

PARLIAMENT OF CEYLON

1st Session 1965-66



Medical (Amendment) Act, No. 16 of 1965

Date of Assent : November 25, 1965

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AN ACT TO AMEND THE MEDICAL ORDINANCE.

Chapter 105,
Volume V,
Page 6.

[Date of Assent: November 25, 1965]

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. 16 of 1965.

Short title.

2. Section 7 of the Medical Ordinance, hereinafter referred to as the "principal enactment", is hereby amended in sub-section (1) by the insertion, immediately after paragraph (b), of the following new paragraph:—

Amendment of
section 7 of
Chapter 105.

"(bb) certificates of efficiency as estate apothecaries;".

3. Section 29 of the principal enactment is hereby amended as follows:—

Amendment of
section 29 of
the principal
enactment.

(1) in paragraph (b) of sub-section (1)—

(a) in sub-paragraph (iii), by the substitution, for the expression "section 32.", of the expression "section 32, or"; and

(b) by the insertion, immediately after sub-paragraph (iii), of the following new sub-paragraph:—

"(iv) not being qualified to be registered under any of the preceding sub-paragraphs,—

(aa) is a citizen of Ceylon according to the law for the time being in force relating to citizenship, and

(bb) holds the degree of Bachelor of Medicine or an equivalent qualification of any university or medical school of any

country other than Ceylon, which is recognized by the Medical Council for the purposes of this section, and

(cc) unless exempted under the provisions of sub-section (2A), has passed a special examination prescribed in that behalf by the Medical Council, and

(dd) holds a certificate granted by the Medical Council under section 32.”;

(2) in paragraph (b) of sub-section (2)—

(a) in sub-paragraph (iii), by the substitution, for the words “ those Acts.”, of the words “ those Acts, or ”; and

(b) by the insertion, immediately after sub-paragraph (iii), of the following new sub-paragraph:—

“ (iv) not being qualified to be registered under any of the preceding sub-paragraphs,—

(aa) is a citizen of Ceylon according to the law for the time being in force relating to citizenship, and

(bb) holds a degree of Bachelor of Medicine or an equivalent qualification of any university or medical school of any country other than Ceylon, which is recognized by the Medical Council for the purposes of this section, and

(cc) unless exempted under the provisions of sub-section (2A), has passed a special examination prescribed in that behalf by the Medical Council.”; and

- (3) by the insertion, immediately after sub-section (2), of the following new sub-section:—

“(2A) Where the Medical Council is satisfied that the medical qualification on the faith of which a person applies for registration under sub-section (1) or sub-section (2) is of a sufficiently high standard and such qualification is obtained in a country which recognizes the degree of Bachelor of Medicine of the University of Ceylon, the Council may exempt such person from the requirement of passing the special examination referred to in subparagraph (cc) of each of the said sub-sections.”.

4. Section 41 of the principal enactment is hereby amended as follows:—

Amendment of
section 41 of
the principal
enactment.

- (1) in sub-section (1) thereof—

(a) in paragraph (c)—

(i) by the substitution, for the words “retired Government”, of the word “Government”; and

(ii) by the substitution, for the words “register of apothecaries”, of the word “register”;

(b) by the insertion, immediately after paragraph (c), of the following new paragraph—

“(cc) any estate apothecary who is registered under sub-section (2A) of this section as being entitled to practise medicine and surgery, and whose name is for the time being in the register maintained under that sub-section;”; and

(c) in paragraph (d) by the substitution, for the words “estate dispenser”, wherever those words occur in that paragraph, of the words “estate apothecary or estate dispenser”;

(2) in sub-section (2) thereof—

(a) by the substitution, for the words “apothecary who has retired or retires or has resigned or resigns from Government service”, of the words “apothecary, whether he is in the service of the Government or has ceased to be in such service,”;

(b) in paragraph (a), by the substitution, for the words “has been”, of the words “has or had been”;

(c) by the substitution, for paragraph (b), of the following paragraph:—

“ (b) has or had, within such period—

(i) been in charge of one or more dispensaries or hospitals, or

(ii) been engaged in the examination and treatment of patients,

for an aggregate period of not less than ten years, and ”;

(d) in paragraph (c), by the substitution, for the words “has performed”, of the words “has or had performed”;

(e) by the substitution, for the words “an apothecary entitled”, of the words “being entitled”;

(f) by the substitution, for the words “apothecaries registered”, of the words “persons registered”;

(g) by the substitution, for the words “apothecary ordered”, of the words “person ordered”; and

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

‘ A certificate under this sub-section may be issued to a Government apothecary who has been guilty of misconduct if the Director of Health Services is satisfied that

such apothecary has, since such misconduct, been of good conduct for such period of time as the Director considers reasonable.

For the purposes of this sub-section, "public service" includes service under a corporation the capital of which is wholly or partly provided by the Government.;

(3) by the insertion, immediately after sub-section (2), of the following new sub-section:—

“(2A) (a) Any estate apothecary may, on furnishing proof to the satisfaction of the Director of Health Services that such estate apothecary—

(i) has had an aggregate period of at least twenty years of efficient and satisfactory service as an estate apothecary, and

(ii) has, within that period, served under one or more medical practitioners for an aggregate period of at least ten years,

be registered by the registrar on payment of a fee of fifty rupees as being entitled to practise medicine and surgery.

