



TRINIDAD AND TOBAGO

No. 35—1960

[L.S.]

I ASSENT

SOLOMON HOCHOY
Governor.

31st December, 1960.

AN ORDINANCE relating to the Medical Board and to the practice of Medicine and Surgery.

[On Proclamation]

Commence-
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

Enactment.

1. (1) This Ordinance may be cited as the Medical Board Ordinance, 1960.

Short title and
Commence-
ment.

(2) This Ordinance shall come into operation on such day as the Governor may appoint by Proclamation published in the *Royal Gazette*.

21.9.1961

Interpretation.

2. In this Ordinance—

“diploma” means any diploma, degree, fellowship, membership, licence, certificate or other status or form of recognition granted by a University, college or duly licensed body conferring authority to practise medicine in the country or place where granted;

“General Medical Council” means the General Council of Medical Education and Registration of the United Kingdom as constituted by the Medical Act, 1858 and the Medical Act, 1886 or by any statutory modification or re-enactment thereof;

“medical practitioner” or any other words or expression suggesting legal recognition of any person as a medical practitioner or member of the medical profession means a person registered under this Ordinance;

“member” means a member of the Board;

“Register” means the Register of Medical Practitioners provided for under section 10 of this Ordinance;

“registration” means registration under this Ordinance;

“regulation” means a regulation made under section 20 of this Ordinance;

“temporary licence” means a licence issued under section 13 of this Ordinance;

“the Board” means the Medical Board of Trinidad and Tobago;

“the Council” means the Medical Council elected by the Board under this Ordinance;

“the former Ordinance” means the Medical Board Ordinance.

21 & 22 V. c.90.
49 & 50 V. c.48.

Ch. 12. No. 2.

MEDICAL BOARD, ITS CONSTITUTION, &C.

The Medical Board of Trinidad and Tobago.

3. The Medical Board of Trinidad established by the Medical Ordinance, 1887 and continued under the former Ordinance, shall from the commencement of this Ordinance bear the name of “The Medical Board of Trinidad and Tobago” and by such name shall continue to be a body corporate, and shall have perpetual succession and shall and may have and use a common seal, and may from time to time

change or alter the said seal as to the Board may seem fit and shall have power to acquire hold and dispose of real and personal property in connection with the purposes of this Ordinance.

4. All persons registered as members of the Board shall constitute the Board. Constitution of Board.

5. All persons registered immediately prior to the commencement of this Ordinance as members of the Board shall continue to be so registered under this Ordinance. Persons registered as members to continue to be registered.

6. (1) There shall be a Council of the Board consisting of: — The Council.

- (a) a President;
- (b) a Vice-President;
- (c) a Secretary-Treasurer; and
- (d) four other members of the Board to be elected as hereinafter provided.

(2) The Council may appoint such committees of its members as it shall think fit for the proper carrying out of its functions, and may delegate any of its functions to any such committee.

(3) If it appears to the Council that any member is by reason of illness, absence from Trinidad and Tobago, or for any other cause unlikely to be able for some time to perform his duties as a member of the Council, the Council may declare the seat of such person to be temporarily vacant.

(4) Any vacancy on the Council or any temporary vacancy for the period of its duration shall be filled by election of the Board.

7. Members of the Council elected under the former Ordinance and holding office at the commencement of this Ordinance shall continue to hold office until the election of a new Council as hereinafter provided. Existing Council to continue in office.

8. Within three months of the coming into force of this Ordinance and triennially thereafter, there shall be convened in accordance with the regulations a general meeting of the Board for the purpose of electing the Council. Election of Council.

9. (1) Members of the Council shall hold office for a term of three years. Terms of office and eligibility for election.

(2) The President and Vice-President shall be elected from among members of the Board of at least three years standing.

(3) The members of the Council shall be eligible for re-election, except that the President shall be eligible for re-election for one term only.

Register
of Medical
Practitioners.

10. (1) The Council shall cause to be kept a book or register to be known as the "Register of Medical Practitioners" in which shall be entered the name of every person registered as a medical practitioner under this Ordinance showing the following particulars:—

- (a) his full name and address;
- (b) a description of and dates of the diplomas in respect of which he is registered and such other medical degrees and certificates to which he is entitled;
- (c) the date of his registration.

