

THE MEDICAL AND DENTAL PRACTITIONERS  
ACT— 1988

Arrangement of Section

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## HOUSE OF REPRESENTATIVES

### A BILL ENTITLED

AN ACT to make provision for the establishment of a Medical and Dental Council; for the Registration of Medical and Dental Practitioners; for the discipline of persons registered under the Act and other matters connected therewith.

Enactment ENACTED by the Parliament of The Gambia.

#### PART I—PRELIMINARY

Short title. 1. THIS ACT may be cited as the Medical and Dental Practitioners Act, 1982.

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## 2. In this Act, unless the context otherwise requires—

Interpretation.

"dental practitioner" means any person who is qualified to practice the profession of dentistry and is registered in accordance with the provisions of this Act;

"medical practitioner" means any person qualified to practice the profession of medicine, and is registered in accordance with the provisions of this Act;

"house officer" means any person whose name appears in the provisional register specified under section 17 of this Act;

"Minister" means the Minister responsible for Health;

"register" means the registers, specified in section 12 of this Act;

"fully registered" in relation to any person means a person whose name appears in any of the registers specified in section 13—16 of this Act; and

"Registrar" means the person elected registrar under section 11 of this Act.

## PART II—THE MEDICAL AND DENTAL COUNCIL

3.—(1) There is hereby established a Council to be known as the Medical and Dental Council.

Establishment of the Council.

(2) The Council shall be a body corporate, having perpetual succession and a common seal with power to sue and be sued in its corporate name.

(3) The Council shall have the power to acquire, hold, manage and dispose of movable and immovable property.

4.—(1) Subject to the provisions of this Act, the Council shall be responsible for regulating the profession and practice of medicine and dentistry.

Duties of the Council.

(2) Without prejudice to the generality of subsection (1) of this section the Council shall be responsible for—

- (a) determining the primary qualification and experience requisite for registration of medical and dental practitioners;
- (b) registering medical and dental practitioners;
- (c) promoting standards of professional conduct among medical and dental practitioners;
- (d) advising the Minister on matters relating to the practice of medicine and dentistry; and
- (e) all matters relating to discipline and breaches of professional conduct of persons registered under this Act.

(3) The Council shall also advise the Minister on any matter referred to it.

Composition  
of the Council.

5.—(1) The Council shall consist of the following—

- (a) the Director of Medical Services or his representative;
- (b) three members nominated by the Minister (referred to in this Act as nominated members);
- (c) six members (referred to in this Act as appointed members) chosen by the bodies hereinafter mentioned.

(2) The nominated members shall consist of at least two persons who are neither registered nor holding any qualification registrable under this Act.

(3) Four of the appointed members shall be chosen by the Gambia Medical and Dental Association and the two remaining members who shall be citizens of The Gambia shall be chosen by the Local Chapter of the West African College of Physicians and the West African College of Surgeons respectively.

(4) All members of the Council, ~~except~~ <sup>vice</sup> shall hold office for three years but may be eligible for re-nomination or re-appointment as the case may be, at the expiration of such term.

(5) A person shall not be capable of being chosen as an appointed member unless he is fully registered under this Act.

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

(7) The nomination, appointment, resignation or removal of any person from the Council shall be notified in the Gazette by the Registrar.

Chairman of  
the Council

6.—(1) There shall be a Chairman of the Council who shall be elected by the Council from among its members.

(2) The Chairman shall be a fully registered person of not less than fifteen years standing.

(3) The Chairman shall be elected for a period of three years.

Meetings of  
the Council.

7.—(1) The validity of any proceedings of the Council shall not be affected by any vacancy among the members of the Council or by any defect in the nomination or appointment of a member thereof.

( ) The quorum of the Council shall be five of whom at least one member shall be a nominated member.

(3) The Council may, by standing orders, make provision as to the time and place of their meetings and the mode of summoning them and any such standing orders may be varied or revoked by a subsequent standing order of the Council.

(4) The Chairman shall preside at all meetings at which he is present and in his absence the Council shall elect one of its members to preside.

(5) All acts of the Council shall be decided by a majority of the members present at any meeting and where there is an equality of votes the Chairman shall have a casting vote.

8.—(1) The Council may constitute out of their membership one or more committees, and may delegate to them such of the Council's functions as it thinks fit. Committee of the council.

(2) The quorum of such committees shall be three.

9.—(1) The Registrar of the Council shall be the secretary to the Council. Officers of the Council.

