

CHAPTER 152

THE MEDICAL, DENTAL AND ALLIED HEALTH PROFESSIONALS ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 152

THE MEDICAL, DENTAL AND ALLIED HEALTH PROFESSIONALS ACT

An Act to provide for the regulation of medical, dental and allied health professionals, for establishment of Medical Council of Tanganyika and for other related matters.

[16th July, 2018]

[GN. No. 298 of 2018]

Act No.
11 of 2017

PART I PRELIMINARY PROVISIONS

- Short title **1.** This Act may be cited as the Medical, Dental and Allied Health Professionals Act.
- Application **2.** This Act shall apply to Mainland Tanzania.
- Interpretation **3.** In this Act, unless the context otherwise requires-
“allied health practitioner” means a person holding a degree, advanced diploma, diploma or certificate in allied health sciences from an institution recognised by the Council and enrolled or enlisted to practice as such under this Act;
“allied health professional” means a person holding a degree in allied health sciences from an institution recognised by the Council;
“allied health sciences” means health science other than medicine, pharmacy, dentistry or nursing, and includes physiotherapy, orthotistic, prosthetic, occupational therapy, clinical psychiatry, speech therapy, and any other allied health science as the Minister may, by notice in the *Gazette*, designate;

- “Committee” means a Committee established by the Council under section 8;
- “certificate” means a document issued to a medical, dental or allied health professionals in accordance with the provisions of this Act;
- “Council” means the Medical Council of Tanganyika established under section 4;
- “dental practitioner” means a registered person holding a degree in dentistry from recognised institution and is licensed to practice as such;
- “dental practice” means the act of giving or offering oral health services inclusive of dental preventive, surgical, restorative and rehabilitative care or advice to an individual, group of persons or an organisation;
- “Deputy Registrar” means the Deputy Registrar of the Council appointed under section 13;
- “limited registration” means a registration granted to a foreigner intending to practice in Mainland Tanzania for a specific period of time;
- “List” means a List of medical, dental and allied health practitioner holding a certificate in the relevant fields from institutions recognised by the Council;
- “medical practitioner” means a person holding a degree, advanced diploma, diploma or certificate in medicine or dentistry from an institution recognised by the Council, with his level of competency and registered, enrolled or enlisted to practice as such under this Act;
- “medical or dental professional” means registered person holding a degree in medicine or dentistry from an institution recognised by the Council;
- “Minister” means Minister responsible for health;
- “practicing licence” means a practicing licence issued under this Act authorising a person to practice as a medical, dental or an allied health professional;
- “professional misconduct” means a conduct connected with the medical, dental and allied health professional in which,

by reason of commission or omission, the practitioner has fallen short of standard of conduct expected amongst the members of the profession, and such falling short is considered to be unacceptable or dishonorable to the profession;

“provisional registration” means a registration granted to a medical and dental professional in accordance with the provisions of section 25;

“Register” means the Register of medical, dental and allied health professionals holding a degree;

“Registrar” means the Registrar of the Council appointed under section 11; and

“Roll” means a Roll of medical, dental and allied health practitioner holding advanced diploma or diploma in the relevant fields from institutions recognised by the Council.

PART II

ESTABLISHMENT OF THE COUNCIL

Establishment of Council

4.–(1) There is established a Council to be known as a Medical Council of Tanganyika.

(2) The Council shall be a body corporate with perpetual succession and a common seal.

(3) The Council may, in its corporate name, be capable of-

- (a) suing and be sued;
- (b) holding, purchasing or otherwise acquiring and disposing movable or immovable property;
- (c) entering into contracts or other transactions;
- (d) borrowing and lending; and
- (e) doing all or such other acts and things which a body corporate may lawfully perform.

(4) Notwithstanding subsections (2) and (3), the Attorney General shall have the right to intervene in any suit or matter instituted for or against the Council.

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(5) Where the Attorney General intervenes in any matter pursuant to subsection (4), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government.

(6) For purposes of subsection (4), the Council shall have the duty to notify the Attorney General of any impending suit or matter by, or against the Council.

Composition of
Council

5.–(1) The Council shall consist of nine members to be appointed by the Minister as follows:

- (a) a Chairman who shall be appointed from amongst medical, dental or allied health professionals;
- (b) a representative from the Ministry responsible for health;
- (c) a law officer representing the Office of Attorney General;
- (d) one representative nominated by professional health association;
- (e) three members appointed by the Minister from amongst persons with requisite qualification to assist the Council in discharging its functions;
- (f) a representative of regional medical officers; and
- (g) a representative of persons with disability whose qualification and experience can assist the Council in the performance of its functions.

(2) The Minister shall, in making appointments under subsection (1), take into consideration representation of gender balance.

