

Chapter 27:14

PREVIOUS CHAPTER**TRADITIONAL MEDICAL PRACTITIONERS ACT**

Acts 38/1981, 6/2000, 22/2001, 14/2002.

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II

TRADITIONAL MEDICAL PRACTITIONERS COUNCIL

3. Establishment of Council and functions and purposes thereof.
4. Composition of Council.
5. Conditions of office of members.
6. Appointment of members on failure of election.
7. Disqualification for appointment as member.
8. Vacation of office.
9. Minister may require member to vacate office or suspend him.
10. Filling of vacancies on Council.
11. Vice-chairman to act for chairman.
12. Meetings and decisions of Council.
13. Validity of decisions and acts of Council.
14. Funds and accounts of Council.
15. Annual general meetings of Council.
16. Committees of Council.

PART III

REGISTRAR AND REGISTER OF TRADITIONAL MEDICAL PRACTITIONERS

17. Registrar.
18. Register of traditional medical practitioners and certificates of registration.
19. Offences in connection with Register, etc.
20. Register as evidence.

PART IV

REGISTRATION

21. Application for registration.
22. Council may grant or refuse application for registration.
23. Honorary traditional medical practitioners.
24. Appeal against refusal to register.
25. Deletions from Register.

PART V

DISCIPLINARY AND OTHER INQUIRIES

26. Inquiries by Council.
27. Exercise of powers by Council after inquiry.
28. Exercise of disciplinary powers on conviction for offences: court to forward evidence.
29. Appeals to Minister.
30. Improper or disgraceful conduct.

PART VI

GENERAL

31. Practice of traditional medical practitioner.
32. Designation of traditional medical practitioner.

33. Recovery by Council of costs, fees, etc.

34. By-laws.

AN ACT to establish a Traditional Medical Practitioners Council; to provide for the registration and regulation of the practice of traditional medical practitioners; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 16th October, 1981

Date of commencement of s. 31 (2) and (3): 1 June 2000.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Traditional Medical Practitioners Act [Chapter 27:14].

2 Interpretation

(1) In this Act—

“Association” means any association of traditional medical practitioners recognised by the Minister as being representative of any significant group of traditional medical practitioners;

[amended by the General Laws Amendment (No.2) Act 2002 promulgated on the 24th January, 2003 - with retrospective effect, in terms of clause 47 - from the 4th February, 2002 - Editor.]

“Council” means the Traditional Medical Practitioners Council established by section three;

“improper or disgraceful conduct” means any conduct which, when regard is had to the practice of traditional medical practitioners, is improper or disgraceful, whether defined in by-laws referred to in section thirty-four or not;

“member” means a member of the Council;

“Minister” means the Minister of Health and Child Welfare or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“Register” means the register of traditional medical practitioners established in terms of section eighteen;

“registered” means registered in the Register in terms of Part IV;

“Registrar” means the Registrar of Traditional Medical Practitioners appointed in terms of section seventeen.

(2) For the purposes of this Act—

“practice of traditional medical practitioners” means every act, the object of which is to treat, identify, analyse or diagnose, without the application of operative surgery, any illness of body or mind by traditional methods.

PART II

TRADITIONAL MEDICAL PRACTITIONERS COUNCIL

3 Establishment of Council and functions and purposes thereof

(1) There is hereby established a council to be known as the Traditional Medical Practitioners Council, which shall be a body corporate and shall, in its corporate name, be capable of suing and being sued and, subject to this Act, of performing such acts as bodies corporate may by law perform.

(2) The function and purpose of the Council shall be—

(a) to supervise and control the practice of traditional medical practitioners;

(b) to promote the practice of traditional medical practitioners and to foster research into, and develop the knowledge of, such practice;

(c) to hold inquiries for the purposes of this Act;

(d) to make grants or loans to associations or persons where the Council considers this necessary or desirable for, or incidental to, the attainment of the purposes of the Council.

(3) Any expense incurred by the Council in the exercise of its functions or attainment of its purposes in terms of this Act shall be made out of the funds of the Council.

4 Composition of Council

The Council shall consist of twelve members of whom—

(a) one shall be the chairman who shall be appointed by the Minister after consultation with any one or more associations;

[amended by the General Laws Amendment (No.2) Act 2002 promulgated on the 24th January, 2003 - with retrospective effect, in terms of clause 47 - from the 4th February, 2002 - Editor.]