(2) Subject to the provisions of subsection (3) of this section, no person whose name is not entered on the Register shall be deemed to be registered.

(3) All persons who were registered as medical practitioners under the former Ordinance immediately prior to the commencement of this Ordinance shall be entitled to be registered under this Ordinance without application on the part of such persons, and pending the entry of their names on the Register, shall be deemed to be duly registered.

(4) The Register shall at all reasonable times be open and subject to inspection by any person on payment of a fee of fifty cents.

Secretary-
Treasurer
to maintain
register and
perform other
duties
prescribed.

11. (1) The Secretary-Treasurer shall keep the Register in accordance with this Ordinance and the rules and regulations of the Council in that behalf and shall from time to time make the necessary alterations in the addresses or qualifications of persons registered.

(2) The Secretary-Treasurer shall perform such other duties as may be prescribed.

Who may be
registered.

12. Any person who establishes to the satisfaction of the Council that he holds a diploma in respect of which he is entered or entitled to be entered on the Medical Register of the General Medical Council and that he is of good character and

a fit and proper person to practise medicine shall upon application and upon compliance with the requirements of this Ordinance be entitled to be registered as a member of the Board. *in the Register*

13. (1) Notwithstanding the provisions of section 12 of this Ordinance the Council may issue or authorize to be issued, a temporary licence to engage in the practice of medicine during the currency thereof and subject to the terms and conditions contained therein, to any other person who establishes to the satisfaction of the Council that he is the holder of a diploma approved by the Board and is of good character and a fit and proper person to practise medicine.

Issue of temporary licence to practise.

(2) The Council shall determine the nature and extent of each temporary licence, including:—

- (a) the time during which the licence shall remain in force;
- (b) the area to which it shall extend;
- (c) the nature and character of the work which may be performed under the authority thereof;
- (d) such other terms and conditions as the Council may deem it expedient to impose.

(3) It shall be lawful for the Council, upon the expiration of the period fixed for such temporary licence and upon being satisfied by a majority of members of the Council representing not less than two-thirds of those present and voting that the other conditions therein have been duly met by the person named and that such person is in all respects a fit and proper person to practise medicine, to grant registration to such person as a member of the Board. *in the Register*

14. A person upon being admitted to registration or to whom a temporary licence has been granted shall pay to the Secretary-Treasurer such initial registration fee and annual fee as may be prescribed. Fees.

15. Any member of the Board who has obtained a diploma higher than or additional to the diploma in respect of which he has been admitted to registration and which is approved by the Board shall, on payment of such fee as may be prescribed, be entitled to have such higher or additional diploma shown in the Register in substitution for or in addition to, as the case may be, the diploma previously shown.

Registration of higher or additional qualification.

Evidence and information required to be furnished.

16. An applicant for registration or for a temporary licence shall furnish to the Secretary-Treasurer—

- (a) satisfactory evidence of his qualifications;
- (b) satisfactory proof of his identity;
- (c) such further and other information as the Council may require.

Erasure of incorrect or fraudulent entry.

17. The Council shall cause to be erased from the Register any entry which has been incorrectly or fraudulently made.

Certificate of Secretary-Treasurer to be *prima facie* evidence.

18. In all cases where proof of registration or of the issue of a temporary licence is required to be made, the production of a certificate showing that the person therein named is duly registered or is the holder of a temporary licence, certified under the hand of the Secretary-Treasurer, shall be sufficient evidence in all Courts of the registration of such person, or of the issue to him of a temporary licence as the case may be, and the production of the original Register shall not be required and any such certificate shall be accepted without proof that the person signing as the Secretary-Treasurer is the Secretary-Treasurer.

Publication of lists.

19. (1) The Secretary-Treasurer shall not later than the 31st day of March in each year cause to be printed in the *Royal Gazette* a true and correct list of the names of all persons who are registered at such time and also a true and correct list of the names of all persons to whom a temporary licence has been granted.