(3) A person shall not be appointed as a member of the Council where such person-

- (a) has been declared bankrupt;
- (b) has been convicted of a criminal offence and imprisoned for a term exceeding six months;
- (c) is insane to perform the duties of a member; and

(d) has been disqualified under the provisions of this Act from practicing as a medical, dental or allied health professional.

(4) The Council may co-opt any person with special knowledge or skills to provide expertise to the Council on general or specific issue but such person shall have no right to vote.

(5) The provisions of the Schedule to this Act shall have effect as to the tenure of office of members, procedure and conduct of the meetings of the Council.

(6) The Minister may, on the advice of the Council and by order published in the *Gazette*, vary, alter or amend the Schedules to this Act.

Functions of
Council

6. The functions of the Council shall be to-

- (a) advise the Minister on matters pertaining to regulation, practice and training of medical, dental and allied health professionals;
- (b) exercise general supervision of professional conduct by medical, dental and allied health professionals;
- (c) regulate and control continuing professional development for medical, dental and allied health professionals;
- (d) promote the maintenance and enforce adherence to medical, dental and allied health professional ethics;
- (e) advise respective institutions responsible for accreditation on the kind of training or programme that impart the requisite knowledge and skill for the efficient practice of medicine, dental and allied health sciences;
- (f) in collaboration with relevant accreditation body, inspect medical, dental and allied health training institutions for the purpose of ascertaining quality of the training offered;
- (g) caution, censure, suspend from practice, erase from the Register, Roll and List of names of practitioners, after being found guilty and convicted of an offence of professional misconduct;

- (h) ensure the maintenance of Register, Roll and List;
- (i) publish in the *Gazette* and official website of the Council, names, addresses and qualifications of all newly registered and licensed medical and dental professionals and enrolled or enlisted allied health professionals and practitioners;
- (j) exercise disciplinary control over medical, dental and allied health professionals and practitioners;
- (k) approve internship centres for medical and dental graduates;
- (l) inquire into complaint, charge or allegation of improper conduct against any medical, dental or allied health professionals and practitioners registered, enrolled or enlisted under this Act;
- (m) advise training institutions on matters relating to training of medical, dental or allied health professionals;
- (n) approve the budget or supplementary budget of the Council;
- (o) set fees and charges payable under this Act;
- (p) issue registration certificates and licenses; and
- (q) perform any other functions as may be required under this Act or under any other written law.

Powers of Council 7. The Council shall have powers to caution, censure, suspend from practice or erase from the Register, Roll or the List any medical, dental or allied health professional and practitioner as the case may be, who-

- (a) has breached professional conduct;
- (b) has been convicted of a criminal offence relating to medical, dental or allied health professionals practice;
- (c) fails to observe conditions imposed for his registration, enrolment or enlistment; or
- (d) has done anything that has lowered the esteem and integrity of the medical, dental or allied health profession in relation to professional ethics and standards as determined by the Council.

Committees of Council

8.—(1) The Council may, for purposes of ensuring efficient execution of its functions, establish such number of committees to perform functions of the Council upon such terms and conditions as the Council may deem necessary.

(2) The Committee may, in the performance of its functions, co-opt any person who is not a member of the Committee to attend its meeting and provide such technical expertise as may be required but such person shall not have a right to vote.

(3) The Committee shall, in the performance of its functions under this section, be answerable to the Council.

Delegation of powers

9.—(1) The Council may, by resolution and subject to such terms, conditions and restrictions as it may specify, delegate to any member of the Council, Committee or any employee of the Council, some of its functions, powers and duties conferred or imposed to it by or under this Act as it may deem appropriate.

(2) Delegation made under this section shall not prevent the Council from performing or exercising its function, power or duty delegated.

(3) Notwithstanding subsection (1), the Council shall not have power to delegate-

- (a) its disciplinary and advisory power under this Act;
- (b) the power to approve the annual budget, supplementary budget and scrutinise financial statements; or
- (c) its powers to delegate under this Act.

Minister may give directions to Council

10. The Minister may, where circumstances so require, give to the Council directions of general or specific nature regarding the performance of its functions under this Act and the Council shall give effect to directives given by the Minister.

Appointment of Registrar

11.—(1) The Minister shall appoint a senior medical, dental or allied health professional from the public service to be the Registrar of the Council.

(2) The Registrar appointed under subsection (1), shall be the Chief Executive Officer and Secretary to the Council.

(3) The Registrar shall, unless his appointment is terminated, hold office for a period of five years and may, subject to his satisfactory performance, be eligible for re-appointment for one more term.

(4) Where the Registrar is absent or unable to carry out any of his functions under this Act, the Deputy Registrar shall perform such functions.

(5) Where the Registrar and Deputy Registrar are both absent, any senior officer of the Council shall carry out the functions of the Registrar as the Chairman of the Council may, in writing, direct.

