

## CHAPTER 371

### MEDICAL REGISTRATION

1971-10

This Act came into operation on 1st November, 1972.

#### **Amended by:**

*1972-11*

*1978-45*

*1988-7*

*1977-41*

*1980-8*

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1978

1989

2008

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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## **CHAPTER 371**

### **MEDICAL REGISTRATION 1971-10**

#### *Arrangement of Sections*

1. Short title
2. Interpretation
3. Establishment of Council
4. Medical Register
5. Registration of existing medical practitioners
6. First registration
7. Examinations
8. Additional qualifications
9. Annual registration
10. Publication of list of medical practitioners
11. Temporary, provisional and special registration
12. Disciplinary proceedings
13. Restoration of name to Medical Register

14. Appeals
15. Recovery of fees
16. Regulations
17. Practice of medicine by persons other than medical practitioners
18. Offences
19. Exemption from liability
20. Expenses

#### SCHEDULE

**BARBADOS**

## MEDICAL REGISTRATION

1971-10

*An Act to make new provision for the registration of medical practitioners in Barbados.*

[Commencement: 1st November, 1972]

**Short title**

1. This Act may be cited as the *Medical Registration Act*.

**Interpretation**

- 2.(1) For the purposes of this Act

“annual registration fee” means the fee payable annually in accordance with section 4 of the *Profession, Trade and Business Registration Act*, Cap. 373;

[1978-45]

“Council” means the Medical Council established by section 3;

“first registration fee” means the fee payable on first registration in accordance with section 3 of the *Profession, Trade and Business Registration Act*, Cap. 373;

[1978-45]

**THE LAWS OF BARBADOS**

Printed by the Government Printer, Bay Street, St. Michael  
by the authority of the Government of Barbados

“medical practitioner” means a person whose name appears on the register;

“Minister” means the Minister responsible for Health;

“register” means the Medical Register required to be kept by the Registrar under section 4;

“Registrar” means the Registrar of the Supreme Court;

“Secretary” means the person for the time being performing the functions of Secretary to the Council.

(2) A reference in any enactment to a registered medical practitioner, legally qualified medical practitioner or duly qualified medical practitioner shall be construed as a reference to a medical practitioner.

### **Establishment of Council**

3.(1) For the purposes of this Act, there is hereby established a Council to be known as the Medical Council.

(2) The Council shall be a body corporate and the provisions of section 21 of the *Interpretation Act*, Cap. 1 shall apply thereto.

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

### **Medical Register**

4.(1) The Registrar shall keep a register to be known as the Medical Register in which he shall cause to be entered, subject to section 5, the name of every person entitled to be registered as a medical practitioner under section 6, together with the following particulars in respect of each such person

- (a) his full name and address;
- (b) the date of his registration;
- (c) a description and the date of the qualification in respect of which he is registered.

- (2) The register shall at all reasonable times be open to inspection at the Registration Office.
- (3) The Registrar shall from time to time make such alterations in the addresses and qualifications of medical practitioners as are necessary and shall remove from the register the name of any medical practitioner who is deceased or no longer qualified to practise medicine in Barbados.
- (4) Subject to section 5, no person whose name is not entered on the register shall be deemed for the purpose of practising medicine in Barbados to be a medical practitioner.

[1988-7]

### **Registration of existing medical practitioners**

5. The Registrar shall, immediately upon 1st November, 1972, cause to be entered in the register the particulars specified in paragraphs (a), (b) and (c) of subsection (1) of section 4 of all persons who immediately before such date were registered under the *Medical Registration Act, 1911*\* without application on the part of such persons and without the payment of any fee, and, pending such entry, those persons shall be deemed to be medical practitioners.

\*[Act 1911-6, repealed by this Act.]

### **First registration**

6.(1) Any person who after the 1st November, 1972, applies to the Council to be registered as a medical practitioner and who satisfies the Council

- (a) that he can read, write, speak and understand the English language;
- (b) that he is qualified to be so registered; and
- (c) that he is a fit and proper person to practise medicine in Barbados,

shall upon compliance with the requirements of this Act and on payment of the first registration fee be entitled to be registered as a medical practitioner within

90 days of the receipt by the Council of the application, together with all information required to be submitted to the Council under subsection (5).