(b) The registrar shall maintain a register of the persons registered under this sub-section and erase therefrom the name of any person ordered to be erased by the Medical Council under sub-section (3) of this section.”;

(4) in sub-section (3) thereof—

(a) by the substitution, for the words “that an apothecary”, of the words “that any person being an apothecary”;

(b) by the substitution, for the expression “subsection (1) (c)”, of the expression “sub-section (1) (c) or an estate apothecary entitled to practise under sub-section (1) (cc)”;

(c) by the substitution, for the words “that the apothecary”, of the words “that such person”; and

(d) by the substitution, for the words “ any apothecary be erased from the register of apothecaries ”, of the words “ any person be erased from the register ”; and

(5) in the marginal note to that section, by the substitution, for the words “ apothecaries and ”, of the words “ apothecaries, estate apothecaries and ”.

Amendment of
section 43 of
the principal
enactment.

5. Section 43 of the principal enactment is hereby amended by the insertion, immediately after sub-section (1), of the following new sub-section:—

“ (1A) Notwithstanding the provisions of sub-section (1), a person who is not qualified to be registered as a dentist under that sub-section may, if he—

(a) is a citizen of Ceylon according to the law for the time being in force relating to citizenship, and

(b) holds a degree in Dentistry or Stomatology or an equivalent qualification of any university or medical school of any country other than Ceylon, which is recognized by the Medical Council for the purposes of this sub-section, and

(c) has passed a special examination prescribed in that behalf by the Medical Council,

be registered as a dentist:

Provided, however, that where the Medical Council is satisfied that the qualification on the faith of which a person applies for registration is of a sufficiently high standard and such qualification has been obtained in a country which recognizes the degree of dental surgery of the University of Ceylon, the Council may exempt such person from the requirement of passing the special examination referred to in paragraph (c).”.

Amendment of
section 49 of
the principal
enactment.

6. Section 49 of the principal enactment is hereby amended in paragraph (b) of sub-section (3) by the substitution, for the words “ a qualified ”, of the word “ an ”.

7. Section 56 of the principal enactment is hereby amended as follows:—

Amendment of section 56 of the principal enactment.

(1) in sub-section (1) thereof—

(a) by the substitution, for paragraph (c), of the following paragraph:—

“(c) is an apothecary; or”; and

(b) by the insertion, immediately after paragraph (c), of the following new paragraph:—

“(d) is an estate apothecary.”; and

(2) in sub-section (2) thereof, by the substitution, for the words and figures “under sub-section (1) (c). But no fee shall be payable by a qualified apothecary”, of the words and figures “under sub-section (1) (c) or (d). But no fee shall be payable by an apothecary”.

8. Section 74 of the principal enactment is hereby amended as follows:—

Amendment of section 74 of the principal enactment.

(1) by the insertion, immediately before the definition of “dentist”, of the following new definition:—

““apothecary” means a person on whom a certificate of efficiency as an apothecary has been conferred by the College Council under section 7 (1) (b);’; and

(2) by the insertion, immediately after the definition of “dispensing”, of the following new definition:—

““estate apothecary” means a person on whom a certificate of efficiency as an estate apothecary has been conferred by the College Council under section 7 (1) (bb);’.

9. The Second Schedule to the principal enactment is hereby amended by the addition, at the end thereof, of the following:—

Amendment of the Second Schedule to the principal enactment.

“Where Applicant holds a Degree of Bachelor of Medicine or equivalent qualification recognized by the Medical Council.

(Section 29, (1) (b) (iv) and (2) (b) (iv)).

I, (*name and address of applicant*), hereby declare as follows:—

I am the person named (*name*) in the (*certificate, diploma or other document conferring or evidencing the degree or other qualification*) now produced to me and marked A.

(*Signature of Applicant*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(*Signature of person taking the declaration*)

Justice of the Peace or Commissioner
for Oaths.”.

Amendment of
the Third
Schedule to
the principal
enactment.

10. The Third Schedule to the principal enactment is hereby amended by the addition, at the end thereof, of the following:—

“ Where Applicant holds a degree or other equivalent qualification recognized by the Medical Council.

(Section 43 (1A)).

I, (*name and address of applicant*), hereby declare as follows:—

I am the person named (*name*) in the (*certificate or diploma or other document conferring or evidencing his qualification*) now produced before me and marked A.

(*Signature of Applicant*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.
(*Signature of person taking the declaration*)

Justice of the Peace or Commissioner
for Oaths.”.

Amendment of
the Fifth
Schedule to
the principal
enactment.

11. The Fifth Schedule to the principal enactment is hereby amended by the substitution, for all the words and figures from “ Where Applicant is a Qualified Apothecary ” to the end of that Schedule, of the following:—

“ Where Applicant holds a Certificate as an Apothecary issued by the College Council.

I, *(name and address of applicant)*, hereby declare as follows:—

1. I am and have been since *(date)* an apothecary, and have since *(date)* until *(date)* practised as an apothecary at *(name of place)*.

2. I am the person named *(name)* in the certificate of the Ceylon Medical College now produced and shown to me and marked A.

(Signature of Applicant)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(Signature of person taking the declaration)

Justice of the Peace or Commissioner
for Oaths.

Where Applicant holds a Certificate as an Estate
Apothecary issued by the College Council.

I, *(name and address of applicant)*, hereby declare as follows:—

1. I am and have been since *(date)* an estate apothecary, and have since *(date)* until *(date)* practised as an estate apothecary at *(name of place)*.

2. I am the person named *(name)* in the certificate of the Ceylon Medical College now produced and shown to me and marked A.

(Signature of Applicant)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(Signature of person taking the declaration)

Justice of the Peace or Commissioner
for Oaths.”.