

CHAPTER 429

THE MEDICAL RADIOLOGY AND IMAGING PROFESSIONALS ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 429

THE MEDICAL RADIOLOGY AND IMAGING PROFESSIONALS ACT

An Act to establish the Medical Radiology and Imaging Professionals' Council and to provide for its functions and management; to provide for regulation and control of medical radiology and imaging professionals and for related matters.

[1st February, 2009]

[GN: No. 16 of 2009]

Act No.
21 of 2007

PART I

PRELIMINARY PROVISIONS

- Short title **1.** This Act may be cited as the Medical Radiology and Imaging Professionals Act.
- Application **2.** This Act shall apply to Medical Radiology and Imaging Professionals in Mainland Tanzania.
- Interpretation **3.** In this Act, unless the context otherwise requires-
“Act” means Medical Radiology and Imaging Professionals Act;
“certificate” means a certificate issued under this Act;
“certificate of enrolment” means the certificate issued to a Radiological Officer or a Radiographic Assistant under section 26;
“certificate of enlisting” means the certificate issued to a Sonographer under section 30;
“certificate of registration” means the certificate issued to a Radiographer, Radiotherapist, Nuclear Medicine Technologist, Radiologist, Radiation Oncologist, Medical Physicist and a Radio pharmacist under section 20;

- “committee” means a committee established under section 7;
- “Council” means Medical Radiology and Imaging Professionals Council established under section 4;
- “List” means a list maintained under section 27 of this Act;
- “Medical Radiology and Imaging Professionals” include a Radiographer, Radiotherapist, Radiologist, Nuclear Medicine Technologist, Radiation Oncologist, Medical Physicists, Radiopharmacist, Radiographic Assistant, Radiological Officer and Sonographer;
- “member” means a person appointed to be a member of the Council and includes the Chairman and Vice Chairman;
- “Minister” means the Minister responsible for health;
- “Register” means the register maintained under section 22;
- “Registrar” means the Registrar of the Council appointed under section 11; and
- “Roll” means the Roll maintained under section 23.

PART II

ESTABLISHMENT OF THE COUNCIL

Establishment of Council

- 4.-(1) There is hereby established a Council to be known as the Medical Radiology and Imaging Professionals’ Council.
- (2) The Council shall be a body corporate and shall-
- (a) have perpetual succession and an official seal;
 - (b) in its corporate name be capable of-
 - (i) holding, purchasing or otherwise acquiring in any other way movable or immovable property and disposing of any of its property;
 - (ii) suing and being sued; and
 - (iii) entering into any contract or other transactions and doing all other acts and things which a body corporate may lawfully perform;
 - (c) have power to borrow such sums as it may require for its purpose; and
 - (d) exercise the powers and perform functions conferred upon it by or under this Act.

Composition of
Council

5.–(1) The Council shall consist of not more than thirteen members to be appointed by the Minister as follows:

- (a) a Chairman who shall be a Medical Radiology and Imaging Professional registered under the Act;
- (b) Principal Medical Radiographer;
- (c) Principal Radiologist;
- (d) Secretary of Tanzania Association of Radiographers (TARA);
- (e) Secretary of Tanzania Radiology Society (TARASO);
- (f) Radiotherapist;
- (g) a Radiologist from the Association of Private Health Facilities in Tanzania (APHTA);
- (h) a Medical Nuclear Physicist;
- (i) Principal of School of Radiography;
- (j) Director General of Tanzania Atomic Energy Commission (TAEC);
- (k) a radiographer from the private Hospitals Association;
- (l) a member representing the Civil Society; and
- (m) a Law Officer representing the Office of the Attorney General.

(2) The Schedule to this Act shall have effect as to procedures and other matters relating to the Council.

(3) The Minister may, on the advice of the Council and by order published in the *Gazette*, amend, vary or replace all or any of the provisions of the Schedule to this Act.

Functions and
powers of Council

6.–(1) The Council shall be the sole authority for registering, enrolling and enlisting of Medical Radiology and Imaging Professionals.

