

PROFESSIONS RELATED TO MEDICINE ACT

CHAPTER 90:04

Act
35 of 1985

Current Authorised Pages

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CHAPTER 90:04

PROFESSIONS RELATED TO MEDICINE ACT

**An Act to provide for the establishment of a Council, Boards
and a disciplinary committee for certain professions
related to medicine; and for purposes incidental thereto.**

[1ST FEBRUARY 1993]

Commencement.
[18/1993].

WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly: Preamble.

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect notwithstanding sections 4 and 5 of the Constitution:

1. This Act may be cited as the Professions Related to Medicine Act. Short title.

PRELIMINARY

2. (1) In this Act— Interpretation.
“Board” means a board constituted under section 5;
“Council” means the Council for Professions Related to Medicine established under section 3(1);
“notice” means a notice in writing;
“profession” means a profession specified in the First Schedule; First Schedule.

“register” means a register established under section 7(1) in respect of the particular profession in relation to which the word is used and “registered” and “registration” have corresponding meanings;

“Registrar” means the Registrar appointed by the Council under section 6(1).

(2) For the purposes of this Act “the initial period” in relation to a Board, means the period expiring eight months after such date as the Council may by order determine as that on which the Board’s register is established.

PART I

ESTABLISHMENT OF A COUNCIL AND BOARDS FOR CERTAIN PROFESSIONS RELATED TO MEDICINE

The Council for professions related to medicine and the Boards.

3. (1) There shall be a body to be called the Council for Professions Related to Medicine which shall have the function of co-ordinating and generally guiding and supervising the activities of the Boards constituted under this Act, and the additional functions assigned to it by this Act.

Establishment of Boards.
First Schedule.

(2) For each of the Professions specified in the First Schedule there shall be established a Board with the title specified in the second column which shall have the functions assigned to it by this Act.

(3) The Council shall perform its function of co-ordinating and generally guiding and supervising the activities of the Boards—

- (a) by making to each Board, or inviting the Board to make to the Council, proposals as to the activities to be carried on by the Board or Boards;
- (b) by recommending a Board to carry on such activities, or to limit its activities in such manner, as the Council considers appropriate after consultation with the Board on such proposals;
- (c) by concerning itself with matters appearing to it to be of special interest to any one or more of the Boards, and by giving the Boards such advice and assistance as it thinks fit with respect to such matters;

- (d) by formulating a code of ethics which, after consultation with the Board for a particular profession and subject to the approval by Order of the Minister, shall be deemed to be the rules of good conduct for that profession;
- (e) by exercising its duties, functions and powers under this Act so as to promote high standards of professional education and professional conduct by arranging where appropriate courses of training for each profession and in such manner as the Council considers most conducive to the satisfactory performance by each Board of the Board's functions under this Act.

4. (1) Subject to the provisions of this Act, the Council shall consist of the following members:

Constitution of
the Council.

- (a) two registered medical practitioners appointed by the Council of the Medical Board of Trinidad and Tobago;
- (b) three persons appointed by the Minister of whom—
 - (i) two shall be specially qualified for the appointment by reason of experience relating to the related professions specified in the First Schedule; and
 - (ii) one shall be a representative of the Ministry of Health;
- (c) one person representative of the University of the West Indies who shall be a citizen of Trinidad and Tobago appointed by the Faculty of Medicine of that University,

First Schedule.

and two representative members of each Board (hereafter referred to as "representative members") who shall be appointed by the respective Boards constituted under this Act from among their members save that during the initial period such members shall be appointed in accordance with subsection (3).

(2) Each Board may appoint two persons to act as additional members of the Council (without the right to vote) at a meeting at which the Council is considering a matter appearing to the Council to be of special interest to registered members of the profession for which the Board is established.

(3) During the initial period as respects a Board the representative members who are required to be appointed from among their members shall instead be appointed by the Minister from among the members of the relevant profession after consultation with members thereof.

(4) The Council shall be a body corporate.

Constitution of
the Boards.

5. (1) Subject to this Act, each Board for a profession shall consist of not more than ten members who shall be chosen by members of that profession from among their members to represent the members of that profession (hereafter referred to as “Board members”).

