

Tanzania

Medical Practitioners and Dentists Act Chapter 152

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Tanzania

Medical Practitioners and Dentists Act

Chapter 152

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Ord No. 11 of 1959; Acts Nos. 42 of 1963; 50 of 1966; 24 of 1968]

An Act to provide for the registration of medical practitioners and dentists and to provide for matters connected therewith.

1. Short title

This Act may be cited as the Medical Practitioners and Dentists Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**Council**" means the Medical Council of Tanganyika established under section 3;

"**dentist**" means any person professing to practise dentistry or holding himself out as ready and willing to give dental treatment to patients;

"**diploma**" means any diploma, degree, fellowship, membership, licence, authority to practise, letters, testimonial, certificate, or other status or document granted by any university, corporation, college or other body, or by any department of, or person acting under the authority of, the Government of any country or place;

"**licence**" means a licence issued under section 22 and includes a licence to which the provisions of section 42 apply and a licence the validity of which is preserved under paragraph (a) of subsection (2) of section 22 or which is issued under paragraph (c) of that subsection;

"**medical diploma**" means a diploma granted in respect of medicine, surgery and midwifery, or any of them, or any branch of medicine or surgery;

"**medical practitioner**" means any person professing to practise medicine or surgery; or holding himself out as ready and willing to give medical or surgical treatment to patients;

"**Minister**" means the Minister responsible for matters relating to health and medical services;

"**practise dentistry**" means to perform any such operation, or to give any such treatment, advice or attendance as is usually performed or given by dentists, and any person who performs any operation or gives any treatment, advice or attendance, on or to any person as preparatory to or for the purpose of, or in connection with the fitting, insertion or fixing of artificial teeth, shall be deemed to practise dentistry;

"**practise medicine or surgery**" means to give medical or surgical treatment or advice;

"**register**" means a register of medical practitioners or dentists kept under the provisions of paragraph (a) of section 9;

"**Registrar**" means the Registrar of medical practitioners and dentists appointed under section 8;

"**Service**" means the medical service of the Government or, of the forces of the United Republic.

3. Establishment of Medical Council of Tanganyika

- (1) There is hereby established a council to be known as the Medical Council of Tanganyika which shall consist of—
 - (a) the Chief Medical Officer, who shall be the Chairman;
 - (b) the Attorney-General; and
 - (c) not less than five other members being medical practitioners or dentists registered under this Act and appointed by the Minister by notice published in the *Gazette*.
- (2) The members appointed under paragraph (c) of subsection (1) of this section shall, unless their appointments are previously cancelled, hold office for three years but shall be eligible for re-appointment.
- (3) In the absence of the Chairman from any meeting the members present shall appoint a Chairman for that meeting from among those present and for such meeting that member shall have all the powers and duties of the Chairman.
- (4) No act or proceeding of the Council shall be affected or invalidated by reason of the fact that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the Council.
- (5) At any meeting of the Council four members shall constitute a quorum.
- (6) Subject to the provisions of subsection (5) of this section the Council may act notwithstanding any vacancy in its number.

4. Voting and acts

- (1) The Chairman shall have both a casting and a deliberative vote and the decisions of the majority of the members present and voting at a meeting of the Council shall be deemed to be a decision of the Council.
- (2) All authorisations, directions, recommendations or other documents made or issued by the Council shall be signed by the Chairman or by the Registrar and when so signed shall be deemed to be duly made or issued by the Council.

5. Casual appointments

- (1) If any member of the Council is incapacitated by illness, temporary absence from Tanzania or other sufficient cause from performing the duties of his office, the Minister may, in writing under his hand, appoint another person to act in his stead and every such person shall have all the powers and duties of the member for whom he is acting until such member is again able to perform the duties of his office or ceases to hold office as a member of the Council.
- (2) In the case of the death or permanent incapacity from any cause, or the resignation or removal from office of any member, the Minister may by notice published in the *Gazette* appoint in his place another person to be a member of the Council.
- (3) A person appointed to be a member of the Council under the provisions of subsection (2) shall, unless his appointment is previously cancelled, hold office for three years from the date of his appointment but shall be eligible for re-appointment.