(2) In particular and without prejudice to the generality of subsection (1), the Council shall-

- (a) regulate and set standards of conduct and activities of Medical Radiology and Imaging Professionals;
- (b) regulate standards and practice of the profession in Medical Radiology and Imaging Professionals;
- (c) promote interest in, and the advancement of, profession in Medical Radiology and Imaging Professionals;

- (d) evaluate academic and practical qualifications of Medical Radiology and Imaging Professionals for the purpose of registration, enrolment or enlisting under this Act;
 - (e) foster co-operation between the Council and other institutions or organisations, whether or not concerned with the profession of Medical Radiology and Imaging Professionals;
 - (f) monitor and ensure the proper collection of fees payable under this Act;
 - (g) administer the funds of the Council;
 - (h) keep and maintain the Register, the Roll and the List for the registration, enrolment and enlisting of Medical Radiology and Imaging Professionals;
 - (i) remove any name from the Register, Roll or List subject to such conditions as the Council may impose;
 - (j) approve institutions and curricula for training of Medical Radiology and Imaging Professionals;
 - (k) consider any matter affecting the profession in Medical Radiology and Imaging Professionals and take such action in connection therewith as the Council considers necessary; and
 - (l) carry out such other functions as may be conferred upon the Council or as may, in the opinion of the Council, be necessary or expedient, for the proper discharge of the functions under this Act.
- (3) The Council shall have, and or exercise powers as may be necessary for proper and efficient carrying out of the provisions of subsections (1) and (2).

Establishment of
committees

7.–(1) The Council shall establish-

- (a) a Medical Radiology and Imaging Professionals Committee for the purpose of evaluating qualification for registration, enrolment and enlisting under this Act; and

(b) a Disciplinary Committee for conducting preliminary investigations and inquiry into any matter of disciplinary nature.

(2) The committees established under subsection (1) shall-

(a) in the case of Medical Radiology and Imaging Professionals Committee, consist of a Chairman and four other members to be appointed from amongst members of the Council; and

(b) in the case of Disciplinary Committee, consist of a Chairman and four other members one of whom shall be a Law Officer from the Office of the Attorney General.

(3) The Council may establish not more than three other committees as may be necessary for proper discharge of the functions of the Council.

(4) The number of members of the committees established under subsection (3) shall be as may be determined by the Council.

(5) A Committee may invite other persons who are not members of the Council to provide expertise and other assistance as may be required by the Committee, but such persons shall not vote or take part in the final decision of the Committee.

Meetings of committees

8.-(1) A Chairman of a committee shall convene a meeting of the committee of which he is the Chairman according to the schedule or directions as may be determined by the Council.

(2) Each committee shall keep minutes of its meeting, report to the Council on its activities, and conduct its proceedings in such manner as the Council may direct.

Delegation of powers

9.-(1) Subject to the provisions of subsection (2), and to any restrictions or conditions as it may impose, the Council may delegate to its members, a committee or the Registrar, the power to discharge any function on behalf of the Council.

(2) Notwithstanding the provisions of subsection (1), the Council shall not delegate the power to-

- (a) impose fees and other charges;
- (b) adopt estimates and expenditure of the Council;
- (c) in consultation with relevant authorities, approve training standards and curricula of institution of Medical Radiology and Imaging Professionals; and
- (d) regulate standards and practice of the profession in Medical Radiology and Imaging Professionals.

(3) The Council may withdraw or alter any delegation but such withdrawal or alteration shall not affect anything done in pursuance of any decisions lawfully taken by the member, committee or the Registrar during that period of delegation.

(4) Any function discharged or power exercised by a member of committee or Registrar in pursuance of the delegation made under this section, shall be deemed to have been discharged or exercised by the Council.

Directions by
Minister

10. The Minister may, in relation to the carrying out of his functions in a proper and reputable manner, give such directions in writing to the Council and the Council shall give effect to such directions of the Minister.

Appointment of
Registrar and
Deputy Registrar

11.-(1) The Minister shall, after consultation with the Council, appoint from amongst Medical Radiology and Imaging Professionals employed in the public service, to be the Registrar of the Council.

- (2) The Registrar appointed under subsection (1) shall-
 - (a) be the Secretary to the Council;
 - (b) subject to the directions of the Council, be responsible to the Council for the administration and management of its affairs; and
 - (c) keep and maintain, the Register, the Roll and the List of Medical Radiology and Imaging Professionals.