Functions of
Registrar

12. The functions of the Registrar shall, subject to the approval of the Council, include-

- (a) issuance of registration certificates and practicing licences;
- (b) to keep and maintain the Register, Roll and List of medical, dental and allied health professionals and practitioners;
- (c) to make necessary alterations and corrections in the Register, Roll and List in relation to any entry;
- (d) to remove from the Register, Roll or the List-
 - (i) the name of any medical, dental or allied health professional and practitioner ordered to be removed in accordance with the provisions of this Act; and
 - (ii) the name of a deceased medical, dental or allied health professionals and practitioners;
- (e) reinstate any name removed from the Register, Roll or List as may be directed by the Council; and
- (f) perform any other functions as may be assigned to him by the Council.

Deputy Registrar

13.-(1) The Minister shall appoint a law officer from the public service to be the Deputy Registrar of the Council.

(2) The Deputy Registrar appointed under subsection (1), shall assist the Registrar in the performance of his functions under this Act and shall discharge such other duties as may be directed by the Council or the Registrar.

(3) The Deputy Registrar appointed under subsection (1) shall, in the performance of his functions, be answerable to the Registrar.

(4) Where the Registrar authorises the Deputy Registrar to act on his behalf in any matter, any reference in this Act to “the Registrar” shall include a reference to the Deputy Registrar.

(5) The functions and powers of the Deputy Registrar shall be prescribed in the instrument of appointment or regulations made under this Act.

Other Officers
and employees of
Council

14.-(1) The Council shall appoint such number of officers and employees of the Council in various categories as may be required.

(2) The officers and employees of the Council shall, in the performance of their functions, be answerable to the Registrar.

Appointment
of supervisory
officers

15.-(1) The Council may, by notice published in the *Gazette*, appoint medical, dental or allied professionals and practitioners to be supervisory officers at the district or regional level.

(2) A person appointed under subsection (1) shall perform supervisory functions of medical, dental or allied health professionals and practitioners as the case may be, and any other functions within the respective district or region, as the Council may direct, including to-

- (a) conduct preliminary investigation on charges or complaints against medical, dental or allied professionals and practitioners on malpractice, lack of competence, fitness to practice, negligence and misconduct and forward the same to the Council for final determination;
- (b) submit to the Council the name of the registered medical, dental or allied health professionals and practitioners who has by any reason ceased to practice; and

- (c) collect fees and to perform such other functions as may be determined by the Council.

Remuneration **16.** The members of the Council or of its Committee, officers and employees of the Council shall be paid remuneration or allowances at such rates as the Minister may, after consultation and approval of the Minister responsible for public service, determine.

Immunity **17.** Notwithstanding the provisions of any other written law, a action or other proceedings shall not lie or be instituted against any member of the Council or of its committees, officer or any employee of the Council for or in respect of any act or thing done or omitted to be done in good faith in the exercise of the powers conferred by this Act.

PART III

REGISTRATION AND LICENSING OF MEDICAL, DENTAL AND ALLIED HEALTH PROFESSIONALS

Types of registration **18.** Types of registration of medical and dental professionals under this Act shall be as follows:

- (a) provisional registration;
- (b) full registration; and
- (c) limited registration.

Maintenance of Register **19.**—(1) For purposes of section 18, the Council shall establish, keep and maintain a Register.

(2) The Register established under this section shall contain particulars of registration and such other particulars as may be directed by the Council.

Qualification for registration **20.**—(1) A person shall not be eligible for registration under this Act unless such person satisfies the Council that-

- (a) in the case of medical, dental or allied health professionals, he is a holder of a degree in medicine or dentistry, from a recognised institution; and

(b) he has passed the examination conducted by the Council.

(2) The Minister may, upon consultation with the Council, make regulations prescribing additional qualification or requirements for registration, as he may consider necessary.

Procedure for registration

21.-(1) A person who intends to obtain registration under this Part shall submit an application to the Registrar in the prescribed form.

(2) An application under subsection (1) shall be accompanied by-

- (a) a certified copy or copies of certificates for academic qualifications of the applicant; and
- (b) an application fee as may be prescribed in the regulations.

(3) The Registrar shall, after receiving an application, refer the application together with his recommendations to the Council for consideration and determination.

(4) The Council may, after consideration of the matter-

- (a) approve the application and direct the Registrar to register the applicant; or
- (b) reject an application and direct the Registrar to inform the applicant within one month after submission of the application stating the reasons for the Council's decision.

Certificate of registration

22.-(1) The Registrar shall, immediately after effecting registration under this Act, issue to every registered medical or dental professional a certificate of registration upon payment of prescribed fee.

