

LEGAL NOTICE NO. 226

REPUBLIC OF TRINIDAD AND TOBAGO

PROFESSIONS RELATED TO MEDICINE ACT, 1985

RULES

MADE BY THE COUNCIL AFTER CONSULTATION WITH EACH OF THE  
BOARDS IN ACCORDANCE WITH SECTION 14(8) ESTABLISHED UNDER  
THE ACT AND WITH THE APPROVAL OF THE MINISTER UNDER  
SECTION 7(4) OF THE ACT

THE PROFESSIONS RELATED TO MEDICINE RULES, 2003

1. These Rules may be cited as the Professions Related to Medicine Short title  
Rules, 2003.

PART I

REGISTRATION AND RELATED MATTERS

2. In these Rules “the Act” means the Professions Related to Interpretation  
Medicine Act, 1985. Act, No. 35 of  
1985

3. Every application for registration by a person entitled to be Registration  
registered under section 8 of the Act shall be in writing and shall be requirements  
forwarded to the Registrar together with—

- (a) satisfactory evidence of the Degree, Associate Degree,  
Diploma or Certificate entitling the person to registration;
- (b) a certificate of good character; and
- (c) the fee prescribed by the Council.

4. (1) An applicant who is registered by the Board, shall be granted Award of  
a Registration Certificate which shall be valid for a period of one year. Registration  
Certificate

(2) The Registration Certificate issued by the Board shall be in  
the form set out as Form I of the Schedule, and shall be stamped with Schedule  
Form I  
the seal of the Board.

5. (1) A registered member shall pay to the Council an initial Practice fee  
practice fee of two hundred dollars to engage in the practice for which payable to  
he is registered and thereafter shall pay an annual practice fee of one Council  
hundred dollars.

(2) A registered member who pays the annual practice fee to the  
Council is entitled to a Practice Certificate, which shall be valid for the  
year in which the practice fee is paid.

(3) The practice fee is payable by the 31st March of each year.

(4) A registered member who does not pay the fee by the due date shall incur an additional fee of fifty dollars.

Application  
for  
duplicate  
certificate

6. (1) A registered member may apply to the Council for a duplicate Registration Certificate or a duplicate Practice Certificate where the original is lost or destroyed.

Schedule  
Form II

(2) An application for a duplicate certificate shall be in the form set out as Form II of the Schedule.

(3) A registered member is entitled to a duplicate certificate upon payment of a fee of fifty dollars.

(4) A duplicate certificate shall be clearly marked "Duplicate".

Establishment  
and  
maintenance  
of registers

7. The Registrar shall keep the registers for and on behalf of the Boards containing—

- (a) the name and address of each person who is registered;
- (b) the qualifications at the date of entitlement to registration;
- (c) the date of registration;
- (d) a registration number corresponding with each entry; and
- (e) the date on which the Registration Certificate was issued.

Duty of  
Registrar to  
keep registers

8. The Registrar shall keep accurate registers in accordance with the Act and these Rules.

Alterations of  
registers

9. Upon proof to the Registrar that an entry in the register is incorrect or that the register should be updated, the Registrar may alter that entry in the respective register.

Entry of  
higher or  
additional  
qualifications

10. A person desirous of having higher or additional qualifications entered on the register is entitled to have such qualifications registered, upon proof of the same and on payment of a fee of one hundred dollars.

Erasure,  
restoration,  
removal and  
renewal of  
entry from  
register

11. (1) The Registrar may erase the names of persons who have died and from time to time also make the necessary alterations in the addresses, qualifications and other particulars of registered members.

(2) The Registrar may by letter addressed to any registered member, at his address on the register, enquire whether—

- (a) that person has changed his address; or
- (b) there has been a change in any of the particulars entitling him to registration,

and if there is no response to the inquiry within six months from the posting of the letter, the Registrar shall on the direction of the Board erase from the register any entry relating to that person.

(3) Where a person is aggrieved at the decision of the Registrar to erase the person's name from the register under subrule (2), the name may be restored to the register upon the person's application, if the person provides the Registrar with a new address or gives a satisfactory explanation for the delay in responding to the enquiry made under subrule (2).

(4) Where a registered member, on whom a demand has been made in the prescribed manner, for the payment of any fee payable by him, fails to pay the fee within two months from the date of the demand, the Council may direct the Registrar to remove the person's name from the register.