(3) There shall be a Deputy Registrar to be appointed by the Minister for the purpose of assisting the Registrar in his day to day duties.

(4) In the absence of the Registrar or the Deputy Registrar, any other officer of the Council shall carry out functions of the Registrar in his behalf as the Chairman of the Council may in writing designate.

Secretariat

12.—(1) There shall be a Secretariat of the Council which shall consist of the Registrar, Deputy Registrar and such number of officers or staff as the Council may determine.

(2) The officers and staff of the Council shall be paid remuneration or allowances on such terms as the Council may determine.

PART III

REGISTRATION, ENROLMENT AND ENLISTING OF MEDICAL RADIOLOGY AND IMAGING PROFESSIONALS

(a) General Requirements

General
requirements

13.—(1) A person shall be recognised and entitled to practice as Medical Radiology and Imaging Professional if that person is duly registered, enrolled or as the case may be, enlisted under this Act.

(2) Where a person is registered, enrolled or enlisted under this Act, that person shall, upon payment of the prescribed fees, be entitled to practice as a Medical Radiology and Imaging Professional.

(b) Registration

Qualifications for
registration

14.—(1) A person shall be entitled for registration under this Act if he satisfies the Council that-

(a) he is a Radiographer or a Radiologist or a Medical Physicist or a Radiopharmacist holding a degree or diploma in radiography or any other qualification

recognised by the Council as being equivalent to a diploma offered in the relevant discipline in Mainland Tanzania;

- (b) he has complied with such additional requirement relating to the acquisition of practical experience as a Radiographer, a Radiologist, a Medical Physicist, a Radiopharmacist or Radiotherapist; and
- (c) his professional and general conduct renders him fit and proper person to be registered.

(2) Subject to the provisions of subsection (1), the Minister may make regulations prescribing the manner under which the holder of a degree and diploma may be registered.

(3) A person may not qualify for registration if-

- (a) he has been found guilty of an offence where ability or credibility of that person to practice is likely to be affected;
- (b) in the opinion of the Council, the person is unfit to be registered because of mental impairment which significantly impairs ability to practice;
- (c) the Council proves that his certificate or the document presented for registration has been obtained by fraud or misrepresentation; or
- (d) the qualifications upon which the registration was given has been withdrawn by the Council.

Procedure for
registration

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

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

- (a) a certified copy or copies of certificates for academic qualification of the applicant;
- (b) an application fee as may be prescribed in the regulations; and
- (c) such other documents containing information as may be required by the Council.

(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 accordingly stating the reasons for the Council's decision.

Provisional
registration

16.-(1) A person who is not entitled to be registered by reason only of the fact that he has not complied with the additional requirements referred to in section 14(1)(b) shall, if upon application in the prescribed manner, he satisfies the Council that he has secured an offer for employment or training in an institution or facility approved by the Council for the purpose of complying with the additional requirements, be entitled to be provisionally registered under this Act.

(2) A person provisionally registered, shall be deemed to be registered as far as is necessary to enable him to be employed for the purpose stated in subsection (1) in such institution or facility approved by the Council as shall be specified in the certificate of provisional registration.

(3) The Registrar shall maintain a separate register in which he shall enter the particulars of persons provisionally registered.

Full registration

17.-(1) A person applying for full registration shall be required to satisfy the Council that he has acquired one year practical experience in a health facility.

(2) A person who is fully registered shall be entitled to practice as a Medical Radiology and Imaging Professional.

Temporary
registration

18.-(1) Where a person satisfies the Council that-

- (a) he is not ordinarily resident in Mainland Tanzania;

- (b) he is or intends to be employed in Mainland Tanzania in the capacity for which he is applying for the express purpose of carrying out specific assignment in research or teaching;
- (c) he is or immediately before entering Mainland Tanzania was in practice as a Radiographer, Radiologist, Radiotherapist, Medical Physicist or a Radiopharmacist and that he is eligible for registration under section 17; and
- (d) his professional and general conduct renders him fit and proper person to be registered,

the Council may direct that such person be registered under this section for the duration of the specific assignment or for the period not exceeding twelve months as the Council may specify.