(2) The certificate of registration shall contain-

- (a) full names and address of the applicant;
- (b) registration number;
- (c) date of registration;
- (d) academic qualifications and title of the applicant; and
- (e) such terms and conditions in respect of which a certificate is issued.

Privileges and use of titles **23.** A person registered under this Act as a medical, dental and allied health professional shall be entitled to-

- (a) take or use the title and description of medical, dental and allied health professional according to the title indicated on the certificate of registration and shall not be allowed to take, use or affix any title or description other than that of registration; and
- (b) practice as a medical, dental and allied health professional and demand, sue for and recover in any court of law reasonable charges for professional services, aid, advice and visits.

Internship training

24.-(1) A medical, dental or allied health professional who intends to undergo internship training shall, within three months after completion of undergraduate training, apply to the Council for provisional registration.

(2) A person who is provisionally registered under subsection (1), shall report to the centre of training for the purpose of internship training, failure of which shall amount to cancellation of his provisional registration.

Provisional registration

25.-(1) A medical or dental professional shall not undergo internship training unless he has been granted provisional registration by the Council.

(2) The procedures and requirement for provisional registration shall be as prescribed in the regulations.

(3) A person who obtains provisional registration shall, upon payments of prescribed fee, be issued with a certificate of provisional registration.

(4) A provisionally registered medical or dental professional shall be deemed to be registered as far as it is necessary to enable him to practice under the supervision of a senior registered medical or dental practitioner.

Full registration as medical or dental professional

26.—(1) A person who has completed internship programme and has worked or practised as medical, dental and allied health professional shall, upon application to the Council, be entitled to full registration as medical or dental professional.

(2) Application for full registration under this section shall be accompanied with-

- (a) certified copy of completion of internship certificate; and
- (b) such other particulars as may be required for that purpose.

Registration for foreigners

27.—(1) A foreigner who intends to practice as a medical, dental or allied health practitioner under this Act, shall submit an application to the Council together with copies of certificate of his qualification, certificate of registration from the registration authority of his jurisdiction, original certificate of good standing from the last jurisdiction of practice and such other particulars as may be prescribed in the regulations.

(2) Subject to subsection (1), a foreigner shall be eligible for limited registration.

(3) The period for limited registration shall be as prescribed in the regulations.

Cancellation or suspension of certificates

28. Where the holder of the certificate fails to observe the imposed conditions of his registration as required, the Council may, subject to section 29, cancel or suspend the certificate of registration granted to the holder under this Act.

Procedure for cancellation or suspension

29.—(1) Where the medical, dental or allied health professional is in violation of the terms and conditions of his registration, the Registrar shall, on the directives of the Council, serve on the medical or dental professional a notice in writing specifying the nature of default.

(2) Upon receipt of the notice under subsection (1), medical, dental or allied health professional as the case may be, shall make representation in writing to the Registrar on the rectification of the default.

(3) Where the medical, dental or allied health professional fails to rectify the default within the time specified in the notice or fails to make representation satisfactory to the Registrar, the Registrar shall recommend to the Council for cancellation or suspension of the Certificate of registration.

(4) The Council shall, if it is satisfied with the recommendations made under subsection (3), direct the Registrar to cancel or suspend the Certificate of registration.

Practicing licence **30.**—(1) A person who is a medical, dental or allied health professional and intends to practice under this Act, shall apply to the Council for a practicing licence.

(2) An application for practicing licence referred to under subsection (1), shall be accompanied by-

- (a) certificate of registration;
- (b) prescribed fee;
- (c) a professional stamp which shall be in the manner and form prescribed in the regulations; and
- (d) such other documents as the Council may deem appropriate.

(3) Where the Council rejects application submitted under subsection (1), the Registrar shall inform the applicant within three months stating the reasons for the rejection.

Renewal of practicing licence **31.**—(1) A practicing licence issued under section 30 shall be subject to renewal, upon payment of prescribed fees.

(2) A practicing licence shall not be renewed unless the applicant proves that he has undergone continuing professional development, in the manner prescribed in the regulations.

(3) Procedures for renewal of practicing licence shall be as prescribed in the regulations.

PART IV
ENROLMENT, ENLISTMENT AND
LICENSING OF MEDICAL, DENTAL AND
ALLIED HEALTH PRACTITIONERS

Requirement for enrolment and enlistment

32.—(1) Health practitioners to be enrolled or enlisted under this Part shall be those holding advanced diploma, diploma or certificate in medicine, dentistry or allied health sciences from an institution recognised by the Council.

(2) A person who intends to practice as medical, dental or allied health practitioner shall, before practicing, be required to enroll or enlist with the Council.

Qualification for enrolment and enlistment

33.—(1) A person shall—

- (a) enroll with the Council as medical, dental and allied health practitioner, where such person is awarded advanced diploma or a diploma from an institution recognised by the Council; and
- (b) enlist with the Council as medical, dental or allied health practitioner, where such person is awarded a certificate recognised by the Council.

