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3rd Session 1954-55



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Medical (Amendment) Act, No. 23 of 1955

Date of Assent : April 14, 1955

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AN ACT TO AMEND THE MEDICAL ORDINANCE.

Chapter 90,
Vol. III,
page 6.

[Date of Assent: April 14, 1955]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Medical (Amendment) Act, No. 23 of 1955.

Short title.

2. Section 23 of the Medical Ordinance, hereinafter referred to as the "principal enactment", is hereby amended by the insertion, immediately after sub-section (3) of that section, of the following new sub-section (3A):—

Amendment of
section 23 of
Chapter 90.

" (3A) The Registrar shall enter in a separate part of the register mentioned in paragraph (a) of sub-section (1) the name of every person who proves his claim to be provisionally registered as a medical practitioner under sub-section (2) of section 32, and, if that person is registered thereafter as a medical practitioner under sub-section (1) of that section, the Registrar shall strike off the name of that person from such part of the aforesaid register as contains the names of persons provisionally registered as medical practitioners."

3. Section 32 of the principal enactment is hereby repealed and the following section is substituted therefor:—

Replacement of
section 32 of
the principal
enactment by a
new section.

" Registration
as medical
practitioners.

32. (1) A person shall, upon application made in that behalf to the Medical Council, be registered as a medical practitioner—

- (a) if he is of good character, and
- (b) if he—

- (i) holds the degree of Bachelor of Medicine of the University of Ceylon and a certificate granted by the Medical Council under section 33B, or

(ii) is registered or qualified to be registered under the Medical Acts, or

(iii) holds a qualifying diploma within the meaning of the Medical Acts and a certificate granted by the Medical Council under section 33B.

(2) For the purposes only of enabling the acquirement of such experience as is required for obtaining from the Medical Council a certificate under section 33B, a person shall, upon application made in that behalf to the Medical Council, be registered provisionally as a medical practitioner—

(a) if he is of good character, and

(b) if he—

(i) holds the degree of Bachelor of Medicine of the University of Ceylon, or

(ii) has passed the examination necessary for obtaining the degree of Bachelor of Medicine of the University of Ceylon but has not obtained that degree owing to a delay on the part of that University in conferring that degree on him, or

(iii) holds a qualifying diploma within the meaning of the Medical Acts but has not acquired such experience as is required for becoming registered under those Acts.

(3) The fee for registration, or provisional registration, as a medical practitioner shall be fifty rupees and it shall be paid to the Registrar on application for registration.

(4) A person who has paid the fee for his provisional registration as a medical practitioner shall not be required to pay any fee for his subsequent registration as a medical practitioner.”

4. Section 32A of the principal enactment (inserted by Ordinance, No. 25 of 1946) is hereby repealed.

Repeal of section 32A of the principal enactment.

5. The following new section is hereby inserted immediately after section 33A (inserted by Act No. 14 of 1949), and shall have effect as section 33B, of the principal enactment:—

Insertion of new section 33B in the principal enactment.

"Certificate of experience in prescribed hospitals or institutions.

33B. (1) Where a person who is provisionally registered as a medical practitioner applies to the Medical Council for a certificate under this section and such Council is satisfied that he—

(a) has been engaged in employment in a resident medical capacity for the prescribed period in one or more prescribed hospitals or institutions,

(b) has, during his employment as mentioned in paragraph (a) of this sub-section, been engaged for the prescribed period in the practice of medicine and for the prescribed period in the practice of surgery, and

(c) has rendered satisfactory service while employed as aforesaid,

such Council shall grant, in the prescribed form, a certificate that such Council is so satisfied.

(2) Where a person who is provisionally registered as a medical practitioner has, during his employment as mentioned in sub-section (1), been engaged in the practice of midwifery for any period not exceeding the prescribed period, such period spent in the practice of midwifery shall, for the purposes of paragraph (b) of sub-section (1), be deemed to be a period spent in the practice of medicine or a period spent in the practice of surgery as he may elect.

(3) Where an applicant to the Medical Council for a certificate under this section has, during his employment as

mentioned in sub-section (1), been engaged in the practice of medicine and in the practice of either surgery or midwifery or both surgery and midwifery, the period of that employment shall, in order to compute the period of his practice of medicine and the period of his practice of surgery for the purposes of paragraph (b) of sub-section (1), be apportioned in such manner as may be determined by the Medical Council.

(4) Where a person who is provisionally registered as a medical practitioner applies to the Medical Council for a direction under this sub-section and satisfies such Council that, by reason of lasting physical disability, he will be or has been prevented from entering upon or completing the period of experience of the practice of surgery or midwifery required for the purposes of any of the preceding provisions of this section, such Council may direct that, in lieu of the period which as aforesaid he will be or has been prevented from entering upon or in lieu of the balance of the period which as aforesaid he will be or has been prevented from completing, he may count for those purposes an equal period of experience of the practice of medicine during his employment as mentioned in sub-section (1) which is in addition to the period of experience of the practice of medicine required for the purposes of paragraph (b) of sub-section (1).

(5) Where a person who is provisionally registered as a medical practitioner is, in accordance with the terms of his employment in a prescribed hospital or institution, residing conveniently near that hospital or institution, his employment in that hospital or institution shall be deemed to be employment in a resident medical capacity notwithstanding that his residence is not in that hospital or institution.”.

6. The following new section is hereby inserted immediately after section 39, and shall have effect as section 39A, of the principal enactment:—

Insertion of new section 39A in the principal enactment.

" Rights of persons provisionally registered as medical practitioners.

39A. Every person provisionally registered as a medical practitioner under sub-section (2) of section 32 shall have the right—

(a) to practise medicine, surgery and midwifery for the purposes only of such employment as is mentioned in sub-section (1) of section 33B,

(b) to recover in a court of law such remuneration or charges as he may be entitled to under the terms of such employment,

(c) to sign and issue any such certificate as is referred to in section 38 in respect of any patient treated by him in the course of such employment, and

(d) to use any name or title implying a qualification to practise medicine, surgery and midwifery,

but shall not be entitled to any of the other rights, privileges or immunities of a medical practitioner registered under sub-section (1) of section 32."

7. Section 49 of the principal enactment, as amended by Act No. 27 of 1949, is hereby further amended, in sub-section (3) of that section, as follows:—

Amendment of section 49 of the principal enactment.

(1) in paragraph (b) of that sub-section, by the substitution, for the word " anaesthetic.", of the words " anaesthetic; or ", and

(2) by the addition, at the end of that sub-section, of the following new paragraph:—

" (c) the performance by a qualified dental nurse in the employment of the Government of Ceylon of minor dental work in any public dental service under the supervision of a dentist or a medical practitioner."

Savings.

8. Such amendments made in the principal enactment by this Act as relate to the registration of medical practitioners shall not affect—

(a) persons who are medical practitioners on the day immediately preceding the commencement of this Act, and

(b) persons who on the aforesaid day are medical practitioners temporarily registered under section 32A which was inserted in the principal enactment by Ordinance No. 25 of 1946 and is repealed by this Act.