 1963, or which is issued under paragraph (c) of that subsection;

"the Service" means the medical service of the Government or of the military forces of Tanganyika;"

3. Section 3 of the Ordinance is hereby amended by deleting from paragraph (a) of subsection (1) thereof the words "Director of Medical Services" and substituting therefor the words "Chief Medical Officer" Section 3
amended
of Cap. 409

4. Section 8 of the Ordinance is hereby amended by deleting from the first sentence of subsection (1) thereof the words "under the Crown" and substituting therefor the words "in the public service" Section 8
of Cap. 409
amendment

Section 9
of Cap. 409
amended

5. Section 9 of the Ordinance is hereby amended-

(a) in paragraph (f) thereof, by deleting therefrom the words and symbols "have been employed in the Service as medical practitioners and, who having retired from the Service, fulfil the requirements set forth in section 19" and substituting therefor the words and symbols "fulfil the requirements set forth in section 19 or in paragraph (b) of subsection (2) of section 19 of the Medical Practitioners and Dentists Ordinance (Amendment) Act, 1963"; and

(b) by deleting the first seven lines of paragraph (g) thereof and substituting therefor the following:-

"to decide which medical diplomas and which diplomas in dentistry may be recognized for the time being by the"

New section
inserted in
Cap. 409

6. The Ordinance is hereby amended by inserting immediately after section 10 thereof the following new section to be numbered 10A:-

"Registrar may all for certain information 10A. The Registrar, on the instructions of the Council, way, in writing, request any medical practitioner or dentist - registered under the provisions of this Ordinance to furnish all or any of the following information: -

(a) whether the medical practitioner or dentist, as the case may be, is practising medicine or dentistry in Tanganyika;

(b) if so, whether he is in private practice or is in the employ of any organization, undertaking or concern; and

(c) if he is so employed, the name of the organization, undertaking or concern by which he is employed,

and any such medical practitioner or dentist who receives a request for such information shall comply with such request."

Sections 13
of cap. 409
repealed and
replaced

7. Section 13 of the Ordinance is hereby repealed and replaced by the following new section:-

"Persons entitled to be registered as medical practitioners 13,(1) Subject to the provisions of section 33, a person shall be entitled to be registered under this Ordinance as a medical practitioner if-

(a) he is the holder of a diploma which is recognized for the time being by the Council as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery; and

(b) he has complied with such additional requirements relating to the acquisition of practical experience in medicine, surgery and midwifery or in any one or more of such disciplines as the Minister may by rules prescribe.

(2) Requirements prescribed by rules made under paragraph (b) of subsection (1) may include the requirement that any person or body shall be satisfied as to the existence of any fact."

8. Section 14 of the Ordinance is hereby amended—

Section 14 of Cap 409 amended

(a) by deleting subsection (1) thereof and substituting therefor the following new subsection: —

"(1) The following provisions of this section shall apply for the purpose of enabling persons referred to in paragraph (a) of subsection (1) of section 13 to acquire such practical experience in medicine, surgery and midwifery or in any one or more of such disciplines as may be prescribed by rules made under paragraph (b) of that subsection. ; and

(b) in subsection (2) thereof—

(i) by deleting the word "post-graduate" from the third and from the last lines and substituting therefor in each case the word "Practical"; and

(ii) by deleting from the third and fourth lines the word and symbols "subsection (2)" and substituting therefor the words and symbols "paragraph (b) of subsection (1)".

9. Section 15 of the Ordinance is hereby repealed and replaced by the following new section:—

Section 15 of Cap 409 repealed and replaced

15. Subject to the provisions of section 33, a person shall entitled to registration under this Ordinance as a dentist if he is the holder of a diploma which is recognized for the time being by the Council as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry."

10. Section 19 of the Ordinance is hereby amended-

Section 19 of Cap 409 amended

(a) by deleting the marginal note thereto and substituting therefor the following-

'Licensed medical practitioners and dentists'

(b) by deleting subsection (1) thereof and substituting therefor the following new subsections to be numbered (1) and (1A):-

"(1) Where the Council is informed that it is proposed to appoint any person (not being a person eligible for registration under this Ordinance) to the post of Assistant Medical Officer or Assistant Dental Officer in the Service or in the service of an organization recognized for the purposes of this section by the Minister, the Council may, if it is satisfied that such person has sufficient qualifications, skill and experience in the practice of medicine, surgery and midwifery or of dentistry, as the case may be, properly to perform the duties of such post, license such person as a medical practitioner or dentist, as the case may be.

(1A) A licence under subsection (1) shall have effect from the date on which the person to whom it is issued is appointed to the post of Assistant Medical Officer or Assistant Dental Officer, as the case may be, and, without prejudice to the provisions of this section, shall terminate immediately upon such person ceasing to hold such post unless such person is immediately appointed to another post in the Service or in such recognized organization as aforesaid, such post being designated for the purposes of this section by the Chief Medical Officer. ;

(c) in subsection (3) thereof, by inserting immediately after the words "medical practitioner" in the first line the words "or dentist"; and

(d) in subsection (4) thereof, by inserting immediately after the words "medical practitioner" in the fourth line the words "or dentist".