(b) one shall be the vice-chairman who shall be a person who, except in the case of the first Council, is a registered traditional medical practitioner, who has practised as a traditional medical practitioner for not less than five years and who shall be appointed by the Minister;

(c) five shall be registered traditional medical practitioners who shall be appointed by the Minister;

(d) subject to section six, five shall be registered traditional medical practitioners who shall be elected by the registered traditional medical practitioners in the prescribed manner:

[proviso repealed by the General Laws Amendment (No.2) Act 2002 promulgated on the 24th January, 2003 - with retrospective effect, in terms of clause 47 - from the 4th February, 2002 - Editor.]

5 Conditions of office of members

(1) A member shall hold office for a period of three years:

[proviso repealed by the General Laws Amendment (No.2) Act 2002 promulgated on the 24th January, 2003 - with retrospective effect, in terms of clause 47 - from the 4th February, 2002 - Editor.]

(2) A member shall—

(a) hold office on such conditions; and

(b) be paid out of the funds of the Council such remuneration and allowances, if any;

as the Minister may in each case fix.

(3) A retiring member shall be eligible for re-appointment or re-election as a member.

6 Appointment of members on failure of election

(1) If the registered traditional medical practitioners fail, neglect or refuse for any reason whatsoever to elect all or any of the members referred to in paragraph (d) of section four or to fill a vacancy in terms of paragraph (a) of subsection (1) of section ten, the Minister may appoint to the Council the number of members which the registered traditional medical practitioners have failed, neglected or refused to elect or may appoint a member to fill the vacancy, as the case may be.

(2) A member appointed by the Minister in terms of subsection (1)—

(a) shall, except in the case of the first Council, be a person who is a registered traditional medical practitioner; and

(b) shall be deemed to have been duly elected to the Council.

7 Disqualification for appointment as member

No person shall be appointed or elected as a member and no person shall be qualified to hold office as a member who—

(a) has, in terms of a law in force in any country—

(i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or

(ii) made an assignment to, or arrangement or composition with, his creditors which has not been rescinded or set aside; or

(b) has, in the period of five years immediately preceding the date of his proposed appointment or election, been convicted—

(i) within Zimbabwe of a criminal offence; or

(ii) outside Zimbabwe of an offence by whatever name called which, if committed within Zimbabwe, would have been a criminal offence;

and sentenced to imprisonment for a term of six months or more without the option of a fine, whether or not such sentence has been suspended, and

has not received a free pardon; or

(c) has, in the period of five years immediately preceding the date of his proposed appointment or election, been found guilty of improper or disgraceful conduct.

8 Vacation of office

A member shall vacate his office and his office shall become vacant—

(a) one month after the date he gives notice in writing to the Minister of his intention to resign his office or after the expiration of such shorter period as he and the Minister may agree; or

(b) thirty days after the date he is sentenced by a court to imprisonment referred to in paragraph (b) of section seven after conviction of an offence referred to in that paragraph:

Provided that, if during the said period of thirty days an application for a free pardon is made or an appeal is filed, the question whether the member is to vacate his office shall not be determined until the final disposal of such application or appeal, whereupon the member shall forthwith vacate his office and his office shall become vacant unless he is granted a free pardon, his conviction is set aside, his sentence is reduced to a term of imprisonment of less than six months or a punishment other than imprisonment is substituted; or

(c) if he becomes disqualified in terms of paragraph (a) of section seven to hold office as a member; or

(d) thirty days after the date he is found guilty of improper or disgraceful conduct:

Provided that, if during the said period of thirty days an appeal is lodged in terms of section twenty-nine, the question whether the member is to vacate his office shall not be determined until the final disposal of such appeal, whereupon the member shall forthwith vacate his office and his office shall become vacant unless the decision of the Council finding him guilty of improper or disgraceful conduct is set aside; or

(e) if he is required in terms of section nine to vacate his office; or

(f) if he is absent from two consecutive meetings of the Council of which he has had notice without the permission of the Council; or

(g) if, being a member who is required to be registered, he ceases to be registered.