(2) The secretary shall keep a minute book in which shall be recorded all the minutes and transactions of the Council.

(3) The Council may appoint a person to be the treasurer of the Council and in default of such appointment, the Registrar shall be the treasurer.

(4) The Council shall appoint such other officers as may be necessary for the purposes of this Act.

10.—(1) The moneys payable to the Council shall be deposited in a bank approved by the Council. Expenses of Council.

(2) The funds of the Council shall be applied for expenses of registration and the execution of this Act.

**PART III—REGISTRAR, REGISTERS AND PROCEDURE FOR REGISTRATION**

11.—(1) The Council shall appoint a Registrar. Registrar and his duties.  
of the Council.

(2) The Registrar shall be a person who is a qualified medical or dental practitioner of not less than ten years standing and who has been registered in the permanent register.

(3) The permanent, temporary and provisional registers specified in Section 12 of this Act shall, at all times, be kept in the custody of the Registrar.

(4) The registrar shall, at the direction of the Council, enter in the appropriate register the names, addresses and qualifications of any person approved by the Council to practice the profession of medicine or dentistry.

12.—(1) There shall, for the purpose of registering persons qualified to practice the profession of medicine and dentistry in The Gambia, be kept and maintained by the Registrar separate registers for medical and dental practitioners. Registers.

(2) The Council ~~shall in its~~ standing orders, prescribe the form of the registers specified below—

- (a) a permanent register for medical practitioners;
- (b) a permanent register for dental practitioners;
- (c) a temporary register for medical practitioners; and
- (d) a temporary register for dental practitioners.

(3) In addition to the registers referred to in subsection (1) of this section, there shall be kept and maintained by the registrar a provisional register for the registration of house officer (interns).

Registration  
of medical  
practitioners  
in the perma-  
nent register.

13.—(1) Any citizen of The Gambia who, in the opinion of the Council is of good character and satisfies the Council that—

- (a) he is in possession of a primary qualification in medicine granted by an institution in a Commonwealth country, or
- (b) he is in possession of a primary qualification granted by an institution in any other country approved by the Council; and
- (c) he is by law entitled to practice the profession of medicine in the country where he obtained his qualifications;

shall be entitled, on payment of the prescribed fee, to be registered in the permanent register for medical practitioners as a fully registered medical practitioners and to have his qualifications registered in the permanent register for medical practitioners

Registration  
of dental  
practitioners  
in the perma-  
nent register

14. Any citizen of The Gambia who, in the opinion of the Council, is of good character and satisfies the Council that—

- (a) he is in possession of a primary qualification in dentistry granted by an institution in a Commonwealth country, or
- (b) he is in possession of a primary qualification granted by an institution in any other country approved by the Council; and
- (c) he is by law entitled to practice the profession of dentistry in the country where he obtained his qualifications;

shall be entitled, on the payment of the prescribed fee, to be registered in the permanent register for dental practitioners, as a fully registered dental practitioners and to have his qualifications registered in the permanent register for dentists.

15.—(1) Any person who is not a citizen of The Gambia who satisfies the Council that he is of good character and ~~possesses~~ a qualification, in medicine granted by an institution in a country approved by the Council shall be entitled to be registered in the temporary register for medical practitioners if—

Registration of medical practitioners in the temporary register.

- (a) he has received specific appointment to practice medicine with the Government;
- (b) he has been engaged by a Missionary Society or an organisation recognised by the Government; or
- (c) he has obtained the approval of the Minister after consultation with the Council to practice in an area designated by the Government as ~~under~~ doctored area.

X 16 Any person who is a citizen of The Gambia, who satisfies the Council that he is of good character and possesses a qualification in dentistry granted by an institution in a country—approved by the Council shall be entitled to be registered in the temporary register for dental practitioners if—

Registration of Dental Practitioners In the Temporary register

- (a) he has received specific appointment to practice dentistry with the Government;
- (b) he has been engaged by a Missionary Society or an organisation recognised by Government;
- (c) he has obtained the approval of the Minister on the advice of the Council to practice in an area designated by the Government as an "under-doctored" area.

17.—(1) Any person who is in possession of a primary qualification in medicine or dentistry from an institution approved by the Council but does not otherwise qualify to be pre-registration house officer (intern) registered under this Act, shall be entitled fully on application to the registrar, to be registered as in the provisional register for medical or dental practitioners as the case may be.

Provisional registration.

(2) Where a person is registered as a house officer under subsection (1) of this section, such person shall follow a course of rotation to the major sub specialities of medicine or dentistry, as the case may be, prescribed by the Council for a period of not less than twelve months before applying for registration in the permanent or temporary register.