(2) A copy of the *Royal Gazette* containing a list referred to in subsection (1) of this section shall, in the absence of proof to the contrary, be evidence in all Courts of the registration of, or of the issue of a temporary licence to, any person therein named, as the case may be, and of the qualifications of such person and of the non-registration of any person who is not therein named.

POWERS OF COUNCIL

Power of Council to make rules and regulations.

20. (1) The Council, subject to the approval of the Board, shall have power to make such rules or regulations as it deems necessary for carrying the purposes and provisions of this Ordinance into effect, and, without restricting the generality thereof, for all or any of the following purposes—

- (a) for the good government of the Board and for the proper conduct of its affairs;
- (b) for regulating the time, manner and place of meetings of the Board and the Council and the proceedings thereof;

- (c) for the conduct of elections including the manner of voting thereat, and all other matters arising out of or incidental to the elections as provided for in this Ordinance;
- (d) with respect to the fees for registration or for the issue of a temporary licence and the amount of any annual or special fees to be paid by members;
- (e) with respect to the determination of the professional qualification and experience including internship required of an applicant for registration or for a temporary licence, and to proof of professional conduct and general fitness to practise medicine;
- (f) for regulating the manner of applying and using the funds of the Board;
- (g) for providing for by-elections and the circumstances whereby a vacancy shall be deemed to occur on the Council;
- (h) for prescribing anything required or authorised to be prescribed;
- (i) for prescribing in respect of any contravention thereof or failure to comply therewith a penalty not exceeding a fine of one hundred dollars or imprisonment for three months on summary conviction.

(2) No rule or regulation shall come into force or have effect until it has been approved by the Governor in Council.

(3) All rules and regulations shall be published in the *Royal Gazette* and the production of a copy thereof shall be *prima facie* proof that a rule or regulation contained therein has been made and published as required by this Ordinance.

21. Any person who wilfully procures or attempts to procure himself or any other person to be registered or licensed under this Ordinance, by making or producing, or causing to be made or produced, any false or fraudulent representation or statement or declaration, either verbally or in writing or otherwise, shall be guilty of an offence and shall on summary conviction thereof be liable to a fine of one thousand dollars or to a term of imprisonment of one year, or to both such fine and such imprisonment.

False representations with a view to obtaining registration or licence.

22. (1) Any person not being a member of the Board or the holder of a temporary licence who—

Use of title by unauthorised person.

- (a) shall take or use any name, title, addition or description implying or calculated to lead persons to believe that he is registered or licensed under this

Ordinance or that he is recognised by law as a physician, surgeon, or licentiate in medicine or surgery; or

- (b) assumes or uses the title "doctor", "surgeon", or "physician" or any affix or prefix indicative of any such title as an occupational designation relating to the practice of medicine; or
- (c) advertises or holds himself out as a person authorised or qualified to practise medicine or surgery,

shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars or to a term of imprisonment of six months or to both such fine and such imprisonment.

(2) Subsection (1) of this section shall not operate so as to prevent a person who is registered as a dentist from using such title as is authorised thereby and appropriate to his qualifications.

Advertisement,
holding out,
or practice by
unauthorised
person.

23. (1) No person who is not registered or the holder of a temporary licence under this Ordinance shall, either directly or indirectly, carry on for hire, gain, or hope of reward the healing art in any of its branches or—

- (a) by advertisement, sign, or statement of any kind, written or oral, allege or imply or state that he is, or hold himself out as being, qualified, able, or willing, to diagnose, prescribe for, prevent, or treat, any human disease, ailment, deformity, defect, or injury, or to perform any operation to remedy any human disease, ailment, deformity, defect, or injury, or to examine or advise upon the physical or mental condition of any person; or
- (b) diagnose, or offer to diagnose, or attempt to diagnose, any human disease, ailment, deformity, defect, or injury, or to examine or advise upon, the physical or mental condition of any person; or
- (c) prescribe or administer any drugs, serum, medicine, or any substance or remedy, whether for the cure, treatment, or prevention, of any human disease, ailment, deformity, defect, or injury; or
- (d) prescribe or administer any treatment, or perform any operation or manipulation, or apply any apparatus or appliance, for the cure, treatment, or prevention, of any human disease, ailment, deformity, defect, or injury; or

(e) act as the assistant or associate of any person who practises or pretends to practise medicine as herein set out.