6. Seal

The Council shall have a seal which shall bear such device as may be decided upon by the Council at its first meeting and which, subject to the provisions of subsection (2) of section 13, may be used upon such occasion as the Council may think fit:

Provided that until such time as a seal can be procured a rubber stamp bearing the inscription "Medical Council of Tanganyika" may be used in lieu of such seal.

7. Procedure

Subject to the provisions of this Act and any rules made thereunder, the Council may from time to time make standing orders providing for the regulation of the conduct of its business and operations, and the procedure at the meetings of the Council.

8. Appointment of Secretary and Registrar

- (1) The Chairman shall appoint a Secretary to the Council, who may be a person holding an office of emolument in the public service and the Chairman may at any time cancel the appointment of the person so appointed and appoint another person in his place.
- (2) The Secretary shall be the Registrar of medical practitioners and dentists and shall perform such duties as may be imposed upon the Registrar by this Act, by any rules made under this Act or by the Council.

9. Functions of the Council

The functions of the Council shall be generally to carry out the provisions of this Act and rules made thereunder and in particular—

- (a) to cause to be kept and maintained registers of medical practitioners and dentists;
- (b) to cause to be published in the *Gazette* next following the date of registration, or as soon as conveniently may be thereafter, the name, address and registered qualifications of each medical practitioner and dentist duly registered;
- (c) to cause to be published in the *Gazette* as soon as conveniently may be after the first day of January in each year, a list containing the names, qualifications and addresses of all medical practitioners and dentists remaining on the registers at the close of the previous years;
- (d) to direct, should it think fit, the restoration to the register, with or without payment of further fees, of the name of any person previously erased from the register by direction of the Council or under the terms of subsection (1) of section 10;
- (e) to administer a caution to, or censure, or order the suspension from practice or direct the erasure from the register of the name of any medical practitioner or dentist convicted of any felony or misdemeanour or who after due inquiry by the Council is deemed by it to have been guilty of infamous conduct in any professional respect;
- (f) to license, in its discretion, persons who fulfil the requirements set forth in section 22 or in paragraph (b) of subsection (2) of section 22 of this Act;
- (g) to decide which medical diplomas and which diplomas in dentistry may be recognised for the time being by the Council as furnishing a sufficient guarantee that the holder possesses the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery or for the sufficient practice of dentistry; and
- (h) to approve hospitals or other institutions and posts therein for the purpose of enabling persons provisionally registered under this Act to obtain the experience necessary to enable them to be registered.

10. Keeping of the registers and erasure of names of persons who have died or left Tanzania

- (1) It shall be the duty of the Registrar to keep the registers correctly in accordance with the provisions of this Act and the orders of the Council, and to erase the names of all registered persons who shall have died, or shall have left Tanzania with no intention of returning to practise therein and to make from time to time the necessary alterations in the names, addresses or qualifications of the persons registered.
- (2) If the Registrar writes a letter to any registered medical practitioner or dentist, addressed according to the address in the register of such registered medical practitioner or dentist has changed his residence, or has left Tanzania and has no intention of returning to practise, and if the registered medical practitioner or dentist to whom the letter is addressed shall reply stating that he has left Tanzania and has no intention of returning to practise, or if no answer shall be returned to such letter within the period of six months from the sending of the letter, it shall be lawful for the Registrar, after giving notice in the prescribed manner, to erase the name of such person from the register.
- (3) The district registrar of deaths of every district, or the public officer performing the duties of such district registrar, as the case may be on receiving notice of the death of any registered medical practitioner or dentist shall forthwith transmit to the Registrar a certificate under his own hand of such death, with the particulars of the date and place of death, and on the receipt of such certificate the registrar shall erase the name of such deceased medical practitioner or dentist from the register.

11. Registrar may call for certain information

The Registrar, on the instructions of the Council, may, in writing, request any medical practitioner or dentist registered under the provisions of this Act to furnish all or any of the following information—

- (a) whether the medical practitioner or dentist, as the case may be, is practising medicine or dentistry in Tanzania;
 - (b) if so, whether he is in private practice or is in the employment of any organisation, undertaking or concern; and
 - (c) if he is so employed, the name of the organisation, undertaking or concern by which he is employed,
- and any such medical practitioner or dentist who receives a request for such information shall comply with such request.