(5) The Registrar shall restore the name of a person to the register, where his name has been removed from the register under subrule (4), for non-payment of any fee and the fee is paid to the Registrar, before the expiration of the year in respect of which the fee is payable, or such longer period as the Council shall allow.

(6) Where a registered member notifies the Board that he has ceased to practise in Trinidad and Tobago, the Council shall direct the Registrar to remove the person's name from the register.

(7) Where a name removed from the register under subrule (2), is restored thereto under subrule (4), the restoration shall, if the Council so directs, have effect from the date of the removal of the name.

(8) Where the Registrar refuses any application under subrule (3), the Registrar shall notify the applicant in writing of his reasons for refusing the application, and any such notification may be sent by post, or given to the applicant personally.

12. Any register may be inspected at the registered office of the Council from 9.00 a.m. to 3.00 p.m., Mondays to Fridays on payment of a fee of five dollars. <sup>Inspections of registers</sup>

Review of fees  
by Council 13. Fees referred to in these Rules may be reviewed from time to time by the Council, and shall be approved by the Minister, who shall cause such fee to be published by Order in the *Gazette*.

## PART II

### DISCIPLINARY COMMITTEE

Interpreta-  
tion 14. In this Part “Committee” means the “Disciplinary Committee” established under section 14 of the Act.

Suit at the  
instance of  
parties 15. Any party to the proceedings may issue a writ of subpoena *ad testificandum* or a writ of *subpoena duces tecum* but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

Investigation  
of complaints  
by the  
Disciplinary  
Committee 16. (1) The Committee shall be directed by the Council to make an enquiry into any complaint in accordance with section 16 of the Act.

(2) Where the Committee is directed by the Council to make an enquiry, it shall—

- (a) notify the registered member concerned, of the complaint and invite him to give his observations before the end of a period of twenty-eight days, commencing on the day on which notice of the complaint is served on him;
- (b) take such steps as are reasonably practicable to obtain as much information as possible about the case; and
- (c) consider, in light of the information which it has been able to obtain and any observation duly made by the registered member, whether in its opinion there is a case to answer.

(3) A notification under subrule (1)(a), which is required to be served on a registered member, may be served by being delivered personally, or being sent by registered post or by recorded delivery service.

(4) For the purposes of this rule, notification shall be deemed to be properly addressed if it addressed to the person at the address stated in the register.

17. (1) A person making a complaint under section 16(1) shall be a party to the proceedings. Complainant to be party to proceedings

(2) A complaint to the Council of any matter listed in section 16(1) of the Act, shall be in writing under the hand of the person making the complaint, and shall be sent to the Council together with an affidavit by the applicant, stating the matters of fact on which he relies to support his complaint.

(3) Before making a determination to direct the Committee to investigate the complaint, the Council may require the applicant to supply such further information and documents relating to the complaint as it thinks fit.

(4) Where the Committee has been directed to investigate a complaint and in the opinion of the Committee, no *prima facie* case is shown, the Committee may without requiring the person concerned to answer the allegations, dismiss the complaint and notify the applicant and the person concerned of the dismissal.

(5) In any case in which in the opinion of the Committee a *prima facie* case is made out, the Committee shall fix a date for the hearing and the Registrar shall serve notice thereof, in accordance with section 16(3) of the Act on the registered member concerned, who shall be served a copy of the complaint and affidavit.

(6) The period of notice shall not be less than twenty-eight days.

(7) The Committee may also serve notice of any witness in accordance with section 16(4) of the Act.

18. The notice to which rule 17(3) relates, shall require the applicant and the person concerned to furnish the Committee and each other, with a list of all documents on which they respectively propose to rely, at least fourteen days before the date of the hearing. Requirement of notice

19. A party may inspect the documents included in the list furnished by the other party, and a copy of any document mentioned in the list of either party shall, on the application of the party requiring it, be furnished to that party within three days after receipt of the application. Inspections of documents

Discretion to act upon affidavit evidence 20. The Committee may in its discretion either as to the whole case or as to any particular facts, proceed and act upon evidence given by affidavit.

Summons of deponent to appear before the Committee 21. Where the Committee proceeds to act upon evidence given by affidavit in accordance with rule 20, a party to the proceedings may require a deponent to an affidavit to be summoned to appear before the Committee, unless the Committee is satisfied that the affidavit is purely formal and the requirement of the appearance of the dependent is made with the sole object of causing delay.

Hearing of applications 22. The Committee shall hear all applications in private.

Adjournment of hearing 23. The Committee may, of its own motion, or upon the application or either party, adjourn the hearing to such time as may be convenient to all parties.

