

LEGAL NOTICE NO. 218

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, 2001

1. These rules may be cited as the Professions Related to Medicine Short Title
Rules, 2001.

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 with—

- (a) satisfactory evidence of the Degree, Associate Degree or
Diploma 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 Schedule
the form set out in the First Schedule as Form 1, and shall be stamped Form 1
with the seal of the Board.

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

(2) Fees to which sub-rule (1) refers, 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*.

(3) A member who pays the annual practice fee to the Board, is entitled to a Practice Certificate which shall be valid for the year in respect of which the practice fee is paid.

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

(5) A person 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 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 2

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

(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".

Establish-
ment and
maintenance
of registers

7. (1) Each Board shall establish and maintain a register of all persons who are registered by it.

(2) The Registrar appointed in accordance with section 6(1) of the Act, shall keep the registers for and on behalf of the Boards as required by section 7 of the Act, containing the following information:

- (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. (1) The Registrar shall keep the registers correct in accordance with the Act and these Rules.

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

Alterations
of register

9. Upon proof to the Registrar that any entry in the register is incorrect or that the register should be updated, the Registrar may alter any entry in any 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 by letter addressed to any registered member, at his address on the register, enquire whether that person has changed his address 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. ^{Erasure, restoration, removal and renewal of entry from register}

(2) Where a person is aggrieved at the decision of the Registrar to erase the person's name from the register under subrule (1), 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 (1).

(3) Where any 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.

(4) The Registrar shall restore the name of a person to the register, where such name has been removed from the register under subrule (3), 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.

(5) Where a name removed from the register under subrule (1), 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.

(6) Where the Registrar refuses any application under subrule (2), 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. ^{Inspection of Registers}

PART II

DISCIPLINARY COMMITTEE

13. In this Part "Committee" means the "Disciplinary Committee" ^{Interpretation} established under section 14 of the Act.

14. Any party to the proceedings may sue out writs of *subpoenas* and *ad justificandum* and *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. ^{Suit at instance of the parties}

Investigation
of allegations
by the
Disciplinary
Committee

15. (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 person concerned, of the allegation 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 allegation is sent to 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 person, 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 person, 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.

Applicant
party to the
proceedings

16. (1) A person making a complaint or alleging that a registered person is guilty of infamous or disgraceful conduct mentioned under section 16(1)(c) of the Act shall be a party to the 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 application and notify the applicant and the person concerned of the dismissal; and

(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 person 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.

17. The Notice to which rule 16(5) relates, shall require the applicant and the person concerned to furnish to the Committee and to each other, 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

18. Any party may inspect the documents included in the list furnished by the other, 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 the receipt of the application. Inspection of Documents

19. 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. Hearing of applications in absence of parties

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 affidavits. Discretion to act upon Affidavit evidence

21. Where the Committee proceeds to act upon evidence given by affidavit in accordance with rule 20 above, any party to the proceedings may require any deponent to any such affidavits 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 deponent is made with the sole object of causing delay. Summons of deponent to appear before the Disciplinary Committee

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

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

24. (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. Taking and Inspecting notes of proceedings

(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.

- Place and proof of service 25. 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 such letter was so addressed and posted shall be proof of service.
- Extension or abridgment of time 26. Notwithstanding anything to the contrary, the Committee may extend or abridge the time for doing anything under these Rules.
- Appointment of Secretary 27. The Committee shall appoint one of its members as its Secretary.
- Duty of Secretary to file and keep affidavits, books, papers etc. 28. (1) All affidavits shall be filed and kept by the Secretary.
(2) 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 appeal is heard or otherwise disposed of.
- Proceedings to take place in the presence of all parties 29. All proceedings before the Committee shall take place in the presence of all the parties concerned.
- Appearance of parties at the hearing 30. All parties to the inquiry may appear in person or may be represented at the hearing.
- Appointment and responsibility of Legal Advisor 31. (1) The Council shall appoint a Legal Advisor to the Committee.
(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, such advice shall be given to every party or person representing a party to the proceedings who appears at the proceedings.

32. Where the findings and 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 order shall be made. Notice to parties of date of pronouncement of findings

33. Where 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..... 2001.

Registration No.

.....
President

.....
Secretary

PROFESSIONS RELATED TO MEDICINE ACT, 1985

SCHEDULE

[Rule 6(2)]

FORM II

COUNCIL FOR THE PROFESSIONS RELATED TO MEDICINE OF TRINIDAD AND TOBAGO

Address for 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 Certificate requested

Reason(s) for request

.....

.....

Date

Signed

Registration No.

Approved this 6th day of June, 2001.

H. RAFEEQ
Minister of Health

Made this 6th day of June, 2001.

Council Chairman

Laid in the House of Representatives this 29th day of June, 2001.

J. SAMPSON-JACENT
Clerk of the House

Laid in the Senate this 26th day of June, 2001.

N. COX
Clerk of the Senate