[s. 10A]

12. Publication *prima facie* evidence of registration

- (1) Any publication in the *Gazette* under the provisions of paragraph (b) or paragraph (c) of section 9 shall be *prima facie* evidence that the persons named therein are registered under this Act, and the absence of the name of any person from such publication shall be *prima facie* evidence that such person is not so registered.
- (2) The registers, and all copies thereof or extracts there from which purport to have been certified under the hand of the Registrar shall be receivable in all courts or tribunals or other bodies authorised to receive evidence as *prima facie* evidence of the facts contained therein.

[s. 11]

13. Registers to be kept and certificates to be issued

- (1) The registers of medical practitioners and of dentists shall be kept substantially in the form set out in the Schedule to this Act.

- (2) The Registrar shall on registration issue to each registered medical practitioner or dentist free of charge a certificate of registration which shall be in the form of an extract from the appropriate register and which shall bear the seal of the Council.

[s. 12]

14. Persons entitled to be registered as medical practitioners

- (1) Subject to the provisions of section 36, a person shall be entitled to be registered under this Act as a medical practitioner if—
 - (a) he is the holder of a diploma which is recognised for the time being by the Council as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery; and
 - (b) he has complied with such additional requirements relating to the acquisition of practical experience in medicine, surgery and midwifery or in any one or more of such disciplines as the Minister may by rules prescribe.
- (2) Requirements prescribed by rules made under paragraph (b) of subsection (1) may include the requirement that any person or body shall be satisfied as to the existence of any fact.

[s. 13]

15. Provisional registration of medical practitioners

- (1) The following provisions of this section shall apply for the purpose of enabling persons referred to in paragraph (a) of subsection (1) of section 14 to acquire such practical experience in medicine, surgery and midwifery or in any one or more of such disciplines as may be prescribed by rules made under paragraph (b) of that subsection.
- (2) Any person who is not entitled to be registered as a medical practitioner by reason only of the fact that he does not have the practical experience prescribed in any rules made under paragraph (b) of subsection (1) of section 14, shall, if he produces evidence satisfactory to the Registrar that he has been selected for employment in a hospital or hospitals approved by the Council for the purposes of this section and that such employment would provide the required practical experience, be entitled to be provisionally registered.
- (3) The Registrar shall maintain a separate register in which he shall enter the names of those persons provisionally registered and on a person becoming registered other than provisionally his name shall be removed from this register.
- (4) Persons provisionally registered shall be deemed to be registered as far as is necessary to enable them to be employed for the purpose stated in subsection (2) of this section in a supervised medical capacity in such hospital or hospitals approved by the Council as may be specified in the certificate of provisional registration and to carry out under supervision in such hospital or hospitals any duties and responsibilities of a registered medical practitioner but not otherwise.
- (5) Notwithstanding the provisions of section 26 hereof any certificate or other document required by law to be signed by a legally or duly qualified medical practitioner shall be valid if it is signed by a person provisionally registered under this section.
- (6) The signature by a person provisionally registered on any certificate or other document required by law to be signed by a legally or duly qualified medical practitioner may where such certificate or document was signed by such person otherwise than in the course of his employment under subsection (2) of this section, be a ground for inquiry by the Council under section 29 and, after such inquiry, the Council may impose on such person any of the penalties specified in that section.

[s. 14]

16. Persons entitled to be registered as dentists

- (1) Subject to the provisions of section 36, a person shall be entitled to registration under this Act as a dentist if—
 - (a) he is the holder of a diploma which is recognised for the time being by the Council as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry; and
 - (b) he has, after attaining such diploma, worked in full time employment under the supervision of a duly registered dentist or dentists for a period of not less than twelve months in such capacity and such circumstances as to satisfy the Council that he has acquired sufficient practical experience for the efficient practice of dentistry in Tanzania.
- (2) Notwithstanding the provisions of subsection (1), where the Council is satisfied in relation to any person applying for registration under this Act as a dentist—
 - (a) that the diploma held by such person is sufficient guarantee not only of the possession of the requisite knowledge and skill for the efficient practice of dentistry but also of sufficient practical experience for the efficient practice of dentistry in Tanzania; or
 - (b) that such person, after obtaining a diploma which is for the time being recognised by the Council as furnishing sufficient guarantee of the possession by him of the requisite knowledge and skill for the efficient practice of dentistry, has worked as a dentist or under the supervision of a dentist in any country or countries for such period, in such capacity and under such circumstances as to satisfy the Council that he has acquired sufficient practical experience for the efficient practice of dentistry in Tanzania,