(2) The Council may require any person applying for registration under this section to appear before the Medical Radiology and Imaging Professionals Committee and to produce documents relating to his assignment or employment.

(3) Registration of a person under this section shall continue only while he is engaged on the specific assignment or for the period specified by the Council and on his cessation to be so engaged or on expiry of the period, his registration shall cease to have effect.

(4) A person registered under this section shall, in relation to the duration of the specific assignment or the period specified by the Council and to things done in the course of that assignment, be treated as registered under this Act.

Registration of
person qualified
outside Mainland
Tanzania

19.-(1) A person who qualified outside Mainland Tanzania shall upon payment of prescribed fees-

- (a) be registered under this Act; or
- (b) where the Council is not satisfied with his professional qualification, require the applicant to sit for and pass an examination before his registration by the Council.

(2) The Council may, if the applicant fails the examination under subsection (1), provide the last opportunity for the applicant to re-sit the examination.

(3) Notwithstanding the provisions of subsections (1) and (2), the Council shall have power to grant temporary registration to a foreigner who holds qualifications allowing him to practice for a specific period as it may determine.

Certificate of registration

20.—(1) Upon the registration of a Radiographer, Radiologist, Radiotherapist, a Medical Physicist or a Radiopharmacist and on payment of the prescribed fee, the Registrar shall issue a certificate of registration in the prescribed form.

(2) The certificate of registration issued under subsection (1) shall contain-

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

Restriction on use of title

21.—(1) A person other than Radiographer, a Radiologist, Radiotherapist, Medical Physicist or a Radiopharmacist shall not, on or after the commencement of this Act, assume, take, exhibit or in any way make use of any title, emblem or description reasonably calculated to suggest that he is a Radiographer, Radiologist, Radiotherapist Medical Physicist or a Radiopharmacist.

(2) A person who contravenes the provisions of this section, commits an offence and on conviction shall be liable to a fine of not less than one million shillings or to imprisonment for a term not exceeding two years, or to both.

(3) For the purposes of subsection (1), the use of any of the title “Radiologist” “Radiographer” “Roentigenologist”, “Roentigenographer”, “Radiological Technologist” or similar word or combination of words in any language, shall be deemed to be reasonably interpreted to suggest that, the person is Radiographer or a Radiologist.

Maintenance of Register

22.–(1) The Registrar shall keep and maintain a Register of Radiographers, Radiotherapists, Nuclear Medicine Technologists, Radiologists, Radiation Oncologists, Radio pharmacist and Medical Physicist in the prescribed form.

(2) As soon as practicable after the Council has accepted any person for registration, the Registrar shall enter in the Register in respect of that person the following particulars:

- (a) his name and address;
- (b) the date of registration;
- (c) his qualifications and status of registration; and
- (d) such other particulars as the Council may direct.

(3) All changes in the particulars of the person registered under this Act shall be entered in the Register by the Registrar.

(4) The Registrar may rectify, except for any substantive error, any clerical or typographical error in the Register or other document containing extract from the Register.

(c) Enrolment

Roll

23.–(1) The Registrar shall keep and maintain the Roll of Radiological Officers and Radiographic Assistants in the prescribed forms.

(2) As soon as practicable after the Council has approved a person for enrolment, the Registrar shall enter in the Roll in respect of that person the following particulars:

- (a) his name;
- (b) the date of enrolment;
- (c) his qualifications; and
- (d) such other particulars as the Council may direct.

(3) All changes of the particulars of the person enrolled under this Act shall be entered in the Roll by the Registrar.

(4) The Registrar may rectify, save for any substantive error, any clerical or typographical error in the Roll or other document containing extract from the Roll.

Qualifications for enrolment **24.** A person shall be entitled for enrolment under this Act if he satisfies the Council that-

- (a) he is a Radiological Officer who is a holder of a Diploma in radiology or any other qualification recognised by the Council as being equivalent to a diploma in Radiology offered in Mainland Tanzania;
- (b) he is a Radiographic Assistant who is a holder of a Certificate in Radiography or any other qualification recognised by the Council as being equivalent to a certificate in radiography offered in Mainland Tanzania;
- (c) he has complied with such additional requirements relating to the acquisition of practical experience as Radiological Officer or a Radiographic Assistant; and
- (d) his professional and general conduct renders him fit and proper person to be enrolled.