(2) The Minister may, on the recommendation of the Council and by notice published in the *Gazette*, specify other certificates or qualifications which shall entitle the holder thereof for enrolment and enlistment under this Act.

Procedure for enrolment and enlistment

34.—(1) A person who intends to enroll or enlist as medical, dental and allied health practitioner shall submit his application in the prescribed form to the Registrar.

(2) An application form under subsection (1), shall contain such particulars as may be determined by the Council and be accompanied by—

- (a) a certified copy or copies of certificates for academic qualifications of the applicant; and
- (b) enrolment or enlistment fee as may be prescribed by the Council.

Issuance of certificate of enrolment or enlistment

35.—(1) The Registrar shall, on the directive of the Council and upon payment of prescribed fee, issue to every enrolled or enlisted medical, dental and allied health practitioner a certificate of enrolment or enlistment as may be prescribed.

(2) A certificate to be issued under subsection (1) shall be signed by the Chairman and the Registrar, and shall on production thereof in any way be admissible as *prima facie* evidence of enrolment or enlistment under this Act.

(3) The Council shall, in granting a certificate of enrolment or enlistment to the medical, dental and allied health practitioner under this Act, impose specific or general conditions to be observed by the holder of the certificate.

(4) Where an application for enrolment or enlistment is not granted, the Council shall direct the Registrar to notify the applicant in writing, stating the reasons for the decision of the Council.

Practicing licence

36.—(1) A person who is enrolled or enlisted under this Act and intends to practise as medical, dental and allied health professional shall apply to the Council for a practicing licence.

(2) Subject to subsection (1), the Council may—

- (a) approve the application and direct the Registrar to issue a practicing licence to the applicant; or
- (b) reject an application and direct the Registrar to inform the applicant reasons for the Council's decision.

Renewal of practicing licence

37.—(1) A practicing licence issued under section 36 shall be subject to renewal, upon payment of prescribed fees.

(2) Procedures for renewal under section 31 shall apply *mutatis mutandis* to renewal under this section.

Registrar may call for further information

38. The Registrar may, on his own motion or on the instruction from the Council, request any practitioner to furnish him with necessary information regarding his qualifications.

Cancellation or suspension of certificates of enrolment or enlistment

39.—(1) Where the holder of the certificate of enrolment or enlistment fails to observe the imposed conditions as required,

the Council may cancel or suspend the certificate of enrolment or enlistment granted to him under this Act.

(2) The provisions of section 29 shall apply *mutatis mutandis* in relation to the procedure for cancellation or suspension of the certificate for enrolment or enlistment under this section.

Enrolment or
enlistment of
foreigners

40.—(1) A foreigner who holds an advanced diploma, a diploma or a certificate and intends to be enlisted or enrolled as medical, dental and allied health practitioners for specific period of time shall be registered as a limited enrolled or enlisted.

(2) Procedures for enrolment or enlistment of foreigners under this section shall be prescribed in the regulations.

PART V DISCIPLINARY PROVISIONS

Management of
complaints

41.—(1) Where a medical, dental or an allied health professional is alleged to be unfit to practice, such complaints shall be lodged to the Registrar who shall forward the matter to the Council.

(2) A medical, dental or an allied health professional shall be considered unfit to practise under this Act, where such person-

- (a) has breached the Code of Ethics;
- (b) is incompetent;
- (c) has been convicted of an offence relating to medical, dental or allied health professionals practice;
- (d) has committed any malpractice, negligence, breach or any directives issued under this Act; or
- (e) is mentally sick and approved as such by the Medical Board in Tanzania or any other licensing authority responsible for health regulation in any other jurisdiction.

(3) For the purposes of subsection (2), the term “unfit to practise” shall be construed to include-

- (a) contravention of the provision of this Act or regulations;

- (b) failure to abide by terms, conditions or limitations of a registered, enlisted, enrolled as a medical, dental or an allied health professional, as the case may be;
 - (c) having a conflict of interest which affects the clients and a registered, enrolled or enlisted professional;
 - (d) practicing without being registered, enrolled or enlisted or without a practicing licence;
 - (e) an attempt to use certificate, number or seal of another medical, dental and allied health professional or impersonate any registered, enrolled or enlisted medical, dental or allied health professional;
 - (f) abetting or aiding illegal practice of a medical, dental or an allied health professional;
 - (g) furnishing false information or documents to the Council in order to secure a certificate of registration, enrolment or enlisting;
 - (h) impersonation of a registered, enrolled or enlisted medical, dental or an allied health professional or a holder of temporary registration certificate;
 - (i) abusing a client verbally, physically, sexually or in any other way;
 - (j) influencing a client to change his will, on health care directive;
 - (k) abandoning a client who is in need of attention;
 - (l) misappropriating drugs or other property belonging to a client or an employer;
 - (m) failing to report any incompetence, negligence or professional misconduct of a medical, dental or allied health professional, whose actions endanger the health of a client;
 - (n) failure to exercise discretion in respect of the disclosure of confidential information about the client; or
 - (o) any other conduct as the Council may deem fit.
- (4) A complaint under this section shall be accompanied by a written statement made by the complainant or any other person acting on his behalf or any other person interested in the act giving rise to the complaint.