*[1978-45; 1988-7]*

(2) For the purposes of subsection (1), a person is qualified to be registered as a medical practitioner who holds any diploma, degree, fellowship, membership, licence, certificate or other status or form of recognition granted by a University, College or body empowered to confer authority to practise medicine by the law of the country or place where it is granted and which in the opinion of the Council is evidence of satisfactory medical training.

(3) For the purposes of subsection (2), a qualification mentioned therein which the holder has obtained from the University of the West Indies shall be deemed to be evidence of satisfactory medical training.

*[1980-8]*

(4) An application for registration shall be made in the form approved by the Council.

(5) An applicant for registration shall furnish to the Secretary

- (a) evidence of his qualifications;
- (b) proof of his identity;
- (c) proof that he is a fit and proper person to practise medicine in Barbados;
- (d) a certificate of good standing from the applicant's previous registering body, if applicable; and
- (e) such further and other information as the Council may require in respect of the matters referred to in paragraphs (a) to (c) of subsection (1).

**Examinations**

7.(1) Where in respect of any application for registration as a medical practitioner

- (a) the Council is satisfied as to the matters specified in paragraph (b) of subsection (1) of section 6 but is of the opinion that any qualification mentioned in subsection (2) of that section which the applicant holds is not evidence of satisfactory medical training; or
- (b) a question has arisen with respect to the evidence presented by the applicant as to his training,

the Council in its absolute discretion may require that the applicant submit to examination in such subjects as it considers necessary to establish that he possesses satisfactory medical training.

(2) For the purposes of any examination pursuant to subsection (1) the Council shall appoint a Board of Examiners (hereinafter in this section referred to as the Board) consisting of 3 medical practitioners to set and conduct the examination in such subjects as the Council directs.

(3) The Board shall fix a time and place for holding the examination and the Secretary shall notify the applicant of that time and place.

(4) The applicant shall pay to the Secretary such fee, subject to the approval of the Minister, as may be determined by the Council.

(5) The Board shall as soon as practicable after the examination report its findings thereon to the Council.

(6) Where, as a result of the examination, the Board finds that the applicant is sufficiently informed and skilled in the subjects in which he was examined, he shall be deemed, on the receipt of the report of such findings by the Council, to have satisfied the Council that he is qualified to be registered as a medical practitioner for the purposes of subsection (1) of section 6.

(7) Where the Board reports to the Council that the applicant has been unsuccessful in the examination, he shall not, unless the Board so recommends, be permitted to present himself for further examination until the expiration of 6 months from the date of the examination in which he was unsuccessful.

(8) An applicant who is unsuccessful in the examination under this section shall, before being permitted to sit for further examination, comply with such conditions as the Council directs, including the payment to the Secretary of such further fee as, subject to the approval of the Minister, may be determined by the Council.

### **Additional qualifications**

**8.** A medical practitioner who obtains a qualification approved by the Council as higher than or additional to that in respect of which he is registered shall be entitled to have such higher or additional qualification entered by the Registrar in the register in substitution for or in addition to, as the case may be, the qualifications in respect of which he is registered.

### **Annual registration**

**9.** A medical practitioner who desires to practise as such in Barbados in any year shall in the month of January of that year cause his name to be registered in the register and obtain a certificate of such registration from the Registrar on payment of the annual registration fee.

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[1978-45]

### **Publication of list of medical practitioners**

**10.(1)** The Registrar shall cause to be published in the *Official Gazette*

(a) in the month of February in every year an alphabetical list of persons who have at the 31st January in that year registered their names pursuant to section 9;

- (b) as soon as practicable after any such registration, the name of any person registering his name as a medical practitioner after the 31st January in any year.

(2) A copy of the *Official Gazette* containing the list referred to in paragraph (a) of subsection (1) or the name of any person published pursuant to paragraph (b) of that subsection is *prima facie* evidence in any court of the registration and qualifications of any person mentioned in the list or of that person, as the case may be, and such list is *prima facie* evidence of the non-registration of any person whose name is not shown therein.