9 Minister may require member to vacate office or suspend him

(1) The Minister may require a member to vacate his office if the Minister is satisfied that the member—

(a) has been guilty of improper conduct as a member; or

(b) has failed to comply with the conditions of his office fixed by the Minister in terms of subsection (2) of section five; or

(c) is mentally or physically incapable of performing his duties as a member.

(2) The Minister may suspend from office a member against whom—

(a) criminal proceedings have been instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed; or

(b) disciplinary proceedings are instituted by the Council;
and while that member is so suspended he shall not carry out any duties as a member.

10 Filling of vacancies on Council

(1) On the death of, or the vacation of office by, a member who is—

(a) a member elected in terms of paragraph (d) of section four, the vacancy shall be filled by an election held in the prescribed manner:

Provided that, if the remainder of the period for which the member whose office has been vacated would otherwise have held office is less than six months, it shall not be necessary to hold an election and the Council may, if it thinks fit, co-opt a registered traditional medical practitioner to fill the vacancy;

(b) a member appointed by the Minister or Association, as the case may be in terms of section four, the Minister or Association, as the case may be, shall appoint another person to fill the vacancy;

[amended by the General Laws Amendment (No.2) Act 2002 promulgated on the 24th January, 2003 - with retrospective effect, in terms of clause 47 - from the 4th February, 2002 - Editor.]

and the person so elected, co-opted or appointed, as the case may be, shall hold office for the remainder of the three-year or two-year period, as the case may be, for which that member would, but for his death or the vacation of his office, have continued in office.

(2) If any member is granted leave of absence by the Council, the Council may, if it thinks fit, co-opt a registered traditional medical practitioner to fill the vacancy during the absence of that member.

11 Vice-chairman to act for chairman

If the chairman of the Council is unable to exercise the functions of chairman by reason of illness, absence from Zimbabwe or other cause, the vice-chairman shall exercise the functions and powers and perform the duties of the chairman.

12 Meetings and decisions of Council

(1) The Council shall hold its first meeting on such date and at such place as the Minister may fix and thereafter the Council shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedures as it thinks fit:

Provided that a meeting of the Council shall be held at least twice in each year.

(2) A special meeting of the Council—

(a) may be convened by the chairman at any time;

(b) shall be convened by the chairman within twenty-one days of the receipt by him of a request in writing signed by not less than six members and specifying the purposes for which the meeting is to be convened.

(3) At any meeting of the Council—

(a) the chairman or, in his absence, the vice-chairman shall preside;

(b) in the absence of both the chairman and the vice-chairman the members present shall elect one of their number to preside;

(c) six members shall form a quorum.

(4) All acts, matters or things authorized or required to be done by the Council shall be decided by a majority vote at a meeting of the Council at which a quorum is present.

(5) At all meetings of the Council each member present shall have one vote on a question before the Council and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

13 Validity of decisions and acts of Council

No decision or act of the Council or act done under the authority of the Council shall be invalid by reason only of the fact that—

(a) the Council did not consist of the full number of members for which provision is made in section four; or

(b) a disqualified person acted as a member of the Council at the time the decision was taken or act was done or authorized.

14 Funds and accounts of Council

(1) The funds of the Council shall consist of—

(a) all fees and other moneys payable to the Council in terms of this Act; and

(b) such other moneys and assets as may vest in or accrue to the Council, whether in the course of the exercise of its functions or otherwise.

(2) The accounts of the Council shall be audited at least once in each calendar year by an auditor registered in terms of the Public Accountants and Auditors Act [Chapter 27:12] appointed by the Council.

15 Annual general meetings of Council

- (1) The Council shall at least once in each calendar year convene a general meeting.
- (2) The Council shall give such notice of the annual general meeting as the Council deems fit.
- (3) The Council shall submit to the annual general meeting called in terms of subsection (1) a report setting out the activities of the Council since the previous annual general meeting:
Provided that this subsection shall not apply to the first general meeting held in terms of this section.