(2) The Board members taking office after the initial period shall be registered members of that profession chosen by secret ballot by the registered members of that profession at a meeting summoned by notice in writing by the chairman of the relevant Board of that profession.

(3) A meeting summoned by the chairman under subsection (2) shall be convened not less than 21 clear days after the date of the issue of the notice summoning such meeting. The chairman shall not have an original vote but in the event of a tie in the votes cast at such meeting, he shall have a casting vote.

(4) The Board members taking office during the initial period shall be appointed by the Minister after consultation with members of the relevant profession.

(5) Each Board shall be a body corporate.

Officers and
servants.

6. (1) The Council (but not a Board) shall appoint a Registrar and such other officers and servants on such terms as to remuneration, pensions or otherwise as the Council may, with the

consent of the Minister, determine; and the Council shall make such arrangements as it thinks appropriate for the services of officers and servants appointed by it to be available to the Boards and to any committees of the Council or a Board.

(2) The supplementary provisions contained in the Second Schedule shall have effect (so far as applicable) with respect to the Council and the Boards.

Second
Schedule.

PART II

REGISTRATION OF MEMBERS OF THE RELATED PROFESSIONS

7. (1) It shall be the duty of each Board to prepare, establish and maintain a register of the names, addresses and qualifications, and such other particulars as may be prescribed by Rules made under subsection (4), of all persons who are entitled in accordance with the provisions of this Act to be registered by the Board and who apply in the prescribed manner to be so registered.

Establishment
and maintenance
of registers and
Rules.

(2) For the purposes of this Act a person is registered by a Board in respect of a profession if his name is on the register maintained in accordance with this Act.

(3) A Board may direct the Registrar to refuse to enter a name in its register, or to refuse to restore a name to its register, until the fees prescribed by Rules made under this section for entry or restoration of such name in the register have been paid.

(4) The Council may, after consultation with all the Boards for the time being established under this Act, and with the approval of the Minister, make Rules with respect to the form and keeping of the registers maintained on behalf of the Boards and the making of entries, alterations and corrections therein, and in particular—

- (a) for regulating the making of applications for registration and providing for the evidence to be produced in support of applications;
- (b) for providing for the notification to a Board of any change in the particulars entitling a person to registration;

- (c) for prescribing the fees to be paid in respect of the entry or retention of names on the register, being such fees as the Council considers will produce not more than the sums required to defray the reasonable expenses of the Council under this Act;
- (d) for authorising the Registrar to remove from the register the name of any person who is deceased or is no longer practising in Trinidad and Tobago or fails to supply the Registrar with an address at which he can be found, or who, after the prescribed notices and warnings, fails to pay any fee prescribed for the retention of his name on such register or fails to notify the Board of any change in the particulars entitling him to registration;
- (e) for prescribing anything requiring to be prescribed under the foregoing provisions of this section,

and any such Rules may make different provisions for different circumstances.

(5) Rules made under subsection (4) shall be subject to affirmative resolution of Parliament.

(6) It shall be the duty of the Registrar—

- (a) to cause the register of each Board to be published in the *Gazette* not later than one year from the beginning of the year next following that in which the Board is established;
- (b) to cause in each year after that in which the register of each Board is first published under paragraph (a), to be published in the *Gazette* a corrected copy of the register; and
- (c) to cause a copy of the register of each Board made for the purposes of paragraphs (a) and (b) to be deposited at the offices of the Council,

and it shall be the duty of the Council to keep the copies of the registers so deposited open at all reasonable times for inspection by members of the public.

(7) A document purporting to be a copy of a register published in the *Gazette* by authority of the Registrar in the current year, or documents purporting to be copies of a register so published in a previous year and of a list of the corrections to that register so published in the current year shall be admissible in any proceedings as evidence that any person specified in the document, or documents read together, as being registered by the Board is so registered, and that any person not so specified is not registered by the Board.

8. (1) Subject to section 17 and to Rules under section 7 (4), a person is entitled to be registered by a Board if he applies for registration after such date as the Board may by Order appoint for the purposes of this section and satisfies the Board—

Qualifications
for registration.

- (a) that he has attended a course of training approved by the Council under section 9; and
- (b) that the course was conducted at an institution so approved, or partly at one such institution and partly at another or others; and
- (c) that he holds a qualification so approved.