Procedures for enrolment **25.**-(1) A person who wishes to be enrolled under this Act shall submit an application in the prescribed form to the Registrar.

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

- (a) a certified copy or copies of certificates for academic qualifications;
- (b) an application fee as may be prescribed; and
- (c) such other documents containing information as may be required by the Council.

(3) The Registrar shall, after receiving an application, refer the application containing 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 enroll the applicant; or
- (b) reject an application and direct the Registrar to inform the applicant accordingly stating the reasons for such rejection.

Certificate of
enrolment

26.—(1) Upon the enrolment of a Radiological Officer or a Radiographic Assistant and on payment of the prescribed fee, the Registrar shall issue a certificate of enrolment in the prescribed form.

(2) The certificate of enrolment issued under the provisions of subsection (1) shall contain-

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

(d) Enlisting

List of
Sonographers

27.—(1) The Registrar shall keep and maintain a list of Sonographers in the prescribed form.

(2) As soon as practicable after the Council has accepted any person for enlisting, the Registrar shall enter in the List in respect of that person the following particulars:

- (a) his name and address;
- (b) the date of enlisting;
- (c) his qualifications; and
- (d) such other particulars as the Council may direct.

(3) All changes in the particulars of the person enlisted under this Act shall be entered in the List by the Registrar.

(4) The Registrar may rectify, save for any substantive error, any clerical or typographical error in the List of or other document containing extract from the List.

Enlisting of
Sonographers

28. A person shall be entitled for enlisting under this Act if he satisfies the Council that-

- (a) he is a Sonographer who is a holder of a certificate in Sonography or any other qualification recognised by the Council as being equivalent to a certificate in Sonography offered in Mainland Tanzania;

- (b) he has complied with such additional requirements relating to the acquisition of practical experiences as a Sonographer; and
- (c) his professional and general conduct renders him fit and proper person to be listed.

Procedure for enlisting

29.-(1) A person who wishes to be enlisted under this Part shall submit an application in the prescribed form to the Registrar.

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

- (a) a certified copy or copies of certificates for academic qualifications of the applicant;
- (b) an application fee as may be prescribed; and
- (c) such other documents containing information as may be required by the Council.

(3) The Registrar shall, after receiving an application, refer the application containing 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 enlist the applicant; or
- (b) reject an application and direct the Registrar to inform the applicant accordingly stating the reasons for such rejection.

Certificate of enlisting

30.-(1) Upon enlisting of a Sonographer and on payment of the prescribed fee, the Registrar shall issue a Certificate of Enlisting in the prescribed form.

(2) The Certificate of Enlisting issued under subsection (1) shall contain-

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

PART IV

FINANCIAL PROVISIONS

- Funds of Council **31.**—(1) The funds and resources of the Council shall consist of—
- (a) the sums of money as may be appropriated by the Parliament;
 - (b) all fees payable as may be prescribed in the regulations;
 - (c) proceeds derived from the sale of Council’s property;
 - (d) such donations, grants, bequeaths or loans as the Council may receive from any organisation; and
 - (e) any other income identified by the Council and legally obtained.
- (2) The funds and resources of the Council shall be applied for the purposes which the Council is established and in accordance with the directions of the Council.
- (3) The Registrar shall keep proper audited accounts and other records relating to the funds and resources of the Council.
- Financial year of Council **32.** The financial year of the Council shall be twelve months ending on the 30th day of June.
- Estimates **33.**—(1) The Registrar shall, within three months before the end of each financial year, prepare and submit to the Council for approval, estimates of income and expenditure of the Council for the next ensuing financial year.
- (2) Upon approval of estimates by the Council, the Registrar shall forward the estimates to the Minister for approval with or without variation.
- (3) Expenditure shall not be made from the funds of the Council unless such expenditure has been approved by the Council.
- Accounts and audit **34.**—(1) The Council shall cause to be prepared and kept proper books of accounts and records with respect to the receipt and expenditure of money and other financial transactions of the Council, and shall cause to be made for

every financial year a balance sheet showing the details of the income and expenditure of the Council and all its assets and liabilities.