16 Committees of Council

- (1) The Council may—
 - (a) establish committees to assist the Council in the exercise of its functions under this Act; and
 - (b) appoint such registered traditional medical practitioners as it may consider expedient to be members of a committee referred to in paragraph (a).
- (2) The Council, with the approval of the Minister, may assign to a committee referred to in subsection (1) such of the functions of the Council under this Act as the Council may consider expedient.
- (3) The Council shall not be treated as having divested itself of any function assigned to a committee referred to in subsection (1), and the Council may vary or revoke any decision of a committee made in the exercise of that function.
- (4) The Council may appoint a legal practitioner entitled to audience before a magistrate's court to advise the Council in the exercise of its functions under this Act or a committee of the Council referred to in subsection (1) in the exercise of any function assigned to it in terms of subsection (2).

PART III

REGISTRAR AND REGISTER OF TRADITIONAL MEDICAL PRACTITIONERS

17 Registrar

- (1) The Minister, after consultation with the Council shall appoint a person to be the Registrar of the Council.
- (2) The functions of the Registrar shall be—
 - (a) to be the secretary to the Council, in which connection he shall, on instructions from the chairman of the Council, convene meetings of the Council and any committee thereof and maintain the records of any such meetings; and
 - (b) to carry out any other duties imposed on him by or in terms of this Act or by the Council.

18 Register of traditional medical practitioners and certificates of registration

- (1) The Registrar shall establish a Register of traditional medical practitioners.
- (2) It shall be the duty of the Registrar—
 - (a) to enter in the Register, in relation to a registered traditional medical practitioner, his name, address and date of first registration and such other particulars as the Council may from time to time determine;
 - (b) to make in the Register any necessary alterations in the name, address or other particulars of a registered traditional medical practitioner;
 - (c) to delete from the Register the name of a registered traditional medical practitioner who dies;
 - (d) when required to do so by or under this Act—
 - (i) to mark in the Register the registration of a person or, as the case may be, the suspension from practice of a registered traditional medical practitioner; and
 - (ii) to delete from the Register the registration of a registered traditional medical practitioner;and generally, in connection with the Register, to comply with the provisions of this Act.
- (3) Where the Registrar deletes from the Register the name of a registered person, he shall enter in the Register a record of the reasons therefor.
- (4) If, in the performance of the duties imposed upon him by or under this Act, the

Registrar—

- (a) registers an applicant, he shall issue to him a certificate of registration;
- (b) deletes from the Register the name of a registered person or marks in the Register the suspension from practice of a registered person, he shall, if possible, notify him in writing accordingly.

(5) On an application by a registered person the Registrar may issue to that person a duplicate certificate of registration—

- (a) if he is satisfied as to the identity of the applicant; and
- (b) on production by the applicant of an affidavit certifying that the certificate of registration has been lost or destroyed; and
- (c) on payment by the applicant of the appropriate fee, if any, prescribed.

19 Offences in connection with Register, etc.

A person who—

(a) makes or causes to be made an unauthorized entry or alteration in, or deletion from, the Register or a certified copy thereof or extract therefrom or on a certificate of registration; or

(b) procures or attempts to procure for himself or another person registration or a certificate of registration by means of fraud, a false representation or the concealment of a material fact; or

(c) makes or causes to be made in connection with an application for registration a false declaration in a document used for the purpose of establishing his identity; or

(d) wilfully destroys or injures or renders illegible or causes to be destroyed, injured or rendered illegible an entry in the Register; or

(e) without the permission of the holder, wilfully destroys, injures or renders illegible or causes to be destroyed, injured or rendered illegible a certificate of registration; or

(f) forges or utters, knowing the same to be forged, a document purporting to be a certificate of registration;

shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[amended by Act 22 of 2001, with effect from the 10th September, 2002.]

20 Register as evidence

A certificate under the hand of the Registrar—

(a) of the entry of the name of a person in the Register shall be prima facie evidence that the person is a registered traditional medical practitioner;

(b) that the name of a person has been deleted from, or does not appear in, the Register shall be prima facie evidence that the person is not a registered traditional medical practitioner;

(c) that a registered traditional medical practitioner has been suspended from practice as such for a period specified in that certificate shall be prima facie evidence that the person has been suspended from practice for that period.

PART IV

REGISTRATION

21 Application for registration

(1) Any person who wishes to be registered shall apply to the Registrar and shall submit with his application—

- (a) the appropriate fee;
- (b) such information in relation to his application as he deems fit or as he may be required by the Registrar, on the directions of the Council, to supply.