(3) At the end of the period of rotation (intern) specified in subsection (2) of this section, a house officer shall submit to Council, Certificates of satisfactory tenure of apprenticeship in each section of the prescribed rotation, issued by such supervisors as may be approved by Council in each such revision for the training of house officers.

(4) The standard of competence required from a house officer under this Act, shall be such as reasonably guarantees the possession of the skills and knowledge requisite to the safe and ethical practice of medicine, and dentistry.

Registration  
of additional  
qualification.

18. Any person registered under section 12, 13 or 14 of this Act, who obtains additional qualifications, other than the qualification for which he was registered, from an institution in a country recognised by the Council, shall be entitled to have the qualifications registered.

Engagement  
of medical  
and dental  
practitioners.

19. No person shall be engaged by any person or organisation to practice the profession of medicine or dentistry in The Gambia, unless such person has been fully registered under this Act.

Publication  
of list of  
registered  
medical and  
dental prac-  
titioners.

20.—(1) The Registrar shall once in every 2 to 3 years, compile and publish a list of all persons registered under this Act, setting out the names, addresses and the medical and dental qualifications of all such persons using such abbreviations as may be approved by the Council.

(2) Any list published under subsection (1) of this section shall be prima facie evidence that the persons named therein are persons registered to practice the profession of medicine or dentistry in The Gambia.

(3) All registers and all copies thereof or extracts there from, certified under the hand of the registrar, shall be receivable in all Courts in The Gambia.

(4) The registrar shall if ordered by any court, produce or cause to be produced any register in his office without charging anything therefor unless the court otherwise directs.

Procedure for  
Registration.

21.—(1) Any person who possesses the qualification for registration specified under this Act and intends to practice the profession of medicine or dentistry in The Gambia, shall apply in writing to the registrar, supporting his application with copies of certificates of qualification and evidence of registration from the country where such qualification was obtained, or where such person is seeking registration as a house officer the original Certificate of alternative from the institution where he obtained his basic qualification.

(2) The Registrar shall submit any such application to the relevant Committee of the Council delegated with the responsibility of getting such applications to Council.

(3) The Council shall on the recommendation of the committee specified under section (1) the application, give its approval for the applicant to be registered or decline to give such approval.

(4) The registrar shall, not later than fourteen days after the Council's decision on any application, inform such applicant in writing of the decision of the Council.

(5) Where approval is given under this section the registrar shall, on receipt of the prescribed fee, enter the name, address and qualifications of the person in the appropriate register.

22.—(1) Any person who is aggrieved by a decision of the Council may, within twenty-one days of the date of which such decision is communicated to him, appeal to the Supreme Court against such decisions. Appeal against refusal to register.

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

(3) Subject to this section the Chief Justice shall, by Order, make rules for the purpose of this section.

23.—(1) Any person whose application for registration in any register has been approved by the Council shall, before his name is entered in such register, pay to the registrar, such fees as may be prescribed by the Council. Registration fee.

24. No person shall practice as a medical or dental practitioner, in The Gambia unless his name is entered in the permanent or temporary register. Right to practice

25. No certificate or other document required by law to be signed by a medical or dental practitioner, shall be valid unless the person signing it is fully registered. Certificate in valid if not issued by fully registered person.

26. No person shall, be entitled to recover any fees charged in any court of law for any medical or dental advice or attendance or for the performance of any operation or for any medicine which he either has prescribed or supplied or both prescribed and supplied unless he shall prove upon the trial that he is fully registered or otherwise qualified to render such service under any other law in force. Recovery of fees.

27. In any enactment the expression "legally qualified medical or dental practitioner", or "duly qualified medical or dental officer", or "medical or dental practitioner", or any expression importing a person recognised by law as a medical or dental practitioner or member of the medical or dental profession, shall be construed to mean a person whose name is entered in the permanent or temporary register. Medical and dental practitioner defined.

28.—(1) Where in the opinion of the Council—

- (a) there has been an incorrect entry in any register; or
- (b) it is necessary to make an alteration in the particulars of any person registered; or
- (c) it is necessary to remove the name of any person from any of the registers,

Correction, alteration or removals from registers,

shall direct the Registrar to make such correction, alteration or removal the case may be.

PART IV—THE DISCIPLINARY COMMITTEE

Disciplinary Committee. 29.—(1) There shall be established a Disciplinary Committee of the Council.