(2) Subject to section 17 and to Rules under section 7(4), a person is entitled to be registered by a Board if he applies for registration on or before the date appointed under subsection (1) and satisfies the Board that—

- (a) he holds a qualification granted in Trinidad and Tobago for the time being accepted for the purposes of this section by the Council and if the Council so requires, that he has had sufficient practical experience in the relevant profession; or
- (b) he has had such training in practical experience in the relevant profession in Trinidad and Tobago as the Council considers are together sufficient to enable the applicant to practise that profession,

and he is so entitled if he applies for registration after the date appointed under subsection (1) and satisfies the Board that on that date he satisfied the requirements of either paragraphs (a) or (b) of this subsection.

(3) If a Board refuses an application for registration made in pursuance of subsection (2), or neither grants nor refuses such application before the expiration of three months from the date of the application, the applicant may appeal to the Council in accordance with Rules made by the Council with the approval of the Minister and subsection (2) shall apply for the purposes of the appeal as if for the reference to satisfying the Board there is substituted a reference to satisfying the Council.

(4) Subject to the foregoing provisions of this section, a person is entitled to be registered by a Board if he satisfies the Board—

- (a) that he holds a qualification granted outside Trinidad and Tobago and for the time being accepted for the purposes of this subsection by the Council; and
- (b) if the Council so requires, that he has had sufficient practical experience in the relevant profession.

Approval of
courses,
qualifications
and institutions.

9. (1) Subject to subsection (2), the Council, after consultation with the Board for any profession, may approve for the purposes of this Act—

- (a) any course of training which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession and which persons having such preliminary qualifications as the Council considers appropriate are eligible to attend;
- (b) any qualification which, as the result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill to practise that profession;

- (c) any institution which the Council considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the Council under this section,

and may refuse its approval under this section or withdraw such an approval previously given; and notice of the giving, refusal or withdrawal of such an approval shall be served by the Council on the body or person affected.

(2) Where an application is made to the Council for its approval under this section for a course of training or a qualification, the Council shall send the application to the Board concerned and that Board shall return the application with its recommendations to the Council and the Council shall send the application and recommendations, together with its own recommendations thereon, to the Minister and the Minister shall determine whether the approval is to be given or refused but before determining that an approval is to be refused, the Minister shall afford the applicant an opportunity of making representations to him with respect to the application and the recommendations of the Council and the Board thereon.

(3) If the Council proposes after consulting the Board concerned that its approval under this section for a course of training or a qualification should be withdrawn, the Council shall report the matter with its observations thereon to the Minister, and the Minister shall, after affording the Board concerned an opportunity of making observations on the proposal, decide whether the proposal shall be abandoned or shall be proceeded with in accordance with this section.

(4) Where the Minister decides under subsection (3) that a proposal shall be proceeded with, the Council shall serve notice on the body or person affected stating that a withdrawal of the approval in question is being considered and inviting that body or person to send to the Council in writing, within one month from the date of the notice, any representations which that body or person may wish to make to the Minister against the withdrawal.

(5) Where no such representations are received by the Council within the month specified in subsection (4), the Minister may, if he thinks fit, direct the Council to withdraw the approval; and where such representations are so received—

- (a) the Council shall send the representations to the Board concerned and require the Board to send its observations thereon to the Council;
- (b) the Council shall send the representations and the Board's observations, together with its own observations thereon, to the Minister, and shall serve a copy of its own observations on the body or person affected; and
- (c) the Minister, after affording the body or person affected an opportunity of making additional representations on the observations of the Council and the Board, shall determine whether the approval is to be withdrawn and shall give directions to the Council accordingly.

(6) Any reference in this section or in section 10 to a body or person affected, in relation to an approval, is a reference to the body or person who applied for the approval.

Appeal from a refusal or withdrawal of approval of institution.

10. (1) If the Council refuses or withdraws its approval under section 9 for an institution, the body or person affected may, within one month from the date of service on him of the refusal or withdrawal, appeal to the Minister and the Minister, after affording the Council, the Board concerned and the said body or person an opportunity of making observations on the case and after considering any representations of the said body or person on the observations of the Council and the Board, shall either dismiss or allow the appeal and, where he allows an appeal against a refusal or withdrawal, he shall direct the Council to give that approval.