(2) The Registrar shall refer any application for registration made to him in terms of subsection (1) to the Council.

22 Council may grant or refuse application for registration

(1) The Council shall consider every application referred to it in terms of subsection

(2) of section twenty-one and after due inquiry—

(a) if satisfied that the applicant possesses sufficient skill and ability to practise as a traditional medical practitioner and is of good character, shall grant the application and direct the Registrar to register the applicant;

(b) if not satisfied in terms of paragraph (a), shall refuse the application.

(2) The Council, in granting an application for registration, may, where appropriate, direct the Registrar to record in the Register the qualification of the applicant concerned as a spirit medium.

23 Honorary traditional medical practitioners

Notwithstanding the provisions of this Act—

(a) the Minister, after consultation with the Council and any one or more associations, may direct the Registrar to register as an honorary traditional medical practitioner, with or without the qualification as a spirit medium, any person who, by reason of his special standing as a traditional medical practitioner, deserves to be so registered;

[amended by the General Laws Amendment (No.2) Act 2002 promulgated on the 24th January, 2003 - with retrospective effect, in terms of clause 47 - from the 4th February, 2002 - Editor.]

(b) it shall not be necessary for any person who has been registered in terms of paragraph (a) to pay the registration fee or annual fee in terms of this Act;

(c) a certificate of registration issued to a person who has been registered in terms of paragraph (a) shall reflect that he is an honorary traditional medical practitioner.

24 Appeal against refusal to register

Any person who is aggrieved by the decision of the Council not to register him may appeal against such decision to the Minister who may—

(a) confirm the decision of the Council; or

(b) remit the matter to the Council for further consideration and with such directions or advice as he deems necessary; or

(c) direct that the applicant concerned be registered;

and the decision of the Minister shall be final.

25 Deletions from Register

(1) The Council may direct the Registrar to delete from the Register—

(a) the name of any person who—

(i) has failed to pay the appropriate annual subscription;

(ii) has requested that his name be so deleted;

(iii) has been found guilty of improper or disgraceful conduct in terms of this Act;

(b) any entry which is proved to the satisfaction of the Council to have been made in error or through fraudulent representations or concealment of material facts or in circumstances not authorized by this Act.

(2) A certificate of registration issued to a person whose name has been deleted from the Register shall be deemed to have been cancelled on the date of the deletion and the person concerned shall be deemed not to be registered with effect from that date.

PART V

DISCIPLINARY AND OTHER INQUIRIES

26 Inquiries by Council

(1) Subject to this section, the Council may hold inquiries into an allegation that a registered traditional medical practitioner—

(a) has been guilty of improper or disgraceful conduct; or

(b) is grossly incompetent or has performed any act appertaining to the practice of traditional medical practitioners in a grossly incompetent manner.

(2) Before exercising its powers referred to in subsection (1), the Council shall cause to be served upon the person concerned a notice setting out the allegations against him and the Council shall afford the person concerned a reasonable opportunity of

being heard, either by himself or, if he so wishes, by a legal representative:

Provided that, where the person concerned is by reason of mental disorder or defect legally incapable of representing himself, the Council may apply to the High Court for the appointment of a curator ad litem and the notice referred to in this subsection shall be served on such curator.

(3) The powers, rights and privileges of the Council in an inquiry referred to in subsection (1) shall be the same as those conferred upon a commissioner by the Commissions of Inquiry Act [Chapter 10:07], other than the power to order a person to be detained in custody, and sections 9 to 13 and sections 15 and 16 of that Act, shall apply, mutatis mutandis, in relation to an inquiry and to a person summoned to give evidence or giving evidence at an inquiry.

(4) The Council shall, in any inquiry held by it in terms of subsection (1), record the proceedings and any evidence heard by it and the decision made by it and the reasons therefor.