Appointment of secretary 24. The Committee shall appoint one of its member as its secretary.

Functions of secretary 25. (1) Notes of proceedings shall be taken by the secretary or other person appointed by the Committee, and any party who appeared at the proceedings shall be entitled to inspect the original or certified copy thereof.

(2) Every person entitled to be heard upon an appeal against an order of the Committee under section 19 of the Act, shall be entitled to a copy of such notes on the payment of the fees prescribed by the Council.

(3) All affidavits shall be filed and kept by the secretary.

(4) The Committee may order that any books, papers or other exhibits produced or used at a hearing shall be retained by the secretary until the time for appealing has expired, and, if notice of the appeal is given, until the appeal is heard or otherwise disposed of.

Place and proof of service 26. Service of any notice or document required by these Rules, may be effected by registered letter addressed to the last known place of abode or business of the person to be served, and proof that the letter was so addressed and posted shall be proof of service.

27. Notwithstanding anything to the contrary, the Committee may extend or abridge the time for doing anything under these Rules.

Extension and abridgement of time

28. (1) Subject to rule 29, all proceedings before the Committee shall take place in the presence of all the parties concerned.

Proceedings to take place in the presence of all parties

(2) Notwithstanding subrule (1), if either or both parties fail to appear at the hearing, the Committee may, upon proof of service of the notice of the hearing, proceed to hear and determine the application in his or their absence.

29. All parties to the inquiry may appear in person or may be represented at the hearing.

Appearance of parties at the hearing

30. (1) the Council shall appoint a legal advisor to the Committee.

Appointment and responsibility of legal advisor

(2) The legal advisor appointed to the Committee in accordance with section 16 of the Act, shall—

- (a) be present at all proceedings of the Committee;
- (b) advise the Committee on any question of law, admission of evidence and procedure;
- (c) inform the Committee forthwith of any irregularity in the conduct of its proceedings; and
- (d) tender his advice to the Committee in the presence of every party or person representing a party to the proceedings who appears at the proceedings.

(3) Where the Committee fails to accept the advice of the legal advisor, a record shall be made of the question referred to him, of the advice given and of the Committee's refusal to accept it, together with the reasons for such refusal, and a copy of the record shall be given to every party or person representing a party to the proceedings who appears at the proceedings.

(4) Where the advice of the legal advisor is tendered while the Committee is deliberating in private, that advice shall be given to every party or person representing a party to the proceedings who appears at the proceedings.

31. Where the findings and the order of the Committee are not pronounced on the date of the hearing, notice shall be given to the parties of the date when the findings shall be pronounced and the order shall be made.

Notice to parties of date of pronouncement of findings

32. Where at the conclusion of an enquiry by the Committee, it is of the view that the complaint is proved, the Committee shall make a recommendation in accordance with section 16(7) of the Act.

Conclusion of enquiry

PROFESSIONS RELATED TO MEDICINE ACT, 1985

SCHEDULE

[RULE 4(2)]

FORM I

REGISTRATION CERTIFICATE

COUNCIL FOR THE PROFESSIONS RELATED TO MEDICINE IN  
TRINIDAD AND TOBAGO

ADDRESS OF REGISTERED OFFICE

THIS CERTIFIES THAT .....

.....

of .....

was duly registered to practise ..... in Trinidad and Tobago

on the ..... day of ....., 20.....

Registration No. ....

.....  
*President*

.....  
*Secretary*

PROFESSIONS RELATED TO MEDICINE ACT, 1985

SCHEDULE

[Rule 6(2)]

FORM II

COUNCIL FOR THE PROFESSIONS RELATED TO MEDICINE IN  
TRINIDAD AND TOBAGO

Address of Registered Office ..... Fee .....

Certificate No. ....

Date Granted .....

APPLICATION FORM FOR DUPLICATE CERTIFICATE OF REGISTRATION

I hereby apply for a Duplicate Certificate of Registration.

I enclose the sum of \$..... for the Certificate requested.

Reason(s) for request .....

.....

.....

Date ..... Signed .....

Approved this 8th day of October, 2003.

C. IMBERT  
*Minister of Health*

Made this 30th day of September, 2003.

A. TRINIDADE  
*Chairman Council*

Approved by the House of Representatives this 31st day of  
October, 2003.

J. SAMPSON-JACENT  
*Clerk of the House*

Approved by the Senate this 11th day of November, 2003.

D. DOLLY  
*Clerk of the Senate*