### **Temporary, provisional and special registration**

11.(1) Notwithstanding section 6, the Registrar may

- (a) temporarily register for a period not exceeding 6 months on payment of such fee, subject to the approval of the Minister, as may be determined by the Council, the name of a person who
  - (i) applies to the Council for temporary registration, and
  - (ii) satisfies the Council that he is temporarily in Barbados and would otherwise qualify for registration under section 6 by virtue of his qualifications to practise medicine in his own country or place;
- (b) provisionally register the name of any person who satisfies the Council that he is employed as an intern in a hospital in Barbados or other health institution approved by the Council, for the period of the internship;  
*[1988-7]*
- (c) specially register for a period not exceeding 3 years the name of any person who satisfies the Council
  - (i) that he is qualified to practise medicine in any country or place; and
  - (ii) that he is doing special work in the field of public health or research and is sponsored in such works by the University of the West Indies, the World Health Organisation, the Pan-American

Health Organisation, or such other organisation or body as the Minister approves after consultation with the Council; or

- (iii) that he is employed on a full-time basis by the Peace Corps of the United States of America to render medical services exclusively and without fee to members of that organisation; or
- (iv) that he is employed on a full-time basis in the public service and is working under the supervision of a medical practitioner.

(2) Notwithstanding the *Profession, Trade and Business Registration Act*, Cap. 373, a person whose name is registered under paragraphs (b) and (c) of subsection (1) shall not be liable to pay any fee specified in that Act during the period for which he is registered.

[1978-45]

### **Disciplinary proceedings**

**12.(1)** A medical practitioner who is

- (a) convicted of an offence outside Barbados which if committed in Barbados would be punishable on indictment; or
- (b) convicted of such offence in Barbados; or
- (c) guilty of professional misconduct,

shall be subject to disciplinary proceedings.

(2) Where in any such proceedings the Council is satisfied that a medical practitioner is convicted of an offence under paragraph (a) or (b) of subsection (1) or he is found guilty of professional misconduct, it may

- (a) censure him; or
- (b) suspend his registration for a period not exceeding 1 year; or
- (c) direct the Registrar to remove his name from the register.

**Restoration of name to Medical Register**

**13.(1)** The Council may, at any time, direct the Registrar to restore to the register any name removed therefrom under subsection (2) of section 12.

(2) When the name of any person is removed from the register, the Council may, in writing, require such person to return to the Registrar his certificate of registration and such person shall comply with that requirement.

**Appeals**

**14.(1)** Subject to subsection (4) any person who is aggrieved by the refusal of the Council to register him under this Act or by its decision to censure him or suspend his registration or cause his name to be removed from the register may, within 3 months of the receipt by him of any such notice, appeal to a Judge in chambers whose decision shall be final.

(2) The Council may, pending an appeal under subsection (1) of any person aggrieved by its decision to suspend his registration or cause his name to be removed from the register, on the application of that person, suspend the operation of any such decision until the determination of the appeal.

[1972-11]

(3) The Judge may

- (a) at the hearing of an appeal against refusal of registration, dismiss the appeal, or allow the appeal and direct the Council to cause the registration to be effected;
- (b) at the hearing of any appeal other than an appeal against refusal of registration
  - (i) dismiss the appeal and confirm the decision of the Council; or
  - (ii) allow the appeal and set aside the decision of the Council; or

- (iii) allow the appeal and direct that the disciplinary proceedings in respect of which the decision of the Council was made be reconducted by the Council; or
- (iv) set aside the penalty imposed by the Council and impose in substitution therefor such other penalty under subsection (1) of section 12 as he thinks fit.

[1972-11]

(4) Notwithstanding subsection (1), no appeal shall lie under this section against refusal of an application for registration in a case in which such registration is conditional upon the applicant's satisfying the Council that he is qualified to be registered or that he is a fit and proper person to practise medicine in Barbados.

[1988-7]

### **Recovery of fees**

**15.** A medical practitioner is entitled to demand and recover in any court his reasonable charges for professional services rendered and for the price of any drug, medicine or appliance supplied by him to his patients.