(2) Subsection (1) of this section shall not apply to—

(a) any person acting under the direction or supervision of a medical practitioner; or

(b) any person who is registered or licensed under any other Ordinance and who, under the authority thereof, performs or provides any service which he is authorised or entitled to perform thereunder; or

(c) any person performing any such service under the authority and supervision of any other person so registered or licensed if permitted or authorised by such Ordinance.

(3) Nothing in this Ordinance shall prevent—

(a) any person from giving necessary medical or surgical aid in cases of urgent need without hire, gain or hope of reward;

(b) the domestic administration of family remedies.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and liable upon summary conviction to a fine of one thousand dollars or to imprisonment for a term of one year or to both such fine and such imprisonment.

(5) In any prosecution under this Ordinance it shall be sufficient proof of an offence under this section if it is proved that the accused has done or committed a single act of unauthorised practice or has committed on one occasion any of the acts prohibited hereunder.

24. (1) Where any member of the Board or any holder of a temporary licence has either before or after he is registered or licensed under this Ordinance been convicted either in Her Majesty's dominions or elsewhere of an offence which, if committed in Trinidad and Tobago, would be punishable on indictment, or is guilty of infamous or disgraceful conduct in a professional respect, such practitioner shall be liable to be dealt with in the manner hereinafter provided. Discipline.

(2) The Council may, and upon the application of any four members of the Board shall, cause enquiry to be made into the case of a person liable to be dealt with as in this section

provided, and on proof of such conviction or of such infamous or disgraceful conduct may—

- (a) censure or reprimand the medical practitioner concerned; or
- (b) suspend the medical practitioner concerned for a period not exceeding two years; or
- (c) cause the name of such practitioner to be erased from the Register or his temporary licence to be revoked, as the case may be :

Provided that the provisions of this subsection shall not apply in respect of a medical practitioner adopting or refraining from adopting the practice of any particular theory of medicine or research, nor on account of a conviction for a political offence outside Her Majesty's dominions, nor on account of a conviction for an offence which though within the provisions of this section ought not, in the opinion of the Council, either from the trivial nature of the offence, or from the circumstances under which it was committed, to disqualify a person from practising medicine or surgery.

(3) If the Council finds, after due enquiry, that a medical practitioner is suffering from a physical or mental condition that might, if he continues to practise, constitute a danger to the public or to a patient, the Council may suspend the member from practising until such time as in the opinion of the Council such member is able to resume practice.

(4) Notwithstanding the provisions of subsection (2) of this section, if the Council considers that there are reasons or circumstances which render such a course expedient, the Council may, at any time before making an order, suspend the proceedings of the enquiry for a period not exceeding six months, during which the medical practitioner shall be entitled to practise; and at the end of such period the Council may either direct that the proceedings shall be discontinued or make such order as it shall deem proper.

(5) Without restricting the generality of subsections (1) and (2) of this section, every medical practitioner shall be deemed guilty of infamous or disgraceful conduct who—

- (a) wilfully betrays a professional confidence;
- (b) abandons a patient in danger without sufficient cause, and without giving him an opportunity to retain the services of another medical practitioner;
- (c) knowingly gives a false certificate respecting birth, death, notice of disease, state of health, vaccination or disinfection or respecting any matter relating to life, health, or accident insurance;

- (d) divides with another person, who is not a partner, any fees or profits resulting from consultations or surgical operations, without the patient's knowledge and consent;
- (e) is addicted to the excessive use of intoxicating liquors or the excessive or habitual use of opiates or narcotics;
- (f) impersonates another medical practitioner;
- (g) employs in connection with his professional practice an assistant who is not registered or licensed under this Ordinance, or permits a person who is not registered or licensed under this Ordinance to attend or treat patients or to perform operations upon patients in respect of matters requiring professional discretion or skill, or by his presence or advice, assistance or co-operation, enables any such person, whether acting as an assistant or otherwise, to attend or treat any person for any ailment or to perform any operation upon a patient in respect of any matter requiring professional discretion or skill, or who holds out a person who is not registered or licensed under this Ordinance as a person qualified to practise surgery, medicine or obstetrics in Trinidad and Tobago;
- (h) directly or indirectly holds himself out to the public as a specialist or as being specially qualified in any particular branch of medicine and who has not taken a special course in such branch and received a certificate of specialty therein which is recognised by the Council;
- (i) does or fails to do any act or thing, the doing of which or the failure to do which the Council considers to be unprofessional or discreditable.