(2) If before the expiration of six months from the date of an application for approval under section 9 for an institution the approval has not been given or refused, the applicant shall be deemed to have received notice of its refusal on the expiration of

that period; and such refusal shall not take effect until the expiration of the month mentioned in subsection (1) and, if within that month the body or person affected gives notice to the Minister of an appeal under this section against the refusal, the refusal shall not take effect unless and until the appeal is dismissed or abandoned.

(3) The withdrawal of an approval under sections 9 and 10 shall not prejudice the registration or entitlement to registration of any person who was registered or entitled to registration by virtue of that approval immediately before it was withdrawn.

11. (1) The Council shall keep itself informed of the nature of—

- (a) the instructions given at approved institutions to persons attending approved courses of training; and
- (b) the examinations as the result of which approved qualifications are granted.

Supervision of approved institutions and of examinations for approved qualifications.

(2) For the purpose of its duty under subsection (1), the Council may appoint persons to visit approved institutions or to attend examinations as a result of which approved qualifications are granted.

(3) A visitor appointed under this section shall report to the Council as to the sufficiency of the instructions given to persons attending approved courses of training at the institutions visited by him, and as to any other matters relating to the institutions or examination on which the Council may, either generally or in a particular case, request him to report.

(4) The Council may pay to visitors appointed under this section remuneration and travelling and subsistence allowances at such rates as the Council may, with the consent of the Minister, determine.

(5) It shall be the duty of the Council to maintain a list of approved institutions, approved courses of training and approved qualifications and to cause copies of the list so maintained to be exhibited at all reasonable times for inspection by members of the public.

(6) In this section the expression “approved” means approved by the Council under section 9.

Use of titles.

12. (1) A person who is registered shall be entitled to use the title of Registered Physiotherapist or Registered Radiographer (and similarly for the other professions) according to the profession in respect of which he is registered.

(2) Any person who—

(a) practices or advertises his service as a physiotherapist, and similarly as respects the other professions, when his name is not on the register established under this Act in respect of that profession;

(b) takes or uses either alone or in conjunction with any other words, the title of Registered Physiotherapist, or Physiotherapist and similarly as respects the other professions, when his name is not on the register established under this Act in respect of that profession; or

(c) takes or uses any name, title, addition or description falsely implying, or otherwise pretends that his name is on a register established under this Act,

is liable on summary conviction to a fine of five thousand dollars, and in the case of a second or subsequent conviction, to a fine of ten thousand dollars.

Penalty for false representations, etc., to obtain registration.

13. Any person who procures or attempts to procure the entry of any name on a register established under this Act by wilfully making or producing or causing to be made or produced, either verbally or in writing, any declaration, certificate or representation which he knows to be false or fraudulent, is liable on summary conviction to a fine of five thousand dollars.

PART III

DISCIPLINE AND APPEALS

14. (1) For the purposes of this Act, there shall be a Committee to be known as the Disciplinary Committee of the Professions Related to Medicine which shall be charged with the duty of considering and determining any matter assigned to it under section 16.

Disciplinary
Committee and
procedure of
Disciplinary
Committee.

(2) The Disciplinary Committee shall be appointed by the Council. It shall consist of the member of the Council appointed under section 4(1)(b)(ii), one other member of the Council together with two representative members of the Board concerned and one representative member of the other Boards as the Council may from time to time determine.

(3) The Disciplinary Committee shall appoint one of its members to be the Chairman of the Committee.

(4) Subject to subsections (2) and (3), the Council may from time to time remove from office any member of the Disciplinary Committee or fill any vacancy in the membership of the Committee, or appoint any additional member or members of the Committee.

(5) At all meetings of the Disciplinary Committee four members shall form a quorum or such other number as may from time to time be prescribed by Order of the Minister for the purposes of this section.

(6) The Chairman shall preside at all meetings of the Disciplinary Committee and shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(7) For the purposes of section 16(3), the person concerned may, if he so desires, be represented by an Attorney-at-law or otherwise.