the Council may, in its absolute discretion, exempt such person from the requirement specified in paragraph (b) of subsection (1).

[s. 15]

17. Temporary registration

- (1) Where a person satisfies the Council—
 - (a) that he is or intends to be employed in Tanzania in the capacity of a practitioner of medicine, surgery and midwifery or of dentistry in a hospital or other institution approved by the Council for the purposes of this section; and
 - (b) that he is the holder of a diploma which is recognised for the time being by the Council for the purpose of this section as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery or of dentistry,

the Council may, if it thinks fit, give a direction that he shall be registered under this section.

- (2) Registration of a person under this section shall continue only while he is in such employment as is mentioned in subsection (1) and on its termination he shall cease to be registered under this section.
- (3) In case of doubt the decision of the Council as to the termination of a person's employment, shall be conclusive for the purposes of subsection (2).
- (4) A person registered under this section shall, in relation to employment as mentioned in paragraph (a) of subsection (1) of this section, and to things done and omitted in the course thereof, be treated as registered under this Act as a fully registered medical practitioner or dentist as the case may be, but in relation to other matter shall be treated as not so registered.

[s. 15A]

18. Provisional registration of dentists

- (1) The following provisions of this section shall apply for the purposes of enabling any person intending to apply for registration under this Act as a dentist to comply with the provisions of paragraph (b) of subsection (1) of section 16.
- (2) Any person who is not entitled to be registered as a dentist by reason of the fact only that he has not complied with the provisions of paragraph (b) of subsection (1) of section 16, shall, if he produces evidence satisfactory to the Registrar that he has been selected for employment under the supervision of a dentist registered under section 16 of this Act and that such employment would provide the required practical experience, be entitled to be provisionally registered.
- (3) The Registrar shall maintain a separate register in which he shall enter the names of those persons provisionally registered and on a person becoming registered other than provisionally his name shall be removed from the register.
- (4) A person provisionally registered under this section shall be entitled to exercise the functions of a dentist registered under section 16 for so long as he is in full time employment under the supervision of a dentist registered under section 16 but not otherwise.

[s. 15B]

19. Appeal against refusal to register

- (1) Any person aggrieved by a decision of the Council under section 14 or under section 16 refusing registration may, within one month from the date of notification of the refusal, require the Registrar to state in writing the reason for the refusal and may, within three months of the receipt by him of the statement, appeal against such refusal to the High Court whose decision thereon shall be final:

Provided that no appeal shall lie under this section against a refusal to register on the grounds that the applicant does not hold a medical diploma or a diploma in dentistry which is for the time being recognised by the Council as furnishing a sufficient guarantee that the holder possesses the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery or of dentistry.

- (2) Where under subsection (1) of this section the Registrar has been required to state in writing the reason for a decision of the Council refusing registration the Registrar shall furnish such statement within one month from the date of his being so required.

[s. 16]

20. Application to High Court

- (1) Notwithstanding the provisions of subsection (1) of section 19, where the Council has refused to recognise a medical diploma or a diploma in dentistry as furnishing a sufficient guarantee that the holder possesses the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery or of dentistry, any person aggrieved by such refusal may require the Registrar to state in writing the matters considered by the Council in reaching its decision and the Registrar shall furnish such statement within one month of his being so required.
- (2) Where the Registrar has under subsection (1) of this section furnished a statement to a person aggrieved by a decision of the Council such person may, within three months of the receipt by him of such statement, apply to the High Court for an order requiring the Council to reconsider its decision.
- (3) Where on an application made under subsection (2) of this section it appears to the High Court that the Council may, in reaching its decision, have failed to take into account any relevant considerations or to give due weight to any relevant matters, the High Court may order that the

Council shall, within such time as may be specified in the order, reconsider its decision and may further order that the Council shall, in the course of such reconsideration, permit the applicant to appear before it and state the grounds of his dissatisfaction with the decision.