25. No certificate required to be given pursuant to the provisions of any Ordinance by any physician, surgeon, or licentiate in medicine or surgery, shall be valid unless the person giving the same is a member of the Board or is the holder of a temporary licence. Validity of medical certificates.

26. (1) A member of the Board or the holder of a temporary licence shall be entitled to demand and recover in any Court, with full costs of suit, his reasonable charges for professional aid, advice and visits, and the price of any medicine or medical or surgical appliance rendered or supplied by him to his patients. Recovery of fees and costs of medicines supplied.

(2) No person claiming to be, or describing himself as, or acting in the capacity of, a physician or surgeon shall be allowed to recover in any Court any fees or charges for services or for drugs or medicines supplied unless he is a member of the Board or is the holder of a temporary licence.

Limitation
of actions.

27. No member of the Board or holder of a temporary licence shall be liable to any action for negligence or malpractice in respect of professional services requested or rendered unless such action is commenced within one year from the date when such professional services terminated.

Employment of
assessors and
assistants.

28. A committee appointed by the Council under this Ordinance may for the purpose of the execution of its duties employ, at the expense of the Board, such legal or other assessors or assistants as the committee may think necessary or proper.

Appeal against
refusal to
register,
erasure from
register,
suspension, &c.

29. Any person aggrieved by the refusal of the Council to grant registration or a temporary licence to him, or by the erasure of his name from the Register, or by an order for his suspension under paragraph (b) of subsection (2) of section 24 of this Ordinance or by the revocation or suspension of his licence, may, within three months after the date on which notice is given to him by the Council of such refusal, revocation or suspension, appeal against the Council's decision to a Judge in Chambers who shall give such directions in the matter as he may think proper, including a direction as to the costs of the appeal.

Penalties.

30. Any person who commits an offence under this Ordinance for which no specific penalty is provided shall be liable to a penalty of two hundred dollars, and in case of a continuing offence to a further penalty of ten dollars for each day during which such offence is continued after written notice thereof from the Council.

Authorisation
to prosecute.

31. No conviction shall take place in respect of any prosecution for any offence against this Ordinance unless such prosecution shall have been authorised in writing by the Council under the hand of the Secretary-Treasurer or by the Attorney General; and any authority purporting to be signed by the Secretary-Treasurer shall be received as *prima facie* evidence of such authorisation.

Retention of
services of
barrister or
solicitor.

32. In the prosecution of any person for any offence committed against this Ordinance, it shall be lawful for the Council, if it shall see fit, to employ or instruct any barrister or solicitor

to appear and prosecute in respect of any such offence, and to apply any part of the funds of the Board towards the payment and remuneration of such barrister or solicitor.

33. All penalties incurred under this Ordinance or under any regulation, may be recovered on summary conviction before a Magistrate, who may also award costs. Recovery of penalties.

34. Any sum or sums of money arising from conviction and recovery of penalties imposed by this Ordinance or by any regulation, shall be paid to the Magistrate who shall pay the amount recovered to the Secretary-Treasurer for the use of the Board. Fines for use of Board.

35. The funds or moneys belonging or payable to and collected by the Board under and by virtue of this Ordinance may be applied towards the payment of all expenses incurred in carrying out the provisions of this Ordinance and of all matters incidental thereto. Funds of Board to be used for purposes of Ordinance.

36. The Medical Board Ordinance is hereby repealed. Repeal Ch. 12. No. 2.

Passed in Council this twenty-eighth day of October in the year of Our Lord one thousand nine hundred and sixty.

G. R. LATOUR

Clerk of the Council