(2) Within three months after the close of each financial year, the accounts including the balance sheet of the Council in respect of that financial year shall be submitted to and audited by the Controller and Auditor-General.

(3) Every such audited balance sheet shall be placed before a meeting of the Council and, if adopted by the Council shall be endorsed with a certificate that it has been so adopted.

(4) As soon as the accounts of the Council have been audited and in any case not later than six months after the close of the financial year, the Council shall submit to the Minister a copy of the audited statement of the accounts together with a copy of the report made by the auditor on the statements of accounts.

Financial report **35.**-(1) The Minister shall, after receiving the report, lay it before the National Assembly.

(2) The report shall contain-

- (a) a copy of the audited accounts of the Council;
- (b) a copy of the audited report; and
- (c) a copy of the report regarding the activities of the Council in the preceding financial year.

Remuneration **36.** Member of the Council and committees shall be paid remuneration as the Minister may determine.

PART V

GENERAL PROVISIONS

Retention in
Register, Roll
and List

37.-(1) A person who is registered, enrolled or enlisted under the provisions of this Act, shall before 31st December of each year, file information to the Council in the prescribed manner for retention of his name in the Register, Roll or List.

(2) An application under the provisions of subsection (1) shall be accompanied by a prescribed fee.

(3) The Council may, by its resolution, remove from the relevant Register, Roll or List a name of a registered, enrolled or enlisted person who fails without reasonable cause to comply with the provisions of this section.

Publication of Medical Radiology and Imaging Professionals

38.—(1) The Registrar shall cause to be published in the *Gazette*, as soon as may be practicable after registration, enrolment or enlisting, the particulars entered in the Register, Roll or List in respect of each person and, subject to the directions of the Council, any amendment or deletion of the particulars in the Register, Roll or List.

(2) The Registrar shall at least once each year, effect publication of a list containing the particulars entered in the Register, Roll or List in respect of all persons remaining on the Register, Roll or the List at the close of the previous year.

Publication as sufficient evidence of registration, enrolment or enlisting

39.—(1) A publication under section 38 shall be sufficient evidence that the person mentioned in it is registered, enrolled or enlisted under this Act, and the deletion from the Register, Roll or List of the name of any person notified by the publication, or the absence of the name of any person from the publication, shall be sufficient evidence that, that person, is not registered, enrolled or enlisted or that the validity of his registration, enrolment or enlisting has ceased to have effect.

(2) The Register, Roll and List and copies or extracts from them which purport to have been certified under the hand of the Registrar shall be received in court, tribunal or any authorised body as sufficient evidence of the facts stated therein.

Registrar may call for information

40. The Registrar shall, on his own motion or where requested by the Council, and if he considers it necessary for the furtherance of the objectives and purposes of this Act, require any person registered, enrolled or enlisted under this Act, by a registered letter sent to the last known address of the person, to furnish any information relating to his practice as a Medical Radiology and Imaging Professional or any other matter which may be specified in the letter.

Cancellation or suspension of certificates

41. The Council may, subject to the provisions of section 43 and if it is satisfied that the terms and conditions of registration, enrolment or enlisting have been violated-

- (a) cancel or suspend the certificate; and
- (b) direct the Registrar-
 - (i) to notify the person whose certificate has been cancelled or suspended; and
 - (ii) to remove the name of the person whose certificate has been cancelled from the Register, Roll or List.

Procedure for cancellation or suspension

42.-(1) Where a registered, enrolled or enlisted person is in violation of the terms and conditions of his registration, enrolment or enlisting, the Registrar shall, on the direction of the Council, serve to that person a notice in writing specifying the nature of default.

(2) Upon receipt of the notice under subsection (1), the person to whom the notice is served shall make representation in writing to the Registrar on the rectification of the default.

(3) Where the person under subsection (2) 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 issued to that person.

(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, Enrolment or Enlisting.