- (4) Where the High Court has made an order under subsection (3) of this section, the Council shall, within such time as may be specified in the order, reconsider its decision in accordance with the terms of such order and shall, after such reconsideration, affirm or revoke its decision.
- (5) Where the Council has under subsection (4) of this section affirmed or revoked its decision, no further application under this section shall lie in respect thereof to the High Court.
- (6) Nothing in this section shall be construed as in any way derogating from the power of the High Court to make or issue any prerogative writ or order.

[s. 17]

21. Registration of higher qualifications

Such diplomas or qualifications, additional to the qualification in respect of which a person may have been registered, which may from time to time be approved by the Council for registration, may on application by the medical practitioner or dentist in the prescribed manner be inserted in the register in addition to the qualifications previously registered.

[s. 18]

22. Licensed medical practitioners and dentists

- (1) Where that Council is informed that it is proposed to appoint any person (not being a person eligible for registration under this Act) to the post of Assistant Medical Officer or Assistant Dental Officer in the Service or in the service of an organisation recognised for the purposes of this section by the Minister, the Council may, if it is satisfied that such person has sufficient qualifications, skill and experience in the practice of medicine, surgery and midwifery or of dentistry, as the case may be, properly to perform the duties of such post, license such person as a medical practitioner or dentist, as the case may be.
- (2) A licence under subsection (1) shall have effect from the date on which the person to whom it is issued is appointed to the post of Assistant Medical Officer or Assistant Dental Officer, as the case may be, and, without prejudice to the provisions of this section, shall terminate immediately upon such person ceasing to hold such post unless such person is immediately appointed to another post in the Service or in such recognised organisation as aforesaid, such post being designated for the purposes of this section by the Chief Medical Officer.
- (3) The Council shall not be required to assign any reason for refusing to grant a licence under this section and there shall be no right to appeal against any such refusal to grant such a licence.
- (4) The Council may, if it is of opinion that a medical practitioner or dentist licensed under the provisions of this section has conducted himself in a manner inconsistent with his position as a licensed practitioner, caution or censure such practitioner or may cancel the licence granted to him and erase his name from the list maintained under section 23:

Provided that no licensed practitioner shall be cautioned or censured and no licence shall be cancelled unless the practitioner cautioned or censured or whose licence is cancelled shall have been afforded an opportunity of appearing in person before the Council and explaining his conduct:

And provided further that nothing in section 30 or any rules made for the purpose of an inquiry held under that section shall apply to a hearing under this subsection.

- (5) Where the Council has cancelled a licence under subsection (3) of this section the Registrar shall as soon as practicable, serve notice of the decision of the Council and of the reasons therefor on the medical practitioner or dentist concerned, who may within three months of the service of such notice appeal against such decision to the High Court, whose decision thereon shall be final.

- (6) The issue or cancellation of a licence under the provisions of this section shall be notified in the *Gazette*.

[s. 19]

23. List to be kept of licensed persons

- (1) In addition to the registers required to be kept by section 10(1), the Registrar shall keep a list of the names of all persons licensed as medical practitioners and dentists.
- (2) The provisions of this Act as to the keeping of registers, the publication of the names of persons registered therein and the provisions of section 12 shall apply in respect and for the purposes of any list kept under this section and the names of persons on such list and any publication or certified copies thereof or extracts therefrom.

[s. 20]

24. Entitlement to practise and to sue for fees

Every registered or licensed medical practitioner shall be entitled to practise medicine, surgery and midwifery, and every registered or licensed dentist shall be entitled to practise dentistry.

[s. 21]

25. ***

[Repealed by Act *No. 6 of 1977*]

[s. 22]

26. Certificate cannot be signed unless person signing is registered or licensed

Subject to the provisions of subsection (5) of section 15, no certificate or other document required by law to be signed by a legally or duly qualified medical practitioner, shall be valid unless signed by a person registered or licensed as a medical practitioner under this Act.