(2) The Disciplinary Committee shall be constituted as follows—

- (a) the Chairman of the Council who shall also be the Chairman;
- (b) four members of the Council of whom at least one member shall be a person not registrable under this Act; and
- (c) the registrar who shall be the secretary of

(3) Any person appointed to serve on the Committee shall hold office for a period of three years from the date of his appointment but shall, at the expiration of his term of office, be eligible for reappointment.

(4) Where the Chairman or any member of the Disciplinary Committee is, for any reason, unable to perform his duties, the Council shall appoint any person from among its members to act in the place of the Chairman or such member.

Functions of the Disciplinary Committee. 30.—(1) The Disciplinary Committee shall meet, as required to attend to any matter relating to the professional conduct of persons registered under this Act and referred to it by the Council and shall in particular—

- (a) hold an enquiry into any allegation of professional misconduct made against any member registered under this Act; or
- (b) direct an investigation into any alleged breaches of professional discipline involving any registered member; and
- (c) submit its findings and directions to the Council.

Erasure from the Register. 31.—(1) If any registered person—

- (a) is convicted by any Court of any offence involving moral turpitude; or any offence which in the opinion of the Committee is in comparable with the ethical practice of medicine or dentistry;
- (b) after due enquiry, is judged by the Committee to have been guilty of serious professional misconduct; or
- (c) is proved, to the satisfaction of the Disciplinary Committee, to have been fraudulently registered;

the Disciplinary Committee recommend to the Council that his name be erased from the register.

(2) The council shall consider such recommendation and may

- (a) in so doing re-examine the evidence and allow the registered person whose name is recommended for erasure to make an appeal to Council if he so wishes; and
- (b) give such direction as it may think fit,

(3) A direction of the Council under this section shall take effect—

- (2) The Council shall consider such recommendation and may,
- (a) in so doing, reexamine the evidence and allow the registered person whose name is recommended for erasure to make an appeal to Council if he so desires; and
  - (b) give such directions as it may think fit.

(3) A direction of the Council under this section shall take effect—

- (a) where no appeal under section 32 is brought against any findings or directions under this section, on the expiration of the time for appealing;
- (b) where an appeal lodged under section 32 is withdrawn or struck out, on the withdrawal or striking out of the Appeal; or
- (c) where an appeal brought under section 32 is finally dismissed by the Supreme Court.

32.—(1) When the Council in pursuance of any enquiry under this Act, finds any person guilty, it shall cause a notice of the findings and the direction so given to be served on the person to whom it relates.

Appeals  
against  
Council's  
decision

(2) The person on whom such notice is served may, within thirty days of the service of such notice, appeal to the Supreme Court in accordance with such rules as the Chief Justice may, by Order provide for the purposes of this section, against the findings and the direction so made.

(3) Where a person found guilty under this section appeals against such decision, the Council shall request the Registrar to suspend taking action on any direction it might have given until the appeal is finally disposed of.

(4) The Council may by counsel, appear as a respondent on any such appeal, and for the purpose of enabling directions to be given as to costs of the appeal, the Council shall be deemed to be a party thereto, whether they appear on the hearing of the appeal or not.

33.—(1) If any registered person—

- (a) is deemed to be in such a physical and mental state as to constitute a serious danger to himself or to member of the public; Suspension  
from practice
- (b) is the subject of an enquiry into allegations of serious breach in professional conduct;
- (c) is proved after due enquiry to be guilty, after due warnings, of repeated acts of misdemeanours,

the Disciplinary Committee shall recommend to Council that his name be suspended from the Register for a specified period of not more than twelve calendar months.

(2) The Council acting on this recommendation may direct the Registrar to effect such suspension immediately.

Effects of erasure or suspension from the Register.

34.—(1) Where the name of a person has been erased from the register under section 31 of this Act the Disciplinary Committee may, if they think fit at any time, recommend to the Council for his name to be restored on the register on his application.

(2) A direction under section 33 for suspending a person's name from a register may prohibit an application under this section by that person until the expiration of such period from the date of the direction as may be specified in the direction.

(3) The Council shall not entertain any application from a person whose name has been erased from the register under section 31 of this Act, within a period of two years from the date of such erasure.

Proceeding of Disciplinary Committee.

35. The Council shall make rules as to the times and places of the meetings of the Disciplinary Committee, the mode of summoning the members, and on the advice of the Chief Justice, the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee.

PART V—MISCELLANEOUS

Legal adviser to the Council and its Committees.