27 Exercise of powers by Council after inquiry

(1) At the conclusion of an inquiry held in terms of section twenty-six, the Council may, if it decides that the registered traditional medical practitioner has been guilty of improper or disgraceful conduct or is grossly incompetent or has performed any act appertaining to the practice of traditional medical practitioners in a grossly incompetent manner—

(a) direct the Registrar to cancel the registration of the registered person;

or

(b) order the suspension of the registered person for a specified period from practising as a traditional medical practitioner or performing any act specially pertaining to the practice of traditional medical practitioners; or

(c) impose such conditions as it deems fit, subject to which the registered person shall be entitled to carry on the practice of a traditional medical practitioner; or

(d) order the registered person to pay a penalty not exceeding an amount equivalent to a fine of level six, which penalty shall be payable to the Council; or [amended by Act 22 of 2001, with effect from the 10th September, 2002.]

(e) order the registered person to pay any costs or expenses of, and incidental to, the inquiry; or

(f) censure the registered person; or

(g) caution the registered person and postpone for a period not exceeding three years any further action against him on one or more conditions as to his future conduct, including the conduct or nature of his practice during that period.

(2) If at any time the Council is satisfied that during the period of any postponement in terms of paragraph (g) of subsection (1) a registered person has not complied with the conditions imposed in terms of that paragraph, the Council, after giving reasonable notice to the registered person concerned, may decide further to do one or more of the things specified in subsection (1).

(3) The Council may extend for any period determined by it the period of operation of, or withdraw or in any other manner amend, any order made in terms of paragraphs (b) and (c) of subsection (1).

(4) A person who has been suspended in terms of paragraph (b) of subsection (1) shall be disqualified from practising as a traditional medical practitioner and his registration shall be deemed to be cancelled until the period of suspension has expired.

28 Exercise of disciplinary powers on conviction for offence: court to forward evidence

(1) A registered person who has been convicted within or outside Zimbabwe, whether before or after the date of his registration, of an offence by a court of law shall be liable to be dealt with by the Council in accordance with this Part if the Council is of the opinion that such offence constitutes improper or disgraceful conduct.

(2) The Council may, if it thinks fit on proof before it of a conviction referred to in

subsection (1) and without hearing further evidence, deal with the convicted person in accordance with this Part:

Provided that the convicted person shall be afforded an opportunity of tendering in writing or in person or by his legal representative, as he may elect, an explanation to the Council in extenuation of his conduct.

(3) Subject to the Courts and Adjudicating Authorities (Publicity Restriction) Act [Chapter 7:04], if, after the termination of proceedings before a court of law in Zimbabwe—

(a) it appears to the court that there is prima facie evidence of improper or disgraceful conduct on the part of a registered person, the court shall direct that a copy of the record of the proceedings or a copy of such part of the record of such proceedings as is material to the issue shall be transmitted to the Council; or

(b) the Council requests that a record of the proceedings before a court of law in Zimbabwe or part of such record be supplied to it on the grounds that it is of direct interest to the Council in the exercise of its functions under this Act, the registrar or clerk of the court shall transmit to the Council a copy of the record of the proceedings or a copy of such part of the record of the proceedings as is material.

29 Appeals to Minister

Any person who is aggrieved by the decision of the Council in terms of section twenty-seven may appeal against such decision to the Minister who may—

(a) confirm, vary or set aside the decision of the Council; or

(b) remit the matter to the Council for further consideration with such directions or advice as he deems necessary.

30 Improper or disgraceful conduct

(1) The Council may, under by-laws made in terms of section thirty-four—

(a) define what in the case of a registered traditional medical practitioner shall constitute improper or disgraceful conduct; and

(b) provide for the manner in which complaints or charges against a registered traditional medical practitioner may be lodged; and

(c) provide for any other matters incidental to the investigation of, and inquiry into, a complaint against a registered traditional medical practitioner.

(2) If any registered traditional medical practitioner has counselled or knowingly been a party to the performance of any act in respect of which an unregistered person has been convicted of an offence under Part VI, the conduct of such traditional medical practitioner shall, for the purposes of this Part, constitute improper or disgraceful conduct:

Provided that the provisions of this subsection shall not be construed as exempting such registered traditional medical practitioner from prosecution in a court of law for any offence which such conduct may constitute.

(3) The by-laws referred to in subsection (1) shall not be deemed to limit the general power conferred on the Council to inquire into allegations of improper or disgraceful conduct not covered by such by-laws and to impose any penalty under this Part on any person guilty of such conduct.