[s. 23]

27. Construction of terms

The words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any words importing a person recognised by law as a medical practitioner or member of the medical profession, when used in any Act, or other law with reference to such person, shall be construed to mean a person registered or licensed or deemed to have been registered or licensed as a medical practitioner under this Act.

[s. 24]

28. Penalties for procuring registration or licence by false certificates

- (1) Any person who shall wilfully procure or attempt to procure himself to be registered, temporarily registered, provisionally registered or licensed under this Act, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting him therein shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.
- (2) If the person convicted of an offence under this section is registered, temporarily registered, provisionally registered or licensed under this Act, the Registrar shall forthwith erase the name

of such person from the register or cancel his licence and erase his name from the list kept under section [23](#), as the case may be.

[s. 25]

29. If convicted, name may be erased from the register or practitioner may be cautioned, censured or suspended

If any medical practitioner or dentist registered, temporarily registered, or provisionally registered under this Act shall be convicted of any felony or misdemeanour, or shall, after due inquiry by the Council, be deemed by it to have been guilty of infamous conduct in any professional respect, the Council may caution or censure such medical practitioner or dentist or may order his suspension from practice for such period as it deems fit or may direct the Registrar to erase the name of such medical practitioner or dentist from the register and thereupon such person shall cease to be registered for the purposes of this Act.

[s. 26]

30. Procedure for inquiry

- (1) Upon any inquiry held by the Council under the provisions of section [29](#), the person whose conduct is being inquired into shall be entitled to appear, and to be heard in person or to be represented by an advocate.
- (2) For the purpose of proceedings at any inquiry held by the Council, the Chairman may administer oaths and may on behalf of the Council issue a summons under his hand directing the person named therein to attend at the time and place therein mentioned to give evidence or to produce documents therein specified or to do both.
- (3) For the purposes of any inquiry held by the Council, the Council shall have power to make any such order as to payment by any party of any costs or witness expenses as it may think fit and any such order shall be enforceable to the same extent and in the same manner as an order for costs made by the High Court.
- (4) Subject to the preceding provisions of this section and to any rules made under section [44](#), the Council shall have power, at any inquiry held by the Council, to regulate its own procedure.

[s. 27]

31. ***

[Repealed by Act [No. 42 of 1963](#) s. 14]

[s. 28]

32. Notification of decision of Council

As soon as practicable after the conclusion of an inquiry by the Council the Registrar shall serve notice of the determination of the Council on the medical practitioner or dentist concerned.

[s. 29]

33. Power to publish decision

The Council may direct the publication, in such terms and in such manner as it may think fit, of a report of any inquiry held under section [29](#) and of the decision of the Council thereat.

[s. 30]

34. Appeal to High Court

At any time within three months of the service of a notice under section 32 the person on whom it is served may appeal to the High Court against the decision of the Council and in any such appeal the High Court may give such direction in the matter as it thinks proper and any order of the High Court under this section shall be final.

[s. 31]

35. Penalty for failing to attend as witness

Any person who, having been paid or having had tendered to him by the party calling him the prescribed witness fees, fails when summoned by the Council to attend as a witness or to produce any books or documents which he is required to produce commits an offence under this Act and is liable upon conviction to a fine of two hundred shillings or imprisonment for a period not exceeding one month.

[s. 32]

36. Removal of name of person who has been disqualified

- (1) The Council may cause to be erased from the register or may refuse to register the name of any person whose name has been erased from the medical or dentists' register of any country.
- (2) Upon the name of any person being erased from the register, such person shall cease to be registered for the purposes of this Act.

[s. 33]

37. Restoration of name to the register

- (1) Where the name of any person has been erased from the register in accordance with the provisions of section 29 or 36, the name of that person shall not, notwithstanding the provisions of section 14 or 16, be again entered in the register except by order of the Council.
- (2) Where an order has been made for the erasure of a person's name from the register or for suspending the effect of a person's registration under section 31, the Council may either of its own motion or on the application of the person concerned, and in either case after holding such inquiry as the Council thinks fit, cause the name of the person to be restored to the register or terminate the suspension of the registration, in any such case either without fee or on payment of such fees, not exceeding the registration fee, as the Council may determine.