Section 20
of Cap.409
amended

11. Section 20 of the Ordinance is hereby amended by deleting from the third and fourth lines of subsection (1) thereof the words "and shall charge such fee as may be prescribed for the entry of each name in such list" and substituting therefor the words "or dentists"

Section 21
of Cap 409
repealed and
replaced

12. Section 21 of the Ordinance is hereby repealed and replaced by the following new section:-

21.-(1) Every registered or licensed medical practitioner shall be entitled to practise medicine, surgery and midwifery, and every registered or licensed dentist shall be entitled to practise dentistry.

(2) Every medical practitioner and every dentist registered under this Ordinance shall be entitled to demand, sue for, and recover in any court of competent jurisdiction with full costs of suit, reasonable charges for professional aid, advice and visits, and the value of any medicine or any medical or surgical or dental appliances rendered or supplied by him."

Section 22
of Cap. 409
amended

13. Section 22 of the Ordinance is hereby amended-

(a) by deleting therefrom all the words and symbols occurring after the word "registered" in the sixth line and substituting therefor the words and symbol "under this Ordinance. "; and

(b) by deleting from the marginal note thereto the words "or licensed".

Section 28
of Cap. 409
repealed

14. Section 28 of the Ordinance is hereby repealed.

Section 33
of Cap. 409
amended

15. Section 33 of the Ordinance is hereby amended by deleting subsection (1) thereof and substituting therefor the following new subsection:-

"(1) The Council may cause to be erased from the register or may refuse to register the name of any person whose name has been erased from the medical or dentists' register of any country."

16. Section 35 of the Ordinance is hereby amended-

Section 35
of Cap. 409
amended

- (a) by deleting the words "Director of Medical Services" wherever they appear therein and substituting therefor in each case the words "Chief Medical Officer";
- (b) by deleting from the third and last lines of paragraph (b) thereof the words "Native Authority or ; and
- (c) by deleting from the third line of paragraph (d) thereof the words "any missionary organization in the Territory" and substituting therefor the words "any organization recognized for the purposes of this paragraph by the Minister"

17. Section 36 of the Ordinance is hereby amended-

Section 36
of Cap 409
amended

- (a) in paragraph (a) of subsection (1) thereof, by deleting from the second and last lines the word and comma "midwifery";
- (b) in paragraph (b) of subsection (1) thereof, by deleting from the last line the comma and words ", surgery or midwifery" and substituting therefor the words "or surgery ;
- (c) in paragraph (c) of subsection (1) thereof, by inserting immediately after the word "registered" in the first line the words "or licensed";
- (d) by inserting a colon immediately after the word "surgeon" in the fourth line of the second proviso to subsection (1) thereof and deleting the remainder of the proviso; and
- (e) by deleting the third proviso thereto.

18. Section 39 of the Ordinance is hereby repealed and replaced by the following new section:-

Section 39
of Cap. 409
repealed and
replaced

39. Notwithstanding the provisions of section 38, no fee shall be charged for the registration of-

"Persons to
be registered
free of charge

- (a) medical and dental officers in the Service, or in the service of the Governments of Kenya, Uganda or Zanzibar; and
- (b) medical and dental officers in the service of the East African Common Services Organization:

Provided that when any such person ceases to be in the Service, or in the service of any of the said Governments or of the East African Common Services Organization, he shall pay the appropriate fee prescribed under section 38, and, in default of such payment, his name shall be erased from the register."

19.-(1) The provisions of this Act shall in no way prejudice or affect the status as a registered or provisionally registered medical practitioner or as a registered dentist of any person who, immediately prior to the coming into operation of this Act, was registered under section 13, section 14 or section 15 of the Ordinance.

Saving and
transitional
provisions

(2) Notwithstanding the provisions of this Act-

- (a) any licence issued under section 19 of the Ordinance shall, if such licence was valid and in force immediately prior to the coming into operation of this Act, remain in force and the

provisions of the Ordinance shall apply to and in respect of such licence and to and in respect of the holder thereof as if this Act had not been enacted;

- (b) nothing in this Act shall affect or in any way derogate from the provisions of section 42 of the Ordinance;
- (c) the Council may, in its discretion and subject to such terms and conditions as it may think fit, license any person to whom a licence as a medical practitioner under section 10 of the Medical Practitioners and Dentists Ordinance repealed by the Ordinance was issued on or before the first day of January, 1954, and who has since that date retired from the Service if
 - (i) such person has been employed in the Service for at least ten years continuously; and
 - (ii) the Council is satisfied from a review of his conduct and professional ability while in the Service that he is likely to be a responsible and skilful medical practitioner,

and where any such licence is issued the provisions of the Ordinance shall in accordance with paragraph (a) of this subsection apply to and in respect thereof and to and in respect of the holder thereof as if the licence were a licence which was issued under section 19 of the Ordinance prior to the coming into operation of this Act and which was valid and in force on such date of coming into operation.

Passed in the National Assembly on the twelfth day of September, 1963.

Pius Msekwa
Clerk of the National Assembly