Reinstatement

43.-(1) A person whose certificate has been cancelled or suspended, shall be required to apply for reinstatement of his registration, enrolment or enlisting to the Registrar within the period of two years from the date of cancellation or suspension.

(2) Where the person under the provisions of subsection (1) fails without good cause to submit an application for reinstatement of his registration, enrolment or enlisting within

the period of two years, the Council may direct that such person be reinstated in the Register, Roll or List after passing an examination.

Professional
misconduct

44.—(1) Where the Council is satisfied that-

- (a) a registered, enrolled or enlisted person is-
 - (i) guilty of misconduct in any professional respect; or
 - (ii) convicted by any court in the Mainland Tanzania or elsewhere having power to award imprisonment for an offence which in the opinion of the Council is incompatible with the status of a Medical Radiology and Imaging Professional; or
- (b) the name of any person who has been fraudulently registered, enrolled or enlisted,

the Council may give directions requiring the Registrar to remove the name of such registered, enrolled or enlisted person from the Register, Roll or List.

(2) The Council may defer its decision to give directions under the provisions of subsection (1) until subsequent meeting of the Council, except that decision shall not be deferred under this subsection for periods exceeding one year in the aggregate.

(3) Where the decision of the Council has been deferred under the provisions of subsection (2), a person shall not be a member of the Council for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Council when the decision was deferred.

(4) Where the Council gives directions under the provisions of subsection (1), the Council shall cause a notice of the direction to be served on the person to whom it relates.

(5) A person whose name is removed from the Register, Roll, or List pursuant to the direction of the Council under this section shall not be entitled to registration, enrolment or enlisting again except in pursuance of a direction in that behalf given by the Council on the application of that person.

Appeals

45. Any person who is aggrieved by any decision of the Council under this Act may, at any time within thirty days after receiving the notice of decision of the Council, appeal to the Minister.

PART VI MISCELLANEOUS PROVISIONS

Offences and penalties

46.—(1) A person who-

- (a) is not registered, enrolled or enlisted and who holds himself out as a Medical Radiology and Imaging Professional;
- (b) without reasonable excuse takes or uses any name, title or description implying that he is authorised by law to practice as a Medical Radiology and Imaging Professional; or
- (c) for the purpose of obtaining registration, enrolment or enlisting of any name or qualification-
 - (i) makes a statement which he believes to be false in a material particular; or
 - (ii) recklessly makes a statement which is false in a material particular,

commits an offence and on conviction shall be liable to a fine of not less than one hundred thousand shillings and not more than two hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

(2) Where an offence under this section has been committed by a body corporate and is proved to have been committed with consent or knowledge, or to be attributable to any neglect on the part of, any Director, Manager, Secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, that Director, Manager, Secretary or officer of a body corporate purporting to act in such capacity as well as the body corporate, shall be deemed to have committed an offence and on conviction shall be liable

to a fine of not less than five hundred thousand shillings or to imprisonment for a term of not less than six months and not more than two years.

Protection of members

47. A matter or anything done by any member of the Council, or its Committee, the Registrar, Deputy Registrar or any other person empowered to perform any function under this Act shall not, if done in good faith in execution or purported execution of his functions under this Act, render the member, the Registrar, Deputy Registrar or that other person personally liable for the matter or thing done.

Regulations

48. The Minister may, on the advice of the Council, make regulations for the better giving effect to the provisions of this Act and may, in particular make regulations prescribing-

- (a) the forms to be used under this Act;
- (b) fees payable in respect of applications for registration, enrolment or enlisting under this Act;
- (c) procedures for registration, enrolment and enlisting;
- (d) additional requirements relating to acquisition of practical experience in medical radiology and imaging professionals referred to under this Act;
- (e) the conduct of inquiries by the Council, and the attendance of witnesses and production of evidence during inquiries under this Act including the power to administer evidence on oath;
- (f) grounds and procedures for granting, suspension or cancellation of certificate of registration, enrolment or enlisting granted under this Act;
- (g) anything which is required or permitted to be prescribed provided for under this Act;
- (h) procedures for appeals under this Act;
- (i) approve list of institutions conducting internship as recognised by the Council; and
- (j) anything which, in the opinion of the Minister or Council, is necessary or expedient for the better carrying out the provisions of this Act.