36. At the request of the Council the Attorney General shall nominate a State Counsel of not less than five years standing to act as legal adviser to the Council and any Committee of the Council.

Transitional provisions.

37.—(1) Any citizen of The Gambia who, before the commencement of this Act, is registered to practice medicine or dentistry in The Gambia, shall within three months of the coming into force of this Act be entitled, on application to the registrar to be registered in the permanent register of medical practitioners or dentists as the case may be.

(2) Any person who is not a citizen of The Gambia and who before the commencement of this Act is registered to practice medicine or dentistry in The Gambia shall, within three months of the coming into force of this Act, be entitled on application to the registrar to be registered in the temporary register of medical or dental practitioners as the case may be.

Errors in Register.

38. No erasure shall be made in any register, or certified copy of an extract thereof, but where an error occurs, a line of red ink shall be drawn through any word improperly inserted so as to leave the original word legible, and any word which may have been omitted shall either be interlined or written in the margin with red ink, and the Registrar shall subscribe his name in the margin opposite to such correction.

39.—(1) Any person who—

Offences and penalties.

- (a) falsely pretends to be a medical or dental practitioner; or
- (b) falsely takes or uses the name or title of medical or dental practitioner; or
- (c) takes or uses any name, title or description falsely implying that he is registered under this Act or recognised by law as a medical or dental practitioner,

commits an offence

(2) Any person who for the purpose of the registration of any name qualification on or other matter in any register—

- (a) knowingly makes a false statement;
- (b) recklessly makes a statement which is false in a material particular,

commits an offence

(3) Any person who commits an offence under this section is liable on conviction to a fine not exceeding ten thousand dalasis or imprisonment for a term not exceeding three years or to both such fine and imprisonment

40. Any person who wilfully destroys or damages or causes to be destroyed or damaged any register or any part thereof commits an offence and is liable on conviction thereof to a fine not exceeding five hundred dalasis or a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Destruction of the Register.

41.—(1) The provisions of this Act shall not apply to any person who is recognised by the community in which he lives and practises as a person who practises a customary system of therapeutics.

Exemptions.

(2) Subsection (1) of this section does not authorise any person to perform any customary system of therapeutics which is dangerous to life or health.

42 The Minister may make regulations for the better carrying out of the purposes of this Act.

Regulations.

43. The Registration of Medical Practitioners and Dentists Act, (Cap.164) is hereby repealed.

Repeal of (Cap. 164)

### OBJECTS AND REASONS

The Bill seeks to establish a Medical and Dental Council, to provide for and control the registration of Medical Practitioners and Dentists in The Gambia and to regulate their practices.

Part I Provides for the short title and interpretation clauses.

PART II. Under this Part, the Medical and Dental Council is established and has a legal entity with powers to regulate the professions and practice of Medicine and dentistry. The Council shall be responsible for all matter relating to discipline and breaches of professional conduct. This part also, make provision for the structure of the Council and its procedure.

*Customary System of Therapeutics*

PART III. Provides for the appointment of a registrar of the Council who shall be a qualified medical practitioner or a dentist, and the procedure for registration. The registrar shall be responsible for registering medical practitioners and dentists and shall keep the permanent, temporary and provisional registers in his custody.

This part also stipulates the conditions for registration in any one of the 3 different types of registers. It further regulates the procedure for renewal of registration under the Act. There is also provision for the publication of the list of registered medical practitioners and dentists and such list shall be prima facie evidence that the person named therein are persons registered to practice medicine or dentistry in The Gambia. Where a person is aggrieved by a decision of the Council, this part empowers such person to appeal to the Supreme court against the decision.

PART IV. Provides for the establishment of a disciplinary committee of the Council and its constitution. This part also sets out the functions of the disciplinary committee which are to hold enquiries in to any allegation of professional misconduct made against any member registered under the Act, or to direct an investigation into any alleged breaches of professional discipline and submit its findings and directions to the Council. This part also formulates the disciplinary action to be levied against members who are found guilty of misconduct, and also regulates the procedure for appeals against findings of guilt, and stipulates the consequences for being strike off the register.

PART V. This part provides for miscellaneous matters pertaining to the Act, such as the appointment of a state counsel to advise the Council on matters of law, transitional provisions on offences and penalties. This part also provides for exemption of any person who practises any customary system of therapeutics which is not dangerous to life or health. Finally the Medical Practitioner and Dentists Act Cap 164 is repealed under this part.

L. N'Jie,  
*Minister of Health, Labour and  
the Environment.*