(8) The Council may, after consultation with each of the Boards, and with the approval of the Minister make Rules as to the procedure to be followed and the Rules of evidence to be observed in proceedings before the Disciplinary Committee, and in particular—

(a) for securing that notice that the proceedings are to be brought shall be given, at such time and in

such manner as may be specified by the Rules, to the person alleged to be liable to have his name removed from the register;

- (b) for determining who in addition to the person aforesaid, shall be a party to the proceedings;
- (c) for requiring, in cases where it is alleged that a person is guilty of infamous or disgraceful conduct in any professional respect, that where the Committee judges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
- (d) for securing that where a legal adviser advises a Disciplinary Committee on any question of law as to evidence, procedure or any other matters specified by the Rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Committee is deliberating in private, that every such party or person as aforesaid shall be informed what advice the legal adviser has tendered;
- (e) for securing that every such party or person as aforesaid shall be informed if in any case the Committee does not accept the advice of the legal adviser on such a question as aforesaid.

(9) Except as expressly provided in this Act or in Rules made under subsection (8), the Disciplinary Committee may regulate its procedure in such manner as it thinks fit.

Power of Council to appoint legal adviser.

15. (1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before it there shall in all such proceedings be a legal adviser to the Disciplinary Committee who shall be an Attorney-at-law of not less than five years standing.

(2) The power of appointing a legal adviser for the Disciplinary Committee shall be exercisable by the Council after consultation with the Boards.

(3) A legal adviser may be appointed pursuant to this section either generally or for any particular proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(4) The Council may pay to a legal adviser appointed pursuant to this section remuneration at such rate as may be determined by the Council with the consent of the Minister.

16. (1) If a complaint is made to the Council, or the Council has reason to believe that any person registered under this Act—

Complaints
against persons
registered.

- (a) has been convicted by any Court in Trinidad and Tobago of any offence punishable on indictment; or
- (b) has been convicted by any Court outside of Trinidad and Tobago of any offence which, if committed in Trinidad and Tobago, would render such person liable to conviction on indictment, or
- (c) has been guilty of infamous or disgraceful conduct in a professional respect,

the Council may direct the Disciplinary Committee to make enquiry under this section.

(2) For the purposes of the enquiry the Disciplinary Committee may make or employ any person to make whatever preliminary enquiries it considers necessary.

(3) Before the Disciplinary Committee makes any final determination on any matter which it investigates under this section, it shall cause to be served on the person concerned a notice specifying the grounds of the complaint with sufficient particularity to enable him to answer the complaint and requiring him to appear before the Disciplinary Committee at a time and place specified in the notice and it shall also give him a reasonable opportunity of being heard.

Third Schedule.

(4) The Disciplinary Committee may cause to be served on any witness whom the Disciplinary Committee may consider should be heard, a notice in the form set out in the Third Schedule requiring him to appear before the Disciplinary Committee at the enquiry at the time and place specified in the notice and may in the notice call for the production of documents; and a witness may be sworn by the Chairman of the Disciplinary Committee and may be subject to examination, cross-examination and re-examination as nearly as may be as if he were a witness in an ordinary action.

(5) Any person who refuses or fails, without sufficient cause, to attend at the time and place mentioned in the notice served on him, and any person who attends, but leaves the enquiry without the permission of the Disciplinary Committee, or refuses without sufficient cause to answer or to answer fully and satisfactorily to the best of his knowledge and belief, all questions put to him by or with the concurrence of the Disciplinary Committee, or refuses or fails without sufficient cause to produce any documents in his possession, or under his control, and mentioned or referred to in the notice served on him, is liable on summary conviction to a fine of two thousand dollars.

(6) No person giving evidence before the Disciplinary Committee shall be compellable to criminate himself, and every such person shall, in respect of any evidence given by him before the Disciplinary Committee, be entitled to all privileges to which a witness giving evidence before the High Court is entitled in respect of evidence given by him before such Court.

(7) If after the investigation of any complaint under this section the Disciplinary Committee is of the opinion that the complaint has been proved, it may recommend to the Council that it exercise such of the disciplinary powers conferred on it by section 17 as the Disciplinary Committee thinks fit.

Disciplinary powers of Council.

17. (1) On receiving a recommendation of the Disciplinary Committee under section 16, the Council may in its discretion give effect to the recommendation, wholly or partly, or may take any other action under subsection (2) that is not more severe than that recommended by the Committee.