- Code of Ethics and Professional Conduct
- 49.**—(1) The Minister may, after consultation with the Council, prescribe a Code of Ethics and Professional Conduct and a Code of Good Practice to be observed by medical radiology and imaging professionals.
- (2) The Codes made under the provisions of subsection (1) shall be published in the *Gazette*.

SCHEDULE

(Made under section 5(2))

PROVISIONS RELATING TO THE COUNCIL

- Vice Chairman
- 1.** The members shall elect one of their numbers to be the Vice Chairman of the Council and any member elected as Vice Chairman shall, subject to his continuing to be a member, hold office for a term of one year from the date of his election, but shall be eligible for re-election.
- Tenure of Office
- 2.**—(1) A member shall, unless his appointment is sooner terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and shall be eligible for re-appointment.
- (2) Members appointed by virtue of their office shall cease to be members upon ceasing to hold the office entitling appointment to the Council.
- Termination of member
- 3.** Notwithstanding the provisions of subparagraph (1) of paragraph 2, any member of the Council, other than the Chairman or a person holding an office of emolument under the United Republic, may at any time resign from membership of Council by notice in writing addressed to the appointing authority, who shall forthwith cause it to be forwarded to the Council, and from the date of the receipt by the Council of such notice, such member shall cease to be a member of the Council.
- Meetings of Council
- 4.**—(1) The Council shall meet not less than four times in a year and at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and dates as may be determined by the Chairman.
- (2) The Secretary of the Council shall give notice of a meeting to each member not less than fourteen days before the date of meeting.
- (3) The Chairman shall preside at all meetings of the Council, and in his absence, the Vice Chairman shall preside.
- (4) In the case of the absence of both the Chairman and Vice Chairman, members present and constituting a quorum shall elect from among themselves a temporary Chairman who shall preside at the meeting.

(5) The decisions of the Council shall be by a majority of votes and the Chairman of the meeting shall have a casting vote in addition to his deliberative vote and if any member fails or refuses to vote the vote shall be counted in the negative.

Absent members to be represented

5. Where a member of the Council who is a member by virtue of his office is unable for any reason to attend any meeting of the Council he may nominate another person from his organisation to represent him in the meeting.

Quorum

6. The quorum at any meeting of the Council shall be half of the members.

Decision of Council

7.—(1) Subject to the provisions of subparagraph (2), matters proposed at a meeting of the Council shall be decided by a majority of the votes of the members present and voting and in the event of any equality of vote then, the person presiding shall have a casting vote in addition to his deliberative vote.

(2) A decision may be made by the Council without a meeting by circulation of the relevant papers among the members and the expression of the views of the members in writing, but any member may require that the decision be deferred and the subject matter be considered at a meeting of the Council.

Minutes of meeting

8.—(1) The Council shall cause to be recorded and kept minutes of all business conducted or transacted at the meetings 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 and the Secretary to the meeting.

(2) Minutes purporting to be signed by the person presiding and the Secretary at a meeting of the Council shall in the absence of proof of error be deemed to be a correct record of the meeting whose minutes they purport to be.

Vacancies not to invalidate proceedings

9. The validity of any act or proceeding of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

Orders, direction, etc., of Council

10. All orders, directions, notices or other documents made or issued on behalf of the Council shall be signed by the Chairman or, as the case may be, the Vice Chairman or the Registrar.

Proof of Documents

11. A document purporting to be under the hand of the Registrar as to any resolution of the Council or as having been issued on behalf of the Council, shall be receivable in courts of law or tribunals or other bodies authorised to receive evidence and shall unless the contrary is shown, be deemed, without further proof, to be sufficient evidence of what is contained in the document.

Council may regulate its own proceedings

12. Subject to the provisions of this Schedule, the Council may regulate its own proceedings.

Cessation of membership

13. A member shall cease to be a member of the Council if the person-

- (a) is absent from three consecutive meetings of the Council without good cause;
- (b) ceases to hold the office or position for which he was appointed;
- (c) tenders a resignation in writing to the appointing authority;
- (d) is suffering from mental disorder or illness; or
- (e) dies.

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