### **Regulations**

**16.** Subject to the approval of the Minister, the Council may make regulations for carrying into effect this Act, and, in particular, for any of the following purposes

- (a) a proper conduct of its affairs, including the time, manner and place of meeting and the proceedings thereof;
- (b) the determination of professional conduct and general fitness to practise medicine;
- (c) the instituting of disciplinary proceedings in relation to any charge under section 12 and the manner in which such proceedings are conducted;

- (d) the conduct of examinations and for matters relating thereto.

**Practice of medicine by persons other than medical practitioners**

**17.** Nothing in this Act shall prevent

- (a) any person from giving aid in cases of emergency without hire, gain or hope of reward; or
- (b) the domestic administration of home remedies and treatment.

**Offences**

**18.(1)** A person who

- (a) wilfully procures or attempts to procure registration under this Act for himself or for any other person; and
- (b) makes or produces or causes to be made or produced any fraudulent representation or declaration, either verbally, in writing or otherwise,

is guilty of an offence under this Act and is liable on summary conviction to a fine of \$2 000 or to imprisonment for 2 years or to both such fine and imprisonment.

(2) Any person not being a medical practitioner who

- (a) uses any name, title, addition or other description implying or calculated to imply that he is a registered medical practitioner or that he is recognised by law as a person authorised and qualified to practise medicine; or  
*[1988-7]*
- (b) assumes or uses any affix or prefix indicative of any occupational designation relating solely to the practice of medicine; or  
*[1988-7]*
- (c) advertises or holds himself out as a person authorised or qualified to practise medicine; or

(d) subject to section 17, engages in the practice of medicine,  
[1972-11]

is guilty of an offence under this Act and is liable on summary conviction to a fine of \$2 000 or to imprisonment for 12 months or to both such fine and imprisonment.

- (3) Subsection (2) shall not apply to the practice of medicine by any person
- (a) acting under the direct supervision of a medical practitioner; or
  - (b) temporarily, provisionally, or specially registered under subsection (1) of section 11; or
  - (c) registered, licensed or enrolled under any enactment,

who under the authority thereof performs or provides any service which he is authorised or entitled to perform.

### **Exemption from liability**

**19.** Nothing done by any member of the Council, the Secretary or any person acting under the authority of either of them shall, if such thing was done *bona fide* for the purpose of executing any of the provisions of this Act or the regulations, subject such persons to any action, liability, claim or demand whatsoever.

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[1972-11]

### **Expenses**

**20.** Any expense incurred by the Council in the performance of its functions under this Act and any regulations shall be defrayed out of moneys voted for the purpose by Parliament.

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[1972-11]

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**SCHEDULE**

(s.3)

1. Subject to paragraph 3 (3), the Medical Council shall consist of the following persons
  - (a) the Chief Medical Officer *ex officio*;
  - (b) four medical practitioners appointed by the Minister;  
*[1977-41]*
  - (c) four medical practitioners appointed by the Minister on the nomination of an association of medical practitioners approved by the Minister;  
and  
*[1988-7]*
  - (d) one medical practitioner appointed by the Minister on the nomination of the Dean of the Faculty of Medicine of the University of the West Indies.
  
2. The Council may
  - (a) appoint such committees composed of members of the Council and medical practitioners not being members of the Council, for the proper carrying out of its functions; and
  - (b) delegate to such committees any functions it considers necessary.
  
- 3.(1) Members of Council, other than the chief Medical Officer, shall hold office for 2 years but are eligible for re-appointment.
  - (2) Notwithstanding paragraph (1), no member other than the Chief Medical Officer shall hold office for more than 2 consecutive terms, but such member is eligible for re-appointment after the expiration of 1 year thereafter.
  - (3) In the case of the first Council constituted after the coming into operation of this Act, one of the persons appointed by the Minister under paragraph 1 (b)

and two of the persons appointed by the Minister under paragraph 1 (c) shall be appointed for a period of 1 year, and thereafter appointments shall be made in the manner otherwise provided by this Schedule.

**4.** The Council may designate one of its members to be Chairman and another to be Deputy Chairman and in the absence of both the Chairman and the Deputy Chairman at a meeting, the members present and constituting a quorum shall elect one of their number to act as Chairman for that meeting.

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[1988-7]

**5.** Five members of the Council shall form a quorum.

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[1988-7]