(5) Notwithstanding subsection (4), the Council may, on its own motion, initiate any preliminary inquiry into a medical, dental or an allied health professional where it is satisfied that the information received by the Council warrants holding of a preliminary inquiry.

(6) A complaint lodged to the Council shall be in the manner prescribed in the regulations.

(7) Notwithstanding subsections (1) to (6), the Minister may, by order published in the *Gazette*, make rules prescribing procedure for conducting inquiry.

Procedure for
inquiry

42.—(1) The Council shall, where it is of the opinion that a *prima facie* case is established by the complainant, direct that an inquiry be held.

(2) The Council shall give opportunity for a medical, dental or allied health professional against whom misconduct is alleged, to appear before the Council, and may be represented by a legal representative.

(3) Where a medical, dental or allied health professional fails to appear at an inquiry without reasonable excuse and the Council is satisfied that, a notice was duly served, the Council may proceed with the inquiry as if the medical, dental or the allied health professional was present.

(4) The Council may, after due inquiry made in accordance with the provisions of this Act—

- (a) order the removal of the name of the medical, dental or allied health professional from the Register, Roll or the List;
- (b) order the suspension from the practice of the medical, dental or allied health professional for such period as the Council may consider necessary;
- (c) caution, censure or otherwise reprimand the medical, dental or allied health professional; or
- (d) order payment of costs involved in the inquiry or such other cost as may be appropriate.

(5) The Registrar shall, within seven days after determination of the inquiry, communicate the decision of the Council to the parties.

(6) The Council shall have power to summon any witness and may require such witness to produce any document for the purpose of the inquiry.

Notification
and publication
of decision of
Council

43.—(1) The Registrar shall, within one month after the conclusion of an inquiry by the Council, serve a notice of decision of the Council on the medical, dental or the allied health professional in respect of whom an inquiry was held.

(2) Notwithstanding subsection (1), a person who is aggrieved by the decision of the Council may apply to the Council for review.

(3) A person who is aggrieved by the decision of the Council under subsection (2) may, within forty five days from the date of receipt of the decision, appeal to the Minister.

Appeal against
decision of
Minister

44. A person who is aggrieved by the decision of the Minister may, within thirty days from the date of decision, seek redress to the High Court.

PART VI

FINANCIAL PROVISIONS

Sources of funds

45.—(1) Sources of funds for the Council shall include-

- (a) monies as may be appropriated by Parliament;
- (b) any funds or assets which may be vested in or accrued from other sources;
- (c) loans granted by the Government or by any other person or body;
- (d) fees imposed and other charges collected from provision of services under this Act;
- (e) gifts, grants and donations;
- (f) proceeds derived from sale of assets or any other source of income identified by the Council; and

(g) any other monies received by or made available to the Council for the purpose of its functions.

(2) The fees and charges payable under this Act shall be as prescribed in the regulations.

Annual report and accounts

46.—(1) The Council shall, at the end of each financial year, prepare an annual implementation report on the activities of the financial year and submit the report to the Minister.

(2) The Council shall ensure that, the annual financial statements are prepared and audited by the Controller and Auditor-General three months after the end of each financial year.

(3) The financial statements shall include-

- (a) statement of financial performance;
- (b) statement of financial position;
- (c) statement of cash flows;
- (d) statement of changes of equity; and
- (e) notes to the financial statements.

(3) An expenditure shall not be made unless authorised by the Council within the estimates of that financial year.

Submission of annual financial report

47.—(1) The Council shall, within six months after the end of each financial year, submit to the Minister a report of activities and operations of the Council during that year and be accompanied by-

- (a) a copy of the audited accounts of the Council;
- (b) a copy of the auditor's report on the accounts; and
- (c) any other information as the Minister may direct.

(2) The Minister shall, as soon as practicable, lay before the National Assembly the audited accounts and the annual report of the Council.

Management and control of funds

48.—(1) The Council shall keep books of accounts and maintain proper records of its operations in accordance with national accounting standards.

(2) The Council shall cause to be prepared and kept proper books of accounts and record with respect to-

- (a) the assets and liabilities;
 - (b) the receipt and expenditure of monies and other financial transactions; and
 - (c) a statement of financial position and a statement indicating details of the financial performance to be prepared in every financial year.
- (3) The funds and resources of the Council shall be used for the better carrying out of the objectives of this Act.
- (4) The Council's expenditure shall be subject to monitoring and review.