PART VI

GENERAL

31 Practice of traditional medical practitioner

(1) Subject to this Act, it shall be of lawful for a registered traditional medical practitioner to engage for gain in the practice of traditional medical practitioners.

(2) Subject to subsections (4) and (5), any person who, not being registered as a traditional medical practitioner—

(a) for gain practises or carries on business as a traditional medical practitioner, whether or not purporting to be registered; or

(b) pretends, or by any means whatsoever holds himself out, to be a registered traditional medical practitioner; or

(c) uses the title “Registered Traditional Medical Practitioner” or any

name, title, description or symbol indicating or calculated to lead persons to infer that he is registered as a traditional medical practitioner in terms of this Act; shall be guilty of an offence and liable to a fine not exceeding level eight or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[amended by Act 22 of 2001, with effect from the 10th September, 2002.]

(3) Subject to the provisions of subsections (4) and (5), any person who, not having the qualification of a spirit medium recorded in the Register in relation to himself, uses the title “Registered Spirit Medium” or any name, title, description or symbol indicating or calculated to lead persons to infer that he has such qualification registered in relation to himself in terms of this Act shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[amended by Act 22 of 2001, with effect from the 10th September, 2002.]

NOTE: Subsections 31 (2) and (3) create offences relating to practices by unregistered persons with effect from 1st June 2000, in terms of SI 62/2000.

(4) The provisions of—

(a) paragraph (a) of subsection (2) shall not apply to any person who is registered in terms of the Health Professions Act [Chapter 27:19].

[amended by Act 6/2000 with effect from 2nd April, 2001.]

(b) paragraphs (b) and (c) of subsection (2) and subsection (3) shall not apply to any person who is not ordinarily resident in Zimbabwe and does not purport to be registered in terms of this Act.

(5) Subsections (2) and (3) shall come into operation on such date as the President may fix by a statutory instrument.

32 Designation of traditional medical practitioner

(1) A registered traditional medical practitioner shall be entitled to describe and designate himself—

(a) by the title “Registered Traditional Medical Practitioner” or by the initials “R.T.M.P.”; and

(b) if the qualification of a spirit medium is recorded in the Register in relation to himself, by the title “Registered Spirit Medium” or by the initials “R.S.M.”.

(2) An honorary registered traditional medical practitioner shall be entitled, in association with the appropriate titles and initials referred to in subsection (1), to use the title “Honorary” or the abbreviation “Hon.”

33 Recovery by Council of costs, fees, etc.

The Council may by action in any competent court recover—

(a) any cost or penalty ordered in terms of Part V to be paid by a registered traditional medical practitioner or former registered traditional medical practitioner; or

(b) any fee payable in terms of this Act by a registered traditional medical practitioner or former registered traditional medical practitioner; or

(c) any other moneys or other property that may be payable or due to the Council by any person.

34 By-laws

(1) The Council may make by-laws prescribing all matters which by this Act are required or permitted to be prescribed or which, in the opinion of the Council, are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act or the regulation of the practice of traditional medical practitioners.

(2) By-laws made in terms of subsection (1) may provide for—

(a) the fees which shall be payable by applicants for registration and the annual fees which shall be payable by traditional medical practitioners so long as they remain registered;

(b) the issue of certificates of registration and the fees in connection therewith;

(c) the cancellation of certificates of registration of traditional medical practitioners who are no longer registered and the delivery of such certificates to the Registrar for that purpose;

(d) the deletion from the Register of entries made in error or through fraudulent representations or concealment of material facts or in circumstances not authorized by law;

(e) the notification to the Registrar of changes of address and prescribed particulars of registered traditional medical practitioners;

(f) the maximum or minimum scale of fees that may be charged by registered traditional medical practitioners.

(g) penalties for contraventions of the by-laws, but no such penalty shall exceed a fine of level four or imprisonment for a period of three months or both such fine and such imprisonment.

[inserted by Act 22 of 2001, with effect from the 10th September, 2002.]

(3) By-laws made in terms of subsection (1) shall be submitted to the Minister for his approval and, after such approval, shall be published in a statutory instrument.

(4) The fees to which paragraphs (a) and (b) of subsection (2) relate shall be paid to the Council.

[Go To Top Page](#)

[NEXT CHAPTER](#)