[s. 34]

38. Exemptions from this Act

Nothing contained in this Act shall be deemed to prohibit or prevent—

- (a) the giving by any person or class of persons of dental treatment of such nature as such person or class of persons may be authorised in writing by the Council to give subject to such conditions as the Council may impose in cases where—
 - (i) no anaesthetic, except a local anaesthetic, is used or administered; and
 - (ii) no fee which exceeds the actual cost of materials used in the treatment is charged or received;
- (b) any person in the Service or, with the approval of the Chief Medical officer or his authorised representative any person in the service of a Local Authority, from rendering medical or dental assistance in the course of his duties in the Service or in the service of such Local Authority;

- (c) any person, duly approved by the Chief Medical Officer or his authorised representative, employed at a dispensary established by an employer under any rules or regulations made under the provisions of the Employment Act¹ or any Act amending or replacing the same, from rendering such medical assistance in the course of his duties as could be afforded with such drugs and medical equipment as may be specified in the rules or regulations aforesaid, or with such further drugs and equipment as may be specified in writing by a Medical Officer in the Service;
- (d) any person, duly approved by the Chief Medical Officer or his authorised representative, employed by or attached to any organisation recognised for the purposes of this paragraph by the Minister from rendering in the course of his duties medical assistance or such dental assistance as the Chief Medical Officer may specify;
- (e) the performance in a dental training establishment approved by the Council of dental work by any person under the general supervision of a registered dentist; and
- (f) any person carrying out duties appropriate to a nurse under the supervision or pursuant to the instructions of a registered or licensed medical practitioner or a registered or licensed dentist.

[s. 35]

39. Permits for visiting medical practitioners and dentists

- (1) Notwithstanding the provisions of this Act, where the Chief Medical Officer or a medical officer appointed by him in that behalf is satisfied in relation to any person who is not registered as a medical practitioner or dentist under this Act and who is not ordinarily resident in Tanzania that such person—
 - (a) holds a diploma which furnishes a sufficient guarantee of the possession by such person of the requisite knowledge and skill for the efficient practice of medicine, surgery or dentistry;
 - (b) has sufficient practical experience for the efficient practice of medicine, surgery or dentistry; and
 - (c) desires to give medical or dental treatment to or to perform surgery upon, a patient in Tanzania,he may, in his absolute discretion, by a permit under his hand, authorise such person to give medical or dental treatment to, or to perform surgery upon, the patient specified in such permit.
- (2) The person duly authorised under subsection (1) shall, for the purposes of section 40, be deemed to be duly registered as a medical practitioner or as a dentist, as the case may be, in relation to the medical or dental treatment given to or the surgery performed upon the patient named in the permit.

[s. 35A]

40. Penalty

- (1) Any person who—
 - (a) wilfully and falsely takes or uses any name, title or addition, implying a qualification to practise medicine, surgery, or dentistry; or
 - (b) not being registered or licensed under the provisions of this Act as a medical practitioner practises or holds himself out whether directly or by implication as practising or as being prepared to practise medicine or surgery; or

- (c) not being registered or licensed under the provisions of this Act as a dentist or not being a licensed dentist under the provisions of the Act hereby repealed the validity of whose licence is preserved by section 46 of this Act practises or holds himself out whether directly or by implication as practising or as being prepared to practise dentistry,

commits an offence and is liable upon conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding five years or to both:

Provided, however, that where any person cannot, within a reasonable time, obtain treatment from a registered or licensed dentist, nothing in this section contained shall be deemed to make it an offence for a registered or licensed medical practitioner to give such person dental treatment for the immediate relief of any urgent condition and to charge fees therefor:

Provided further that nothing in this section contained shall be deemed to make it an offence for a ship's surgeon to practise medicine, surgery or midwifery in the course of his duties as a ship's surgeon.