Annual and
supplementary
budget

49.—(1) The Council shall, not less than one month before the beginning of any financial year, approve the annual budget of the amount expected to be received and disbursed during that financial year.

(2) Where in any financial year, the Council requires to make any disbursement not provided for or of an amount in excess of the amount provided for in the annual budget for that year, the Council shall approve a supplementary budget detailing the disbursement.

(3) The annual budget and every supplementary budget shall be in the form and manner as may be prescribed or directed by the Minister.

Operational
principles

50.—(1) The Council shall-

- (a) open and operate all sets of books of accounts, ledgers, journals and other subsidiary books of accounts in accordance with its accounting manual; and
- (b) review and change its documentation in order to facilitate the proper keeping of books of account as may be directed by the relevant authorities.

(2) All cash received shall be deposited to the revenue account and payments shall be made from the expenditure account.

(3) An expenditure shall not be incurred from the funds of the Council unless that expenditure is part of the expenditure plan approved by the Minister.

Powers to invest **51.** The Council may, after obtaining approval of the Minister and in consultation with the Minister responsible for finance, invest any monies in such a manner as it deems fit.

PART VII OFFENCES AND PENALTIES

Offence for illegal practicing **52.**—(1) A person who wilfully and falsely practices as medical, dental or allied health professional and practitioner knowing that he is not qualified as such, commits an offence and on conviction, shall be liable to a fine of not less than five million shillings but not exceeding ten million shillings or imprisonment for a term of not less than one year but not exceeding two years or to both.

(2) A person who practices as medical, dental or allied health professional and practitioner without being registered, enrolled or enlisted under this Act commits an offence and on conviction, shall be liable to a fine of not less than two million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.

(3) A person who practices as a medical, dental or an allied health professional and practitioner or receives payment without a valid practicing licence, commits an offence and on conviction, shall be liable to a fine of not less than one million shillings but not exceeding two million shillings or to imprisonment for a term of not less than three months but not exceeding five months or to both.

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(4) In addition to the penalties imposed under this section, the trial court as the case may be, may order that any drugs, poisons, medicines, needles, surgical, medical, dental or diagnostic instruments or appliances used by or belonging to

or found in possession of a person convicted, be dealt with in accordance with the Tanzania Medicines and Medical Devices Act.

Offence for illegal registration

53. A person who-

- (a) abets, procures or attempts to procure registration, enrolment or enlistment or practicing licence by-
 - (i) making or causing to be made any false statement; or
 - (ii) producing any false or fraudulent documents; or
- (b) receives any payment for practicing medicine or dentistry without being registered, enrolled or enlisted, commits an offence and on conviction, shall be liable to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than one year but not exceeding two years or to both.

Failure to appear before Council

54. A person summoned by the Council, who-

- (a) fails without reasonable cause to appear before the Council; or
- (b) fails to produce any document which he is required to produce, commits an offence and on conviction shall have his practicing licence suspended or cancelled by the Council.

Misrepresentation

55. A person who falsely uses or willfully allows a person to use any name, title or description implying a qualification to practice as a medical, dental or allied health professional and practitioner, commits an offence, and on conviction, shall be liable to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than one year but not exceeding two years or to both.

Penalty for employing persons without valid licence

56. A person who, employs any other person to practice as medical, dental or allied health professional and practitioner in a capacity of a registered, enrolled or enlisted medical, dental

or allied health professional and practitioner without valid practicing licence, commits an offence, and on conviction, shall be liable to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a period of not less than one year but not exceeding two years or to both.

PART VIII GENERAL PROVISIONS

- Observance of Code of Ethics **57.**—(1) There shall be a Code of Ethics for Professional Conduct for medical, dental and allied health professionals and practitioners which shall be known as the “Code of Ethics”.
(2) A medical, dental or allied health professional and practitioner registered, enrolled or enlisted under this Act shall observe the Code of Ethics and a breach of any of the provisions of this Act shall amount to misconduct.
- Additional qualifications **58.** A person who is registered, enrolled or enlisted under this Act and has been awarded an additional qualification related to health matters from a recognised institution, may apply to the Council for recognition of the additional qualification in a manner to be prescribed in the regulations.
- Change of address **59.** Every medical, dental or allied health professional and practitioner shall, immediately and in writing, notify the Registrar of any change of his address.
- Retention in Register, Roll or List **60.**—(1) A registered medical, dental or allied health professional and practitioner who does not practice shall retain his name in the Register, Roll or List as the case may be, through annual renewal.
(2) Subject to the provision of subsection (1), the Minister may, by notice published in the *Gazette* prescribe the retention fee.
- Reciprocal recognition **61.** There shall be reciprocal recognition for persons registered as medical or dental and allied health professionals and practitioner with other countries upon entering into mutual

recognition agreements between the Council and other professional regulatory bodies.