(2) The disciplinary powers which the Council may exercise in respect of any person registered under this Act shall be any one or all of the following:

- (a) to censure or reprimand the person concerned;
- (b) to order that the name of the person concerned be removed from the register;
- (c) to suspend the person concerned from any rights or privileges under this Act for a period not exceeding two years.

(3) While an order of suspension under this section remains in force the person to whom it relates shall, for all purposes of this Act, not be entitled to use the title of Registered Physiotherapist or Registered Radiographer (and similar for the other professions) but forthwith on the expiry of the order his entitlement to the use thereof shall be revived with effect from the date of expiry.

(4) No disciplinary power shall be exercised by the Council under this section over any person registered under this Act by reason of any conviction for a political offence nor on account of a conviction for an offence which though within the provisions of section 16(1)(a) or 16(1)(b) 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, cause the disqualification of a person from practising a profession; nor on account of a conviction for an offence committed before the date of such person's registration, if at that date the Council was aware of his conviction for that offence.

(5) Every decision made by the Council under this section shall be in the form of an order signed by the Chairman of the Council and shall contain a statement of the decision and reasons therefor of the Council in relation to the case and a copy of the order shall be forwarded to the person against whom the order was made, to the Chairman of the Disciplinary Committee and to the Board concerned.

(6) When the Council orders that a person's name shall be removed from a register pursuant to this section the Board concerned shall, subject to the provisions of this Act, cause effect to be given to such order.

(7) A person whose name is removed from a register pursuant to an order under this section shall not be entitled to be registered in that register again except in pursuance of an order in that behalf, made by the Council on the application of that person to the Council for the restoration of his name to the register, and an order by the Council on the application of that person; and an order under this section for the removal of a person's name from a register may prohibit an application under this subsection by that person until the expiration of such period from the date of the order (and where he has duly made such an application, from the date of his last application) as may be specified in the order.

(8) An order for removal of a name from the register shall take effect—

- (a) where no appeal under section 19 is brought against the order within the time limited for the appeal, on the expiration of that time;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and not otherwise.

Infamous
conduct in a
professional
respect.

18. Without restricting the generality of section 16(1)(c) each Board shall prepare (and from time to time revise) in consultation with the Council, a statement as to the kind of conduct which it considers to be infamous or disgraceful conduct in a professional respect, and the Board shall send by registered post to each registered member of the profession, at his address on the register, a copy of the statement as for the time being revised.

19. The person to whom an order under section 17 relates may, at any time within twenty-eight days from the date of service on him of the order, appeal against the order only on a point of law to a Judge in Chambers who may give such directions in the matter as he may think proper, including an order as to the costs of the appeal and the Council and the Board concerned may appear as respondents on any such appeal and, for the purpose of enabling directions to be given as to the costs of the appeal, shall be deemed to be parties thereto whether or not they appear on the hearing of the appeal.

Appeal against direction to remove name from register.

PART IV

MISCELLANEOUS

20. (1) If the Council considers it appropriate, after consulting any existing Boards appearing to the Council to be concerned—

Power to extend or restrict application of Act.

(a) that this Act should be extended to a profession that appears to the Council to be allied to medicine and is not specified in the First Schedule;

First Schedule.

(b) that having regard to changes in the activities usually carried on by persons practising a profession specified in the First Schedule, this Act should cease to extend to that profession; or

First Schedule.

(c) that in view of the amalgamation or proposed amalgamation of a profession mentioned in the First Schedule with another profession or other professions (whether so mentioned or not), a single Board with a name appropriate for the amalgamated professions should be established under this Act,

First Schedule.

the Council shall make a recommendation to that effect to the Minister.

(2) If the Minister, after consulting any existing Boards appearing to him to be concerned, agrees with a recommendation made pursuant to subsection (1) he may, by Order, amend or vary the First Schedule and any such Order may contain such transitional, incidental and supplementary provisions as the Minister may consider necessary or expedient.

First Schedule.

(3) No Order shall be made under this section unless a draft of the Order has been laid before Parliament and approved by resolution of both the Senate and the House of Representatives.

Default powers
of Minister.

21. (1) If it appears to the Minister, either in consequence of representations made to him or for any other reason, that the Council or a Board has failed either generally or in a particular case to do, or to do satisfactorily, anything which under this Act that body has power or a duty to do, the Minister may, if he thinks fit, subject to subsection (3), direct that body to do that thing in such manner and within such period, as may be specified by the directions and any such directions shall be enforceable by *mandamus* on the application of the Minister.

(2) Instead of proceeding to enforce such directions by *mandamus*, the Minister may if he thinks fit—

- (a) in the case of directions to a Board, order the Council to give effect to the directions; or
- (b) in any case, himself give effect to the directions and recover from the Council as a simple contract debt any expenses certified by him to have been incurred in doing so.

(3) The power to give directions under this section shall not include power to give directions with respect to a Board's function under section 8.

(4) Any expenses of the Minister under this section shall be defrayed out of moneys provided by Parliament.

Notices.

22. Any notice or other document authorised to be served under this Act may, without prejudice to any other method of service but subject to any provision to the contrary in Rules under this Act, be served by post.

FIRST SCHEDULE

Section 2.

FIRST COLUMN	SECOND COLUMN
Physiotherapists	Physiotherapists Board
Radiographers	Radiographers Board
Medical Laboratory Technicians	Medical Laboratory Technicians Board
Nutritionists and Dietitians	Nutritionists and Dietitians Board
Speech and Occupational Therapists	Speech and Occupational Therapists Board
Medical/Psychiatric Social Workers	Medical/Psychiatric Social Workers Board

SECOND SCHEDULE

Section 6.

**SUPPLEMENTARY PROVISIONS RELATING TO THE
COUNCIL AND BOARDS**

TENURE OF OFFICE, ETC., OF MEMBERS AND CHAIRMAN

1. (1) Subject to paragraph 3, the members (other than representative members) of the Council taking office, shall hold office for three years.

(2) Subject to paragraph 3, the representative members of the Council taking office during the initial period shall hold office until the end of that period as respects that Board and thereafter shall hold office for one year.

(3) Subject to paragraph 3, a Board member taking office during the initial period shall hold office until the end of that period as respects that Board and thereafter shall hold office for three years.

2. (1) A member of the Council or a Board who is appointed by the Minister may resign his office at any time by written notice to the Minister, a copy of which shall be forwarded by the member to the Registrar and any other member may do so by written notice to the Registrar.

(2) A member of the Council or a Board whose name is removed from any register maintained under this Act shall be deemed to have relinquished his office.

(3) A representative of the Council appointed by a Board who ceases to be a representative member of that Board shall be deemed to have relinquished his office on the Council.

(4) When a member of the Council or a Board ceases to hold office otherwise than by retirement his place shall be taken—

- (a) in the case of a Board member by a person chosen or appointed in the same manner and satisfying the same requirements of this Act as the member in question;
- (b) in any other case, by a person appointed in the same manner and satisfying the same requirements of this Act as the member in question.

(5) A person taking office by virtue of subparagraph (4) shall retire when the person whose place he takes would normally have retired.

3. (1) One of the members of the Council appointed by the Minister shall be designated by the Minister as the Chairman of the Council, and a Board shall appoint one of its members to be the Chairman of the Board.

(2) The Chairman of the Council or a Board shall hold office as such until the expiration of the period determined by the Minister or the Board, as the case may be, or until he ceases to be a member of the Council or Board, whichever first occurs, and until a successor shall have been duly designated or appointed in his stead and shall then retire from that office.

4. A person retiring from or resigning office as the Chairman or a member of the Council or a Board shall be eligible to hold that office again.

5. The powers of the Council or a Board or any committee thereof may be exercised notwithstanding any vacancy in its membership, and no proceedings of such a body shall be invalidated by any defect in the selection of a person to be a member of that body.

COMMITTEES

6. (1) The Council, or a Board with the approval of the Council, may appoint one or more committees to carry out, on behalf of the Council or Board such of the functions of the Council or Board as that body may determine.

(2) A committee appointed under this paragraph shall consist of the number of members determined by the body appointing it and not more than one-third of the members may be persons who are not members of that body; and a member of such a committee shall hold office in accordance with the terms of the instrument under which he is appointed.

STANDING ORDERS

7. The Council or a Board may make Standing Orders for regulating the proceedings (including quorum) of the Council or Board, or any committee thereof other than the Disciplinary Committee appointed by the Council.

EXPENSES AND ACCOUNTS

8. (1) Any fees payable under this Act in respect of the entry or retention of a name on a register, shall be paid to the Council, and any expenses of the Council shall be defrayed out of the sums received by the Council either on account of those fees or otherwise.

(2) The Council shall furnish each Board with such sums as the Board may require for defraying any expenses reasonably incurred by the Board in the performance of its functions under this Act or any sums, which the Board is authorised by this Act to pay and each Board shall furnish the Council with such evidence as the Council may reasonably require of all payments made by the Board out of sums furnished by the Council.

(3) The Council shall keep proper accounts of all sums received or paid by it, and proper records in relation to those accounts and its accounts for each financial year of the Council shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister; and as soon as any accounts of the Council have been audited, the Council shall cause them to be published and shall send a copy of them to the Minister together with a copy of any report of the auditors thereon.

MISCELLANEOUS

9. A Board shall furnish the Council with a copy of the minutes of proceedings of the Board and any committee appointed by the Board and of any documents considered at a meeting of the Board or committee; and the Council shall, at the request of a Board, make available to the Board a copy of so much of any minutes of proceedings of the Council or a committee appointed by the Council and of so much of any document considered at a meeting of the Council or committee as relates to the Board.

Section 16(4).

THIRD SCHEDULE

NOTICE TO WITNESS

To A. B.
(Name of person summoned, and his calling and residence)

You are hereby summoned to appear before the Disciplinary Committee appointed under the Professions Related to Medicine Act to enquire

.....
(State briefly the subject of enquiry)

at upon the
(Place)

..... day of, 20..... at o'clock, and to give evidence respecting such enquiry.

(If the person summoned is to produce any documents, add) and you are required to bring with you Therefore
(Specify the documents required)

fail not at your peril.

Given under the hand of Chairman of the Disciplinary Committee, this day of, 20.....

SUBSIDIARY LEGISLATION

PROFESSIONS RELATED TO MEDICINE RULES

ARRANGEMENT OF RULES

RULE

1. Short title.

PART I

REGISTRATION AND RELATED MATTERS

2. Interpretation.
3. Registration requirements.
4. Award of Registration Certificate.
5. Practice fee payable to Council.
6. Application for duplicate certificate.
7. Establishment and maintenance of registers.
8. Duty of Registrar to keep registers.
9. Alterations of registers.
10. Entry of higher or additional qualifications.
11. Erasure, restoration, removal and renewal of entry from register.
12. Inspections of registers.
13. Review of fees by Council.

PART II

DISCIPLINARY COMMITTEE

14. Interpretation.
15. Suit at the instance of parties.
16. Investigation of complaints by the Disciplinary Committee.
17. Complainant to be party to proceedings.
18. Requirement of notice.
19. Inspections of documents.
20. Discretion to act upon affidavit evidence.
21. Summons of deponent to appear before the Committee.
22. Hearing of applications.
23. Adjournment of hearing.

ARRANGEMENT OF RULES—*Continued*

RULE

24. Appointment of secretary.
25. Functions of secretary.
26. Place and proof of service.
27. Extension and abridgement of time.
28. Proceedings to take place in the presence of all parties.
29. Appearance of parties at the hearing.
30. Appointment and responsibility of legal adviser.
31. Notice to parties of date of pronouncement of findings.
32. Conclusion of enquiry.

PROFESSIONS RELATED TO MEDICINE RULES

226/2003.

made in accordance with section 14(8)

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

PART I

REGISTRATION AND RELATED MATTERS

2. In these Rules “the Act” means the Professions Related to Medicine Act. Interpretation.

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

(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 a Registration Certificate which shall be valid for a period of one year. Award of 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 the seal of the Board. Schedule. Form I.

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

(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.

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.

Erasure,
restoration,
removal and
renewal of entry
from register.

(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.

Inspections of registers.

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.

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

Interpretation.

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 is 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.

Requirement of notice.

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.

Inspections of documents.

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.

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 of 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 members 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.

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.

Place and 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 adviser to the Committee.

Appointment and responsibility of legal adviser.

(2) The legal adviser 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 adviser, 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 adviser 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.

Notice to parties of date of pronouncement of findings.

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.

Conclusion of enquiry.

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.

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

[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