- (2) When a person is convicted of an offence under this section, the Court may order any drugs, poisons, medicines, needles, syringes or surgical, medical, dental or diagnostic instruments or appliances used by, belonging to, or found in the possession of, the person convicted, to be forfeited, or to be destroyed, or otherwise disposed of.

[s. 36]

41. Native systems allowed

Nothing contained in this Act shall be construed as prohibiting or preventing the *bona fide* practice of systems of therapeutics according to native methods by persons recognised by the community to which they belong to be duly trained in such practice:

Provided that nothing in this section shall be construed as authorising any person to practise any native system of therapeutics except amongst the community to which he belongs or the performance of any act on the part of any persons practising any such system which is likely to be dangerous to life.

[s. 37]

42. Fees

- (1) Subject to the provisions of section 43, there shall be charged on every registration, temporary registration, provisional registration or issue of a permit under section 39 such fees as may be prescribed.
- (2) Such fees as may be prescribed shall be charged for—
 - (a) the insertion in the register of any diploma or additional qualification under section 21; and
 - (b) any extract from a register supplied by the Registrar other than a certificate issued under subsection (2) of section 13.

[s. 38]

43. Persons to be registered free of charge

Notwithstanding the provisions of section 38, no fee shall be paid for the registration of medical and dental officers in the Service, or in the Service of Governments of Kenya, Uganda or Zanzibar.

[s. 39]

44. Rules of Court

The Chief Justice may make rules of court for regulating appeals to the High Court under the provisions of this Act and for the fees to be paid in respect thereof and until any such rules are made and subject to any such rules when made the provisions of the Civil Procedure Code ², shall apply as if the decision of the Council were a decree of a court exercising original jurisdiction.

[s. 40]

45. Power to make rules

Subject to the provisions of section 44, the Minister may make rules generally for the better carrying out of the provisions of this Act and any such rules may, without prejudice to the generality of the foregoing—

- (a) prescribe anything which is permitted or required by this Act to be prescribed;
- (b) provide for any matters in respect of which rules may be made under this Act; and
- (c) provide for the procedure to be followed by the Council in any inquiry under this Act.

[s. 41]

46. Repeal of **Cap. 313** and savings

- (1) [Repeals **Cap. 313** under R.E. 1993.]
- (2) The repealed Ordinance shall not affect or be construed as affecting the validity of—
 - (a) the register kept under the provisions of section 3 of the repealed Ordinance and all entries lawfully made therein;
 - (b) the registration of any person lawfully made under the provisions of the repealed Ordinance and in force at the commencement of this Act;
 - (c) any licence lawfully issued under the provisions of the repealed Ordinance and in force at the commencement of this Act; or
 - (d) any other act lawfully done under the repealed Ordinance.
- (3) Subject to the provisions of subsection (6) of this section, the register referred to in paragraph (a) of subsection (2) of this section shall be deemed to have been kept, and all entries lawfully made therein shall be deemed to have been made, under this Act.
- (4) Every registration referred to in paragraph (b) of subsection (2) of this section shall be deemed to have been made under this Act.
- (5) Every licence referred to in paragraph (c) of subsection (2) of this section shall, if such licence could have been granted under this Act, be deemed to have been issued under this Act, and in any other case shall take effect in the same manner and subject to the same provisions and incidents as a licence issued under this Act.
- (6) On the coming into operation of this Act the name of each, person licensed under the repealed Ordinance shall be erased from the register maintained under section 3 of the repealed Ordinance and shall be entered in the list maintained under section 20 of this Act, or if the person whose name has been erased as aforesaid is entitled to be provisionally registered under the provisions of this Act in the register maintained under subsection (3) of section 15 of this Act.
- (7) Every act referred to in paragraph (d) of subsection (2) of this section shall be deemed to have been done under this Act:

Provided that any licence issued under section 12 of the repealed Ordinance shall be deemed to remain in force for the period and under the conditions specified when such licence was granted and may, notwithstanding that such licence could not be issued under this Act, at the expiration of such period, be re-issued by the Council under the same conditions or under such new conditions as the Council may determine.

[s. 42]

Schedule (Section 12)

Form of medical register

No.	Full Name	Address	Qualification	Date of local registration	Fee	Additional qualification	Remarks