Application for review

62.—(1) A person who is aggrieved by a decision of the Registrar regarding registration, enrolment or enlistment may, within thirty days from the date of notification of the decision, apply to the Council for review.

(2) The Council may, after hearing the Registrar and the professional and practitioner, issue to the Registrar such directives as it may consider necessary.

(3) The Council may make rules for regulating the hearing of applications for review.

Publication of registered, enrolled and enlisted professionals

63. The Registrar shall, not later than 31st March of every year and at such other times as may be determined by the Council, cause publication of names of registered, enrolled or enlisted persons under this Act in the official *Gazette*, websites or other media.

Power to make regulations

64.—(1) The Minister may, after consultation with the Council, make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may prescribe—

- (a) qualifications which shall be recognised as entitling the holder to be registered, licensed, enrolled or enlisted under this Act;
- (b) standards of professional conduct of medical, dental and allied health professional and practitioner;
- (c) standard guidelines for inspection and accreditation of centres of internship;
- (d) various forms to be used under this Act;
- (e) conduct of internship programs;
- (f) procedures for renewal of practicing licences under this Act;
- (g) procedure for appeals under this Act;

- (h) matters in respect of which fees shall be payable under this Act;
- (i) conduct of professional development; and
- (j) anything which in the opinion of the Council is incidental or conducive to the performance and exercise of its functions and powers under this Act.

Repeal and savings

65.—(1) [Repeals the Medical Practitioners and Dentists Act, Ord. No. 11 of 1959].

(2). Notwithstanding the repeal under subsection (1), anything done or any action taken or purported to have been done or taken under the repealed Act shall, in so far as its not inconsistent with the provisions of this Act, be deemed to have been done or taken under corresponding provisions of this Act.

(3). All subsidiary legislations made or issued under the repealed Act which are in force on the commencement of this Act, shall be deemed to have been made or given under the provisions of this Act and shall remain in force until they are revoked by subsidiary legislation made under this Act.

SCHEDULE

(Made under section 5(5))

PROVISIONS RELATING TO THE COUNCIL

Appointment of Vice-Chairman

1. Members shall elect one amongst its members to be the Vice-Chairman of the Council and such member elected shall hold office for a term of three years.

Tenure of office

2.—(1) A member shall, unless the appointing authority terminates his appointment, or ceases in any other way to be a member, hold office for a period of three years but shall be eligible for reappointment for another one term.

(2) A member appointed by virtue of his office shall cease to be a member upon ceasing to hold the office entitling him to appointment to the Council.

Meeting of Council

3.—(1) The Council shall ordinarily meet at such times and places as it deems necessary for transaction of its business, but shall meet at least once in every three months.

(2) The Chairman or in his absence, the Vice-Chairman, may at any time, call a special meeting of the Council upon request by a majority of the members.

(3) The Chairman or in his absence the Vice-Chairman, shall preside at every meeting of the Council and in the absence of both the Chairman and the Vice-Chairman, the members present shall appoint a member from amongst themselves to preside over the meeting.

(4) A member of the Council who fails to attend at least two consecutive meetings in a calendar year without giving any reason shall cease to be a member and a vacant position may be filled accordingly.

Quorum	4. The quorum at any meeting of the Council shall be two third of the members.
Decision of Council	5. Matters proposed at a meeting of the Council shall be decided by a majority of the votes of the members present and voting, in the event of an equality of votes, the person presiding over the meeting shall have a casting vote in addition to his deliberative vote.
Minutes of meetings	6. The Registrar shall record and keep minutes of all business conducted or transacted at the meeting and the minutes of each meeting of the Council shall be read and confirmed or amended and confirmed at the next meeting of the Council and signed by the person presiding over the meeting and the Secretary.
Absence not to invalidate proceedings	7. The validity of any act or proceedings of the Council shall not be affected by any absence among its members or by any defect in the appointment of any one of them.
Council may regulate its own proceedings	8. The Council may regulate its own proceedings.
Orders and documents	9. All orders, directions, notes or other documents issued on behalf of the Council shall be signed by the- <ul style="list-style-type: none"> (a) Chairman; or (b) Registrar of the Council authorised in writing in that behalf by the Council.
Seal of Council	10. -(1) The Council shall have as to be kept under safe custody of the Registrar. <p>(2) The affixing of the seal of the Council on any document shall be authenticated by the signature of the Chairman and Registrar.</p> <p>(3) A document purporting to be an instrument issued by the Council and authenticated in the manner provided for under subparagraph (2) shall be deemed to be a valid